

# Islington Adult Social Care Services

## Eligibility Policy

### Summary of document

This document outlines Islington Adult Social Care's eligibility policy in relation to its alignment with the government's National Eligibility Criteria as set out in the Care Act 2014 and regulations made under the Act, and explains how the criteria is applied in Islington.

### Author

Heidi Rossetter, Practice Development Lead

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### Authorised by

Jenefer Rees, Acting Assistant Director, Quality and Improvement

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# Introduction

'Building Strengths for Better Lives' is Islington Adult Social Care's approach to supporting people who are in need of care and support.

This approach empowers people to use their own strengths and resources, and those within the local community to lead the independent and fulfilling lives they want.

More formal support is provided where it is needed, still with the aim of promoting independence and reducing and delaying needs from increasing.

At the heart of this approach is the involvement of the individual in all discussions and decision making about their lives and the belief that everyone is valued and has a contribution to make.

# Purpose

The overall aim of the policy is to ensure consistent implementation of the [Care and Support \(Eligibility Criteria\) Regulations 2014](#) (hereafter known as The Eligibility Regulations) for adults in need of care and support, and for their carers.

Islington Council has adopted the national eligibility criteria in order to:

- Ensure compliance with the Care Act 2014
- Determine which needs are eligible by using the eligibility criteria for adults with social care needs and carers, and
- Work with the individual, carers and whole community to make sure that the needs and outcomes of vulnerable people in the community can be met in the most effective way, building on strengths, reducing dependency and delaying the need for long-term care and support.

# Scope

This policy is for all adults with needs for care and support in Islington, their informal carers and staff working for Islington Adults Social Care (hereafter referred to as ASC) who complete assessments and apply the eligibility criteria on behalf of Islington Council.

This policy applies to:

- Islington residents who request or agree to an assessment of need by Islington ASC, including self-funders
- Any prisoner in HMP Pentonville with care and support needs who requests or agrees to an assessment of need by Islington ASC
- Informal Carers of Islington residents
- Adults whose care is received outside of the borough but is funded by Islington ASC
- Transition assessments in relation to children and young carers (depending when the assessment is undertaken in relation to the timeframe for transition)

# Legal context

The Care Act 2014 sets out a single legal framework for the provision of adult social care and support. The Act is underpinned by Regulations which set out the more detailed legal provisions. Guidance on applying the provisions in the Act and the Regulations is set out in the [Care and Support Statutory Guidance](#)

The care and support provisions are set out in [Part 1](#) of the Care Act which outlines a number of general duties of local authorities, including the following:

- The duty to promote an individual's wellbeing whenever the local authority is carrying out a function under Part 1 of the Care Act in relation to that person. This is known as 'the wellbeing principle'.
- Responsibilities for preventing, reducing or delaying the development of care and support needs.
- The duty to establish and maintain a service for providing people in its area with information and advice relating to care and support.

## Eligibility Regulations

The Eligibility Regulations set out national eligibility criteria with a minimum eligibility threshold. All local authorities must comply with this national threshold.

The Eligibility Regulations set out eligibility criteria for:

### Adults in need of care and support

The threshold for adults is based on identifying how a person's needs affect their ability to manage aspects of their lives (i.e. specified outcomes) and how this impacts on their wellbeing.

### Carers in need of support

The Care Act gives carers the same entitlement to an assessment and support as those they are caring for. The national eligibility threshold for carers is based on the impact of a carer's needs for support on their wellbeing.

# The National Minimum Eligibility Criteria for adults with care and support needs

The eligibility threshold for adults with care and support needs is based on identifying how a person's needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing.

In considering whether an adult with care and support needs has eligible needs, local authorities must consider whether:

- The adult's needs arise from or are related to a physical or mental impairment or illness
- As a result of the adult's needs, the adult is unable to achieve two or more of the specified outcomes (see below) and;
- As a consequence of being unable to achieve these outcomes there is, or there is likely to be a significant impact on the adult's well-being.

The specified outcomes are:

- Managing and maintaining nutrition;
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of the adult's home safely
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and
- Carrying out any caring responsibilities the adult has for a child.



The Eligibility Regulations state that an adult is to be regarded as unable to achieve an outcome if the adult:

- a) Is unable to achieve it without assistance;
- b) Is able to achieve it without assistance but doing so causes the adult significant pain, distress or anxiety
- c) Is able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the adult, or of others; or
- d) Is able to achieve it without assistance but takes significantly longer than would normally be expected.

The eligibility determination should be made based solely on the person's needs and abilities without support. The fact that they have a carer supporting with those needs does not impact on whether the need is eligible or not.

Local authorities are not required to meet any eligible needs which are being met by a carer or other universal sources of support, but those needs should be recognised and recorded as eligible during the assessment process. This is to ensure that should there be a breakdown in the caring relationship, the needs are already identified as eligible, and alternative arrangements can be made to meet these needs without further assessment.

# Wellbeing

The 'wellbeing principle' is a thread that runs through the heart of the Care Act. For eligibility decisions, the inability to achieve specified outcomes and the impact of this on a person's wellbeing (adult and informal carer) is key to deciding if they have eligible needs.

The eligibility decision hinges on whether the impact on wellbeing is, or is likely to be 'significant'. The term significant is not defined in the regulations and the statutory guidance says that it must be understood to have its everyday meaning.

The concept of wellbeing is personal to each individual but section 1 of the Care Act describes it as relating to a number of areas to enable a broad shared understanding of the concept of wellbeing:

- Personal dignity (including treatment of the individual with respect);
- Physical and mental health and emotional well-being;
- Protection from abuse and neglect;
- Control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
- Participation in work, education, training or recreation;
- Social and economic well-being;
- Domestic, family and personal relationships;
- Suitability of living accommodation;
- The individual's contribution to society.

There is no hierarchy in the areas of wellbeing listed above – all are equally important. These areas will vary in their application and relevance depending on the individual, their circumstances and their priorities. Therefore, a holistic and personalised approach, taking into account the person's views on the impact on their wellbeing is essential when assessing the impact on wellbeing.

## Fluctuating needs

Deciding eligibility can be complicated when someone has a fluctuating health condition or social situation so that their level of need can change from week to week, day to day or even hour to hour. Some short term changes in need are predictable, for example increasing needs after a treatment like chemotherapy or reduced support from informal carers with children during school holidays. Others are unpredictable and can be substantial, for example during a sickle cell crisis.

Islington ASC will take fluctuating needs into account during the assessment and work with the person to estimate how much extra support may be needed at times of increased need. The council will work in partnership with the person with eligible needs and their carers to plan for increased need and make sure increased or alternative support is available quickly when needed. This information should be recorded in the care and support plan and a clear contingency plan should be in place for the person.

## Eligibility and prevention

The Regulations set out the minimum level of need that local authorities are obliged to meet. Lower level needs may be met as a preventative measure to help someone regain their independence, reduce or delay the need for care and support.

These preventative measures can include reablement, the provision of equipment to reduce risks and increase independence (Assistive Technology) and other preventative support (including short term focused home care support, voluntary support or support from alternative organisations) for up to 6 weeks.

## Central Point of Access

The Central Point of Access (CPoA) is a partnership between Islington Council and Voluntary and Community Sector (VCS) service providers from across the borough to support our residents.

The service provides a simple universal referral that enables access to VCS services across the borough.

Referrals can be made at any point when working with a resident.

Once the referral is sent, it will be triaged by a team member from either Age UK Islington, Help on Your Doorstep or Manor Gardens Welfare Trust, who will then allocate the case to the most appropriate of these three organisations.

The referrer will be informed which organisation will be working with the resident.

The named organisation will work with the resident to identify further support within the borough to help meet the needs and objectives of the resident. This may involve further referrals or signposts to other VCS organisations.

[CPoA Referral Form](#)

## Islington Directory

Residents and professionals can also use the Islington Directory 'Find Your Islington' to find details of local organisations to support them with health, well-being and social care.

[Find Your Islington](#)

# National eligibility for carers

A carer has eligible needs if they meet the following three criteria:

- Their needs arise as a consequence of providing necessary care for an adult
- As a result their physical or mental health is at risk of deteriorating or they are unable to achieve any of the following specified outcomes:
  - a) Carrying out caring responsibilities for a child
  - b) Providing care to another adult
  - c) Maintaining a habitable environment
  - d) Managing and maintaining nutrition
  - e) Developing and maintaining family or other significant personal relationships
  - f) Engaging in work, training, education or volunteering
  - g) Making use of necessary facilities or services in the local community
  - h) Engaging in recreational activities
- As a consequence there is, or is likely to be, a significant impact on the carer's wellbeing.

The person being cared for does not need to have eligible needs but the carer must be providing 'necessary care'. This means that the cared for person must be unable to provide this support for themselves. If the care being provided is not considered 'necessary', Islington ASC will provide the carer with information and advice about how to find the support they need within their own network or the community.

In order to establish whether a carer has eligible needs, a carer's assessment should be completed. A carer can complete the assessment on their own or with support from someone else but an assessor from Islington ASC or Islington Carers Hub (ICH) will need to validate the assessment and decide if they have eligible needs.

Local authorities should look to understand the carer's needs in the context of what is important to them. The impact of needs may affect different carers differently because circumstances which create a significant impact on wellbeing of one individual may not have the same effect on another.

Where an adult provides care under contract (for example, for employment) or as part of voluntary work, they should not normally be regarded as a carer, and so the local authority would not be required to carry out the assessment.

There may be circumstances where the adult providing care, either under contract or through voluntary work, is also providing care for the same adult outside of those arrangements. In such a circumstance, the local authority must consider whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis. There may also be cases where the person providing care does so as voluntary work or under contract, but the nature of their relationship with the person cared for is such that they ought to be considered as a carer within the scope of the Act. The local authority has the power to carry out an assessment in such cases, if it judges that there is reason to do so.

Islington ASC will provide a written record of the determination on eligibility and the reasons for it.

## Assessment of eligibility

Decisions about eligibility can only be made once the person has been assessed by the local authority. The only exception may be in an emergency when the local authority can provide support to meet social care needs in the short-term and carry out an assessment afterwards.

The assessment should be completed in partnership with the person and any other person that the adult asks the local authority to involve, or where the adult lacks capacity, any person that appears to the authority to be interested in the adult's welfare, to discuss the adults presenting needs, strengths and preferred outcomes.

After the assessment Islington ASC has to decide if the person has any eligible needs and if so how those needs could be met to meet the agreed outcomes. Islington ASC has a duty to meet a person's eligible needs. Needs can be met in a variety of ways including existing or new support from willing family or friends, universal services, information and advice and from voluntary agencies as well as or instead of funded support.

The Care Act requires local authorities to have a strengths-based approach throughout an individual's journey and at the heart of all interactions and interventions with them. This approach is a collaborative process that identifies and supports an individual's strengths and resources along with those within their community. It also gives people as much choice and control in living the life they want. It applies to all people with care and support needs including situations where there is a need to consider safeguarding concerns and positive risk enablement.

# Notification and Recording of Eligibility Decisions

Any decisions about eligibility will be recorded as part of the assessment process on the assessment or review form which will be shared with the person and any other person that the adult asks the local authority to involve, or where the adult lacks capacity, any person that appears to the authority to be interested in the adult's welfare.

The assessor will write to the person explaining whether they are eligible for support or not, giving reasons why and explaining next steps such as information and advice or setting up a care and support plan, or in the case of carers, a support plan.



## Meeting Eligible Needs

The decision on how to meet eligible needs and achieve agreed outcomes is separate from the decision about whether the person has eligible needs or not.

The purpose of the care and support planning process is to agree how a person's needs will be met in line with their strengths, wishes and priorities.

Decisions about how eligible needs will be met are made on a case by case basis, initially exploring the person's individual strengths, wishes and priorities as well as community/universal services, non-intrusive and short-term support. Longer term, council funded support will only be provided where needs can't be met in the way described above.

Islington ASC does not have to meet any eligible needs of an adult which are being met by an informal carer who is willing and able to provide the support, as long as this is considered to be sustainable for the carer and doesn't put their wellbeing at considerable risk. However Islington ASC must still record the eligible needs being met by a carer so that in the event of the caring arrangement breaking down, alternative arrangements can be made to meet eligible needs.

## Contributions for support

Once a decision has been made that the person has eligible needs which the Council is required to meet, they must carry out a financial assessment to establish if the person will need to make a financial contribution towards the cost of any funded support provided.

If the person has capital above the limit set in the [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#) (currently £23,500) their contribution will be the full cost of their care. Further information about the financial assessment can be found on [Islington's website](#).

Some people who have to contribute the full cost (often known as 'self-funders') decide to arrange their support privately. However, some self-funders want the local authority to meet their needs for a variety of reasons such as finding the system difficult to navigate or wanting to make use of their knowledge of the sector.

If the needs are to be met by a care home placement, the local authority may choose to provide this support but is not required to do so and if it does so, they must not charge an arrangement fee.

If the needs are to be met by care and support of another type, then the local authority must meet those eligible needs. Islington don't charge an arrangement fee for the provision of this service.

## Eligibility and Safeguarding

The Council's responsibilities in relation to safeguarding adults at risk of abuse and neglect are not dependent upon a person having eligible needs. Islington Adults Social Services has a duty to safeguard adults at risk in Islington. If you are worried about an adult at risk, please contact the Access and Advice Service by emailing [access.service@islington.gov.uk](mailto:access.service@islington.gov.uk) or you can complete the safeguarding concern form on the main Islington website - [Islington Council Safeguarding Information and Reporting](#)

## Support for Adults who do not have eligible needs

If the person does not have eligible needs the professional who undertook the assessment on behalf of Islington ASC will write to them explaining how they have reached this decision.

The professional will provide information and advice on what other sources of support might be available to meet or reduce their current needs and what can be done to prevent or delay the development of future needs.

## Disagreements with the decision

If the person or their family / carer would like more information or they are unhappy with the eligibility decision they can ask the person who assessed them to look at the decision again. If they are still unhappy with the outcome they can speak to the team manager to ask for a further explanation and to have the decision reviewed.

If the issue cannot be resolved by the team manager then the person can access the council's complaints procedure by completing the [Islington Council Complaints Form](#) or emailing [socialservices.complaints@islington.gov.uk](mailto:socialservices.complaints@islington.gov.uk) or calling 0207 527 8047 or text 07860 026 673.