

**LOCAL AUTHORITY CIRCULAR****LAC(2002)13**

To: The Chief Executive  
County Councils )  
Metropolitan District Councils ) England  
Shire Unitary Councils )  
London Borough Councils  
Common Council of the City of London  
Council of the Isles of Scilly

Copies to : The Director of Social Services  
Chief Executives – Strategic Health Authorities  
Chief Executives – Primary Care Trusts  
Chief Executives – Primary Care Groups  
Chief Executives – NHS Trusts

28 May 2002

**FAIR ACCESS TO CARE SERVICES****GUIDANCE ON ELIGIBILITY CRITERIA  
FOR ADULT SOCIAL CARE****Summary**

This circular provides guidance to councils with social services responsibilities (hereafter referred to as “councils”) on how they may achieve fair access to care services through reviewing and revising their eligibility criteria for adult social care. The guidance includes a general update on assessment and care planning for adults seeking social care support, and reminds councils of their responsibilities for reviewing care plans, including re-assessments of needs, at regular intervals.

Implementation of the guidance will promote access to care services that is based on evaluations of individuals’ assessed needs and likely risks, including both immediate needs and needs which are likely to worsen for the lack of timely help. When setting their eligibility criteria, the guidance confirms that councils should take account of their resources.

The guidance is issued under section 7(1) of the Local Authority Social Services Act 1970.

**Action**

By 7 April 2003 councils should use the guidance to review and revise their eligibility criteria for adult social care, in consultation with local stakeholders including current service users, carers, NHS bodies and other appropriate local organisations. From 7 April 2003, councils should apply eligibility criteria based on this guidance to all new

referrals and requests for help. The care plans of all cases open on 7 April 2003 should be reviewed, and individuals' needs re-assessed, by the beginning of April 2004. Further reviews should be planned for cases that remain open.

## **Background**

### ***“Modernising Social Services”***

The need for guidance on eligibility criteria for adult social care was identified in the 1998 White Paper “Modernising Social Services” as different councils use different eligibility criteria, and reviews of ongoing eligibility are patchy. This leads to considerable variation in access to adult social care, which in turn leads to unfairness. The practice of many councils to apply eligibility criteria for both assessment and particular services is confusing and unnecessary. Further unfairness is caused when councils apply stricter or different eligibility criteria to certain groups of adults seeking help than others.

### ***One eligibility decision***

At the heart of the Fair Access to Care Services guidance is the principle that councils should operate just one eligibility decision for all adults seeking social care support – namely, should people be helped or not? In carrying out their duties under section 47 of the NHS and Community Care Act 1990, councils should keep assessment in proportion to individuals' needs using the general principles of assessment included in the guidance, and/or by reference to the most appropriate assessment framework (such as the single assessment process for older people). Services are matched to eligible needs through the use of statements of purposes, which all providers should make available.

### ***National eligibility framework***

To help them determine eligibility, the guidance provides a national framework for councils to use when setting their eligibility criteria. The framework is based on risks that arise from needs associated with various forms of disability, impairment and difficulty, and will help councils to promote the independence of those seeking their help. The guidance prioritises the risks faced by individuals into four bands - critical, substantial, moderate and low - and requires councils to adopt these bands in determining their criteria. Importantly, the risks within the framework relate to both immediate and longer-term risks. In this and other ways, the guidance supports a preventative approach to adult social care.

### ***Resources***

When implementing the Fair Access to Care Services guidance, councils should take account of the following matters relating to resources.

In setting their eligibility criteria councils should take account of the resources locally allocated and available to adult social care.

On a related point, it is not the intention of the Department of Health that individuals with similar needs receive similar services up and down the country. This is because, although all councils should use the same eligibility framework to set their local criteria, the different budgetary decisions of individual councils will mean that some councils will be able to provide services to proportionately more adults seeking help than others. In addition, service provision is configured differently in different parts of the country. What is important is for people with similar needs to be assured of similar care outcomes, if they are eligible for help, irrespective of the services that are provided to meet eligible needs.

When determining the most appropriate level of support to individuals with eligible needs, councils should ensure that resources are used cost-effectively with due regard to individuals' needs and agreed outcomes.

This guidance is fully consistent with the financial settlements for Personal Social Services resulting from the Government's Spending Reviews in 2000 and 2002. In particular, councils will be aware of the increase in social services resources from April 2003 of 6% per year on average in real terms. This will enable councils to both successfully implement this guidance and ensure that all adults in genuine need can access appropriate support.

### ***Assessment and care planning***

The guidance provides councils with general principles of assessment and care planning to update care management for all user groups. These general principles are wholly consistent with assessment and care planning frameworks published in recent years for adults with mental health problems, older people and learning disabled people. They will be particularly important for those groups for whom care management guidance has not been updated since the early 1990s.

### ***Reviews***

The guidance confirms that regular reviews of care plans, including re-assessments of individuals' needs, are critical to ensuring services remain appropriate, and service users remain eligible. The guidance sets out how reviews should be undertaken, with whom, and when.

### ***Presenting and eligible needs***

In the guidance a distinction is made between presenting and eligible needs. Presenting needs are the issues and problems that are identified when adults contact or are referred to social services for help. Eligible needs are those needs that are assessed as falling within a council's eligibility criteria, and which should be met. Councils will find this distinction useful in monitoring which presenting needs are met and which are not.

### ***Supporting people whose needs are not eligible for help***

Individuals' needs may not be assessed as eligible either when they first seek social care support or when their needs are re-assessed as part of a review. The guidance

asks councils to be prepared to support such individuals through the provision of information or advice, referral on to other agencies, or by providing alternative services as part of community development, “Supporting People”, health promotion or other wider initiatives.

Councils should exercise particular caution with regard to individuals who have been receiving services for some time before a review indicates that their current needs fall outside the council’s eligibility criteria. If services are to be removed, councils should ensure that it is practicable to do so, and that needs will not simply worsen or increase for the lack of help, with the result that independence is significantly undermined.

In this regard, those councils who currently have eligibility criteria based on principles of fairness, and who review the needs and services of users on a regular basis, should be able to implement this guidance with relative ease.

### ***Locations***

All locations from which councils’ social services professionals assess adults’ needs for social care, and determine eligibility, should use the guidance. These locations include community-based social services offices, social work or social services offices in hospitals and other NHS facilities, social services offices in GP surgeries, and local Care Direct pilot schemes.

### ***Health services***

The Fair Access to Care Services guidance applies to adult social care services that have been agreed as the responsibility of councils under local continuing care arrangements (HSC 2001/015; LAC (2001)18 refers). The guidance can also be a starting point for determining both eligibility for packages of continuing health and social care, and joint eligibility when local health bodies and councils are operating partnership arrangements under section 31 of the Health Act 1999. For these reasons, the circular is copied to Chief Executives of Special Health, Authorities, Primary Care Trusts, Primary Care Groups and NHS Trusts.

### **The guidance**

The guidance comprises policy and practice guidance. The policy guidance is issued with this circular, and may be accessed electronically by clicking on the following link [FACS – Guidance on eligibility criteria for adult social care](#)

In hard copy versions, the policy guidance is attached to the circular.

The practice guidance will be issued by 31 July 2002. It will explain the reasoning behind the policy guidance; give examples of what is required; and present a number of case examples. While it is anticipated that councils will find the practice guidance helpful, they can begin to review their eligibility criteria using the policy guidance, and engage with relevant stakeholders, in the interim.

The practice guidance can be found at ***FACS – Practice Guidance***.

## **Rooting out age discrimination**

Through implementing the guidance councils will fulfil the first stage requirement of Standard One of the National Service Framework for Older People with respect to tackling age discrimination. Councils are encouraged, in collaboration with local health counterparts, to work on the next milestone set for October 2002 by analysing levels and patterns of service.

## **Enquiries and further information**

Enquiries about this guidance should be addressed to :

Department of Health (FACS)  
Older Peoples Services CC3  
Area 222  
Wellington House  
133-155 Waterloo Road  
London SE1 8UG  
Tel : 0207 972 4238

Further copies of this Circular may be obtained from Department of Health, PO Box 777, London SE1 6XH, Tel. 0870 155 5455 or Fax 01623 724 524. Please quote the code and serial number appearing on the top right-hand corner.

Current circulars are now listed on the Department of Health web site on the Internet at: <http://www.doh.gov.uk/publications/coinh.html>. Full text of recent circulars is also accessible at this site. Copies of the guidance, and possibly news of further developments and good practice, can also be accessed via a dedicated Fair Access to Care Services website. The address is [www.doh.gov.uk/scg/facs](http://www.doh.gov.uk/scg/facs).

© Crown copyright 2002. This Circular may be freely reproduced by all to whom it is addressed.