

North Somerset Council Fair Access to Care Services (FACS) September 2010



Revised FACS policy

This policy relates to all requests for funded support of eligible needs following a North Somerset Council Community Care Act Assessment for social care services, for example - OT equipment, personal budgets for social care and respite or permanent placements in care homes. North Somerset Council set FACS criteria at substantial and critical by Executive Member decision in April 2003. This decision still stands.

This policy document can be given to users and carers.

What does Fair Access to Care Services (FACS) mean?

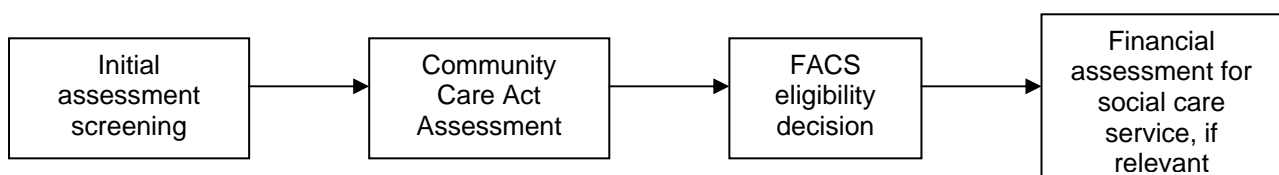
FACS is the national policy guidance for England that describes the system for deciding eligibility for council funded social care which is available to people who have social care needs. Its aim is to help social care workers make fair and consistent decisions about the level of support a person needs and, if the local council should assist the person to arrange and/or fund the support. FACS was originally launched in April 2003 and was revised in 2010 to put it in the context of Putting People First and the Personalisation agenda. The eligibility criteria are based upon the risk to that person's independence if funded support is not provided. FACS 2010 places emphasis on *preventative* strategies, *outcome* based assessments and reviews and *support* planning as opposed to *needs* based assessments and reviews and *care* planning.

What does the FACS eligibility determination involve?

North Somerset Council undertakes a brief assessment screening of referrals using the FACS eligibility criteria prior to undertaking full assessments in order to prioritise the urgency of the need for an assessment for services or, where a person is unlikely to be eligible, to signpost them to other services. This applies whether these referrals come from community or hospital sources. North Somerset Council then carries out an NHS and Community Care Act Assessment to identify a person's needs and the effect those needs have on the person's well-being and independence. Information from this assessment is used as a basis for deciding the person's eligibility for funding of social care services.

If, following this assessment, a person is deemed not to be FACS eligible they are still entitled to information and advice as well as 'signposting' to universal services where they might receive assistance. If the person is assessed to have eligible needs then, subject to a financial assessment, North Somerset Council will work with the individual and their carers to plan how best to meet those eligible needs. FACS eligible needs can be met using council and/or non-council services, such as via a voluntary sector agency.

Assessment process



The 2010 revised guidance FACS keeps the four risk bandings set out in 2003 and **North Somerset Council continues to consider people eligible for services and/or funding where the assessed level of need falls into the Critical and Substantial bandings.** Where needs have been assessed to be Moderate or Low, assessors should be signposting to relevant preventative services and, if the person's needs change or vary a reassessment can be made.

When making FACS eligibility decisions the national FACS guidance on the four eligibility bands must be considered as they 'describe the seriousness of the risk to independence and well-being or other consequences if needs are not addressed' (Department of Health, 2010, pg 21).

FACS banding and eligibility criteria

Critical – when:

- Life is, or will be, threatened; and/or
- Significant health problems have developed or will develop; and/or
- There is, or will be, little choice or control over vital aspects of the immediate environment; and/or
- Serious abuse or neglect has occurred or will occur; and/or
- There is, or will be, an inability to carry out vital personal care or domestic routines; and/or
- Vital involvement in work, education or learning cannot, or will not, be sustained; and/or
- Vital social support systems and relationships cannot or will not be sustained; and/or
- Vital family or other social roles and responsibilities cannot, or will not, be undertaken

Substantial – when:

- There is, or will be, only partial choice or control over the immediate environment; and/or
- Abuse or neglect has occurred or will occur; and/or
- There is, or will be, an inability to carry out the majority of personal care or domestic routines; and/or
- Involvement in many aspects of work, education or learning cannot, or will not, be sustained; and/or
- The majority of social support systems and relationships cannot, or will not, be sustained; and/or
- The majority of family and other social roles and responsibilities cannot, or will not, be undertaken

Moderate – when:

- There is, or will be, an inability to carry out several personal care or domestic routines; and/or
- Involvement in several aspects of work, education or learning cannot, or will not, be sustained; and/or
- Several social support systems and relationships cannot, or will not, be sustained; and/or
- Several family and other social roles and responsibilities cannot or will not be undertaken

Low – when:

- There is, or will be, an inability to carry out one or two personal care or domestic routines; and/or
- Involvement in one or two aspects of work, education or learning cannot, or will not, be sustained; and/or
- One or two social support systems and relationships cannot, or will not, be sustained; and/or
- One or two family and other social roles and responsibilities cannot, or will not, be undertaken

North Somerset does not use FACS to decide on eligibility to services for carers. There is information in the FACS 2010 guidance (Department of Health, 2010, paras. 97-103) that can assist decision making in carer's assessments using a similar model to the FACS risk bandings. Assessors will need to refer to the North Somerset Council Guidance on Carers' Assessments for further information.

This policy document should be read with the national FACS guidance:

Department of Health (2010) *Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care – guidance on eligibility criteria for adult social care – England 2010*; accessed on 5/8/10 at:
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113154



How do I decide whether someone has needs that are FACS eligible?

You must explore, with the person and their support network, the interaction between a person's needs and risks including:

- Identify their presenting needs
- Identify the risks to their independence by not addressing them
- Consider the intensity and complexity of the needs – how does the interaction of needs impact upon the individual and how do they cope?
- What would happen to that person if the need was not met?

This might be that either the need is met directly (e.g. by commissioning an agency to meet personal care needs) or indirectly (e.g. enabling someone to have domestic support within their personal budget so their partner has the energy/ time to meet their personal care needs) – see Mrs O'Donnell (pgs 4/5)

- Ask yourself what would happen if this need was not met? What would the likely consequence be to that person's independence and well-being in the short, medium or long term?
- Will their independence or well being be at significant risk in the short to medium term if support is not organised? For example, if the need was unmet they would either be unable to carry out **vital** personal and domestic routines (*critical*) or unable to carry out the majority of personal and domestic routines (*substantial*) etc.

If you are doing an initial screening assessment, it can be difficult to see whether a referral for a service is likely to amount to an eligible need for support. (E.g. you might receive a referral for someone who appears to only need assistance with shopping) In these circumstances you need to seek further information. If the presenting information still remains unclear it is likely the case will need a full assessment so that FACS eligibility can be determined.

Mrs O'Donnell is 58 and has MS. She needs assistance with all personal care including washing, toileting, dressing, continence care, eating and drinking, mobility within and outside her home and access to the wider community and social networks. Her husband provides all her personal care at the moment and she does not want anyone else to do so.

Option A

Presenting request

In order to support her husband Mrs O'Donnell wants assistance with all domestic tasks in the home. This includes daily laundry as a result of her continence needs and regular cleaning of bathroom and kitchen areas for hygiene. At times Mr O'Donnell has said that if he does not get help with these tasks he will leave Mrs O'Donnell.

Decision

Social worker assessed her personal care needs as critical and her domestic needs as moderate and agrees that Mrs O'Donnell's has eligible critical needs and a service and/or funding for domestic assistance could be provided to meet the critical needs indirectly

Rationale

By choosing to have the moderate need met using Council social care services and/or funding Mr O'Donnell is being supported to continue to meet the critical personal care needs. By having her husband continuing to meet her personal care needs Mrs O'Donnell's stated outcome, to have no-one else providing assistance with meeting her personal care needs, is met. If Mrs O'Donnell were to choose to have assistance with her personal care needs from a carer provided by an agency or a personal assistant the domestic care needs would not be eligible for Council services and/or funding.

Option B

Presenting request

Mrs O'Donnell wishes to have someone to assist her to go out of the house three times a week to go shopping and visit friends while her husband is at work. Mr O'Donnell is willing to continue to provide the level of personal care that he has up to this point.

Decision

Her social worker assesses her personal care needs as critical and her social support needs as moderate. They decide that Mrs O'Donnell does not have eligible needs and signposts the O'Donnells to a local voluntary agency who can provide support to Mr O'Donnell as a carer and also offer assistance to access social support.

Rationale

As her husband is prepared to continue as her carer at present and is meeting her critical needs the moderate social contact needs are ineligible and will not be met using Council services and/or funding. The identified social needs can be met through universal services. The risk to her independence in not meeting these needs is moderate as she has contact with her husband and friends can visit her and she has access to a computer for shopping

How do I distinguish between the eligibility bandings?

This is the key part of your assessment decision-making and is not always immediately clear. You will need to consider all of the potential risks and support available in order to make your decision and you will need to refer to the guidance contained in the bandings table.

You need to think about the context of each individual's life and circumstances. Is meeting the need **vital** to the person's health and/or wellbeing? What is the degree of risk to independence if not met?

The Critical and Substantial bandings ask you to think about all identified needs and make a professional judgement as to whether the needs have a 'vital' or 'significant' impact on all essential areas in a person's life, or if the needs cause issues with the 'majority' areas of the person's life. Refer back to the criteria on p.2 to inform your decision as to whether the need is critical or substantial

Needs are likely to be below 'critical' or 'substantial' where there risk to only 'several' (Moderate) or 'one or two' (Low) areas of their life.

It will help you, and anyone who needs to use the information in your assessment, if you look at, and record, your decision on each area of need separately in order to more clearly establish how you came to an eligibility decision in each area and how each area might relate to one another.

What if I am really uncertain?

Often it is possible to see an evident critical need as you will be able to predict either an immediate threat to that person's independence and well-being or believe there will be an increasing threat in the short term if the support is not funded. It is sometimes more difficult to distinguish high moderate needs from low level substantial. Again, ask yourself, what is likely to happen if the Council does not assist in finding social care or support? For example, will a caring relationship breakdown, will the person's health deteriorate or will the person be at increased risk of harm?

Whatever the case, you need to be aware that eligibility assessment decisions are individual professional judgements and people in the same circumstances do not always make the same

decisions. In order to make a decision that you feel comfortable with it is wise to ensure that you have:

- Discussed the decision with your peers
- Discussed the issue with your manager or supervisor
- Tried a technique like the balance sheet or pro's and con's approach to make clear the evidence you have available to see whether the person's circumstances can be seen to be eligible or not
- Record the evidence you have used to make your decision clearly so that you can be clear about what knowledge you had to take into account at the time of making your decision

Don't forget – this is only a guide to how to make your decision, another assessor might make a different and equally valid decision. The key to transparent judgements on eligibility decisions is showing the evidence you used to make your decision when recording.

This guidance needs to be read in conjunction with:

SCIE (2010) *SCIE Guide 33: Facts about FACS: A guide to Fair Access to Care Services*; accessed on 5/8/10 at <http://www.scie.org.uk/publications/guides/guide33/index.asp>

SCIE (2010) *Fair Access to Care Services (FACS) Your Questions Answered*; accessed on 5/8/10 at <http://www.scie.org.uk/publications/guides/guide33/files/facs-leaflet.pdf>