

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE

REPORT ON: NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR PERSONAL AND NURSING CARE

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 519- 2009

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to advise members of the Social Work and Health Committee of the introduction of new Scottish Government Guidance - National Eligibility Criteria and Waiting Times for Personal and Nursing Care (national guidance) and of the proposed arrangements for implementation of the national guidance in Dundee.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Social Work and Health Committee;

- Note the introduction new national guidance - National Eligibility Criteria and Waiting Times for Personal and Nursing Care.
- Note the implementation date of 1 December 2009.
- Instruct the Director of Social Work to advise the Scottish Government of implementation progress as outlined in paragraph 4.7 of this report.
- Instruct the Director of Social Work to proceed with the implementation proposals as outlined in paragraph 4.9 of this report.

3.0 FINANCIAL IMPLICATIONS

The Scottish Government provided an additional £40m within the local government settlement in 2009/10 to respond to enable local authorities to implement the recommendations of Lord Sutherland's Review of Free Personal and Nursing Care. Dundee City Council's share of this funding equated to £983,000.

While it is difficult to calculate the precise financial impact of the changes in eligibility criteria and waiting times, it is estimated that the cost of reducing current average waiting times for residential care would be approximately £540,000 per annum with a further £116,000 required to reduce waiting times for home care. The total additional cost in the current financial year is anticipated to be approximately £133,000.

A further £150,000 of the overall funding has been allocated to cover the reduced level of income due to non charging for food preparation as set out in the Sutherland Review.

4.0 MAIN TEXT

4.1 The national guidance arises from joint work by the Scottish Government, COSLA and the Association of Directors of Social Work who led the working group that prepared the guidance. The purpose of the guidance is to improve the clarity, presentation and implementation of the free personal care and nursing policy, including taking forward recommendations from Lord Sutherland's Review of Free Personal and Nursing Care published in April 2008.

4.2 The national guidance promotes a common eligibility framework, which categorises the needs of individuals and which is to be applied by all local authorities. It also includes a commitment to deliver personal and nursing care services to older people within a maximum period of six

weeks following the identification of need, identified as being at critical or substantial risk as regards their independent living or wellbeing.

4.3 In addition to promoting consistent national standards the guidance asserts key principles. These are;

- "the central role of assessment in determine access to social care services;
- the responsibility of local authorities to determine the provision of care services in their areas, taking account of their financial resources and other resources and the costs of service provision; and
- that the prioritisation process should target resources towards responding to people at critical or substantial risk as regards independent living or well being whilst not excluding consideration of the benefits of preventative support and less intensive services."

4.4 A draft of the national guidance was issued in September 2009 and comments were forwarded by the Director of Social Work. The comments reflect some concern about the practicality of implementation within the timescale, assess the fit between the current processes, and systems and the proposed framework, and question the relative emphasis on preventative services. A number of other Local Authorities expressed similar views and this was reflected in the report on this subject to COSLA leaders meeting of 23 September 2009.

4.5 The revised national guidance (attached as Appendix 1 to this report) is not substantially modified from the draft guidance, other than to contextualise the proposed criteria more thoroughly to take account of prevention, rehabilitation, wellbeing and personalisation.

4.6 The council already has local guidance and criteria for access to community care services. This existing guidance has some features in common with the national guidance, particularly in relation to the underlying principles. However it will require modification to align with the proposed national framework. This will involve reviewing the current banding of need from three priority categories of high medium and low to four of critical, substantial, moderate and low priority as indicated in the national guidance.

4.7 Further national guidance on monitoring requirements is scheduled for release during November. It is anticipated that this will instigate a regular reporting requirement to the Scottish Government of the numbers of older people assessed and performance against the 6 week waiting time standard defined in the national guidance.

4.8 Councils have been asked to ensure that local eligibility criteria and definitions for older people and the timescales for accessing personal and nursing care services are compatible with the national definitions as set out in the national guidelines.

4.9 Officers are working to the following implementation plan:

A	Scoping of process and system adjustment	
	1. Single shared assessment	October 2009
	2. Monitoring	November 2009
B	Revision of existing criteria for access to services	Draft - November 2009 Publish - March 2010
C	Communication	
	Internal	December 2009
	External	January - March 2010
D	Test Implementation	January - March 2010

- 4.10 Since current Council guidance on criteria and priority for access to community care services covers all groups it is proposed that the revised guidance also applies to all groups but that the waiting time standard will only apply to people aged over 65 as required by the national guidance. Members of the committee will note that it is intended to issue revised criteria for access to services in draft form in November to be tested and revised as necessary by April 2010. This approach is proposed to take account of the tight implementation period
- 4.11 The anticipated impact for the Council of the implementation of the national guidance is that there will be a necessary increase in the activity to meet the waiting time standard of 6 weeks for older people. Since local criteria and priority for access to services will change, it is not possible to determine the precise implication of this, however based upon historical activity data it is estimated that approximately 10,000 days of additional residential care and 10,500 additional home care hours will be required per annum.

5.0 POLICY IMPLICATIONS

This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

6.0 CONSULTATIONS

The Chief Executive, Depute Chief Executive (Support Services) and Director of Finance have been consulted in preparation of this report.

7.0 BACKGROUND PAPERS

None.

To:
Directors of Social Work and Chief Social Work Officers for Scottish Local Authorities

Copy to:
Chief Executives, Directors of Finance and Directors of Housing of Scottish Local Authorities

Chief Executives of NHS Health Boards

28 September 2009

Dear Colleague

NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR THE PERSONAL AND NURSING CARE OF OLDER PEOPLE

I am writing to inform you that new guidance for local authorities and their partners has now been issued jointly by the Scottish Government and COSLA. The Minister for Public Health and Sport and COSLA's spokesperson for Social and Health Care both welcomed the collaborative approach that was adopted in drafting this guidance. The Scottish Government and COSLA have previously affirmed a joint commitment to the funding and administration of Free Personal and Nursing Care. This political agreement involved £40 million in additional funding being made available to local authorities from 1 April 2009 alongside a package of measures to stabilise the Free Personal and Nursing Care Policy in the short term.

The guidance arises from joint work by the Scottish Government, COSLA, the Association of Directors of Social Work and other relevant organisations to improve the clarity, presentation and implementation of the free personal and nursing care policy; including taking forward recommendations arising from Lord Sutherland's Independent Review of Free Personal and Nursing Care Funding, published in April 2008.

Consultation Process

An earlier draft of the guidance on a national framework for access and entitlement to services for all adult social care groups was issued to local authorities and key stakeholders for consultation on 26 May. Very helpful comments were received from 26 local authorities, 4 Health Boards, and 11 other organisations. Following further consideration it has been decided that the national guidance will apply to older people to reflect the original political agreement between Council Leaders and Scottish Ministers on Lord Sutherland's recommendations about Free Personal and Nursing Care. However, it is also recognised that some councils might choose to apply the eligibility framework set out within this guidance to all community care groups – the framework is generic and need not be confined solely to the management of older people's care. It has been written in such a way that it can be applied consistently across all adult care groups if individual councils choose to do so. However, this is a matter solely for individual Councils and is not tied to the agreement between Scottish Government and Councils Leaders on Free Personal and Nursing Care.

More broadly, the guidance looks to respond to a variety of comments expressed as part of the consultation process. In particular, we have looked to contextualise the application of eligibility criteria in such a way as to promote the concepts of well-being and personalisation. Personalisation, including a strategic shift towards early intervention and prevention, will be the cornerstone of public services into the future and will mark a step-change in the way care and support services are commissioned. Rather than solely addressing illness or crisis interventions, services will be commissioned to promote and prolong well-being. To that end, it is recognised that councils and their partners will want to consider whether the provision of services or other interventions might help prevent or reduce the risk of an individual's needs becoming more intensive.

You will wish to note that we are making all responses to the consultation available to the public in the following ways:

a) In hard copy at the Scottish Government Library, F Spur Saughton House, Broomhouse Drive, Edinburgh, EH113XD. Copies of responses can be viewed by visiting the library or can also be provided by post. Charges for photocopies are made on a cost-recovery basis. To request copies by post and enquire about charges or make an appointment to view responses at the library, contact the Library on 0131 244 4556 or SELibrary@scotland.gsi.gov.uk.

b) On the Scottish Government web pages at: <http://www.scotland.gov.uk/topics/health/care/17655/research/NewPage>

Implementation Timescales

Chief Social Work Officers will be asked to confirm with the Scottish Government by **1 December 2009** that their local arrangements for access to social care services and timescales for access to personal and nursing care services are consistent with the finalised guidance.

Monitoring and Reporting Arrangements

COSLA and the Scottish Government recognise that this guidance raises monitoring and reporting requirements for local government. Work is being taken forward to prepare additional advice for councils on monitoring and reporting arrangements for the operation of eligibility criteria and standard delivery timescales. An update on this work will be provided separately.

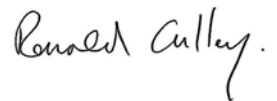
Contacts

Any questions about this letter or the guidance should be directed either to Shaun Eales at the Scottish Government Tel: 0131 244 5430, E-mail: shaun.eales@scotland.gsi.gov.uk or Ron Culley at COSLA Tel: 0131 474 9257, E-mail: ron@cosla.gov.uk.

Yours sincerely



SHAUN EALES
SCOTTISH GOVERNMENT



COSLA

NATIONAL STANDARD ELIGIBILITY CRITERIA AND WAITING TIMES FOR THE PERSONAL AND NURSING CARE OF OLDER PEOPLE - GUIDANCE

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NATIONAL STANDARD ELIGIBILITY CRITERIA AND WAITING TIMES FOR THE PERSONAL AND NURSING CARE OF OLDER PEOPLE

INTRODUCTION

1.1 This document is issued by Ministers as guidance under section 5(1) of the Social Work (Scotland) Act 1968. Its terms have been agreed jointly by the Scottish Government and the Convention of Scottish Local Authorities (COSLA).

1.2 The aim of this document is to help achieve better outcomes for older people. It seeks to deliver the shared commitments agreed by Scottish Ministers and local authority elected members, following publication of Lord Sutherland's review of free personal and nursing care, to be introduced in 2009-10, including:

- a common standard eligibility framework for older people which categorises the needs of individuals and which is applied by all local authorities;
- a common commitment to deliver personal and nursing care services to older people within a maximum period of six weeks following the identification of need, identified as being at critical or substantial risk as regards their independent living or wellbeing;
- the application of the Single Shared Assessment model, and associated tools, by local authorities and their partners as a key element in ensuring consistent processes for individual needs assessment;
- appropriate management and review arrangements for responding to the needs of individuals assessed as having less intensive care needs, including preventative services; and
- the provision of £40m in additional funding from 2009-10 to respond to the impact of existing funding pressures, as identified by Lord Sutherland, and deliver measurable improvements in access to services for individuals.

1.3 Whilst promoting consistent and transparent national standards, the guidance also seeks to re-enforce the following key principles:

- the central role of assessment in determining access to social care services;
- the responsibility of local authorities to determine the provision of care services in their areas, taking account of their financial and other resources and the costs of service provision;
- that the prioritisation process should target resources towards responding to people at critical or substantial risk as regards independent living or wellbeing, whilst not excluding consideration of the benefits of preventative support and less intensive care services for people at less risk.

1.4 The implementation of this guidance will assist Councils and Partnerships to deliver improved outcomes for older people as set out in the National Framework for Community Care Outcomes.

1.5 It is also recognised that some councils might choose to apply the eligibility framework set out within this guidance to all community care groups – the framework is generic and need not be confined solely to the management of older people's care. It has been written in such a way that it

can be applied consistently across all adult care groups if individual councils choose to do so. However, this is a matter solely for individual councils and is not tied to the agreement between Scottish Government and council Leaders on Free Personal and Nursing Care.

TIMESCALES

2.1 Councils are expected to ensure by **1 December 2009** that their local eligibility criteria and definitions for older people and the timescales for accessing personal and nursing care services are compatible with the national definitions and standards set out in this document.

FUNDING

3.1 The costs of implementing this guidance, alongside councils' existing expenditure on care services for older people, should be met from the £40 million in additional funding for 2009-10 allocated by Ministers.

BACKGROUND – SUTHERLAND REVIEW

4.1 The need for a national eligibility framework was originally identified in 2008 in reports on Free Personal Care published by Audit Scotland and subsequently by Lord Sutherland's Independent Review of Free Personal and Nursing Care in Scotland. Lord Sutherland's report acknowledged that it is an accepted principle of social care policy that local authorities will manage their resources to focus first on supporting those people who are in most urgent need. Lord Sutherland concluded that whilst the majority of councils were operating local arrangements in an appropriate way, it was crucial that the levers used by councils to manage access to finite care services - such as waiting lists and eligibility criteria - should be "transparent and should not inappropriately restrict legitimate access to care" to meet needs that call for the provision of a social care service.

4.2 Lord Sutherland concluded that greater national consistency in standards and expectations could be achieved without compromising local decision making. He recommended that there should be:

- a clear entitlement for those assessed as needing personal and nursing care, analogous with the NHS;
- a standard eligibility framework ;
- common assessment processes; and
- clearly stated target waiting times.

4.3 Lord Sutherland recommended that the move to more consistent and transparent processes should be linked with improved public information and understanding of the policy and better monitoring of financial and other information at local and national levels.

4.4 To support this approach, Scottish Ministers agreed to provide £40 million in additional funding to local authorities from 2009-10 to help stabilise the FPNC policy and improve outcomes for older people and more widely for all community care client groups. The specific focus of the resources is:

- to address the Free Personal Care funding shortfall identified in Lord Sutherland's report;
- to assist councils that have ceased charging older people for meals preparation or will cease these charges by 1 April 2009; and
- to assist the development of more consistent and transparent arrangements for eligibility and access to community care services, including waiting list management.

4.5 This guidance is issued within the context of significant changes to policy, planning and delivery of services for older people. The Sutherland Review^(a) recommended that, alongside immediate actions to stabilise and improve the delivery and clarity of free personal and nursing care, Government at all levels should undertake a much wider review of future funding and delivery of long-term care services and actions to prepare for demographic change. The Scottish Government, COSLA, NHS Scotland and stakeholders are in the process of taking forward this wider review.

WIDER POLICY CONTEXT

5.1 The projected growth in the numbers and proportions of older people; the need to continually improve health and social care outcomes; and the increasing cost of formal care mean that our strategic objective is to shift the balance of care for our older people, and develop preventative strategies. This means optimising independence and well being by enabling people to stay at home or in a homely setting, with maximum independence, for as long as possible - through access to universal services, through supporting unpaid carers and through a focus on re-ablement and rehabilitation.

5.2 This guidance, therefore, should be considered within the overall context of improving and sustaining the well-being of older people. Well-being is a broad-ranging concept affected in a complex way by a person's physical health, psychological state, level of independence, social relationships, and their relationships to salient features of their environment.¹ The improvement of well-being is allied to a more general move towards the personalisation of services, whereby people are encouraged to become actively involved in selecting and shaping the services they receive. Personalisation, including a strategic shift towards early intervention and prevention, will be the cornerstone of public services into the future.

5.3 The personalisation agenda marks a step-change in the way care and support services for older people are commissioned. Rather than only addressing illness or crisis interventions, services will be commissioned to promote and prolong well-being. Thus the emphasis has shifted to prevention. Older people in particular should benefit from the new commissioning agenda, including potential improvements in access to crucial low-level services that prevent further, more serious ill-health. To that end, it is recognised that councils and their partners will want to consider whether the provision of services or other interventions might help prevent or reduce the risk of an individual's needs becoming more intensive.

5.4 Similarly, the principle of re-ablement is at the heart of assisting older people to recapture and sustain well-being and autonomy after an acute episode of ill-health, or in the management of a long-term condition, or in response to a general deterioration in ability. This will normally involve intensive work with service users to increase their skills, confidence, and ability to live independently. This approach could involve assistive technologies like telecare, and is focused on achieving positive outcomes for older people, as well as reducing the number of people requiring ongoing social care support.

5.5 It is recognised that the use of eligibility criteria to manage demand for social care services alongside personalisation, early intervention and prevention, presents challenges for local partnerships. The Scottish Government and COSLA will seek to

(a) Independent Review of Free Personal and Nursing Care in Scotland – A Report by Lord Sutherland – April 2008. <http://www.scotland.gov.uk/Publications/2008/04/25105036/0>

¹ World Health Organisation, 2003

make available examples of good practice from the experience of partnerships in implementing this guidance.

5.6 It is also important that we learn from the experience of local authorities elsewhere in the UK in applying a national eligibility framework. In particular, a National Eligibility Framework – set out in the ‘*Fair Access to Care Services*’ guidance – for social care services has operated in England for a number of years. During 2008, the UK Government commissioned the Commission for Social Care Inspection in England to undertake a review of the operation of the eligibility system. The Commission published its report in November 2008 and set out a number of recommendations for the future operation of the national eligibility framework for social care services in England. Elements of the Scottish guidance in this document aim to address concerns raised in the Commission’s report. The framework emphasises the importance of the Single Shared Assessment as key to ensuring consistent processes in determining individuals’ needs. Urgency of response has been included in the definitions of the eligibility categories. The framework also considers risk factors relating to carers in determining eligibility.

5.7 Finally, the guidance and eligibility framework is designed to sit alongside other current relevant strands of work, including, for example, shifting the balance of care from hospital and residential care to home-based services; <http://www.shiftingthebalance.scot.nhs.uk/> action to enhance support for people with long-term conditions www.scotland.gov.uk/Topics/Health/NHS-Scotland/Delivery-Improvement/1835/210369; a new strategy for carers, to be published in 2010; further development of the personalisation agenda, building on the work that emerged from Changing Lives; and new approaches to the delivery of home care services. Further relevant policy documents are available on the Scottish Government web page: <http://www.scotland.gov.uk/Topics/Health>. These developments are particularly important in balancing the requirement to respond to immediate, high level care needs, with the aim of developing more personalised, self-managed and preventative care services described above.

ASSESSMENT PROCESS AND ELIGIBILITY CRITERIA

6.1 Under section 12A of the Social Work (Scotland) Act 1968 (“the 1968 Act”), local authorities have a duty to assess any adult who appears to need community care services. Good quality assessment practice is vital to the provision of better outcomes for people with social care needs and to ensuring consistency and transparency in how decisions are reached:

- Circular CCD8/2001: *Guidance on Single Shared Assessment of Community Care Needs* confirmed that the adoption of Single Shared Assessment was integral to the delivery of community care services.
- Circular CCD3/2008: *National Minimum Information Standards for Assessment and Care Planning for Adults* provided an updated version of the National Minimum Information Standards (NMIS) for assessment and introduced new standards for shared care and support plans, and for reviews. All partnerships were asked to ensure that they were operating the updated guidance, at least within their paper systems, by March 2009.

6.2 Assessment of needs is, of course, not a static process. Individuals’ needs can change over time, even over relatively short timescales. For example, an individual’s assessed needs may call for the provision of a certain level of services following discharge from hospital, but a different level of service once they are re-established in their own home. The operation of eligibility criteria and timescales by local authorities should take account of the wider care management and review process.

6.3 The 1968 Act clearly describes assessment **as a two-stage process**: first there is the assessment of needs and then, having regard to the results of that assessment, the local authority shall decide whether the needs of that person call for the provision of services. The operation of local eligibility criteria applies to this second stage of the assessment process.

6.4 The 1968 Act recognises the central role of the local authority in determining where there is need that calls for the provision of community care services and how such need should be met. Local authority resources require to be deployed effectively both in the individual case and across the community care client group. Effective deployment of resources will include ensuring that they are applied in a fair, consistent and transparent manner. Eligibility criteria assist local authorities to achieve fairness, consistency and transparency in how decisions are taken. This guidance promotes a nationally consistent approach to the way in which local eligibility criteria are formulated whilst recognising that eligibility for community care services is fundamentally a matter for the local authority.

6.5 If someone appears to be in need of community care services they should receive a care needs assessment. Local authorities are encouraged to set a low threshold for access to a care needs assessment. Whether someone is eligible for a community care service is a matter that will be determined, having regard to eligibility criteria, by assessing the person's need for community care services and deciding whether there is need that calls for the provision of such a service. To support the policy direction on personalisation and self management, self assessment tools have a significant function in enabling the user or carer to consider the key outcomes they would like to achieve as part of their assessment of need.

6.6 Eligibility criteria recognise urgency and risk as factors in the determination of eligibility for community care services. Where an individual is eligible, the urgency of that individual's needs should be kept in focus in determining how to respond to the care needs assessment or on-going review. It is fundamental to the approach set out in this guidance that individuals who require services should not simply be placed in a date order queue. Response to need should be informed by the continuing systematic review of each individual's needs, including consideration of how urgently service provision is called for and what interim measures may be appropriate pending a more permanent response.

6.7 It is important to recognise that need, and the response to need, is often not a matter of simple assessment and response. For example, where there is a need for a range of services, the various needs and the various services that may be provided, or available, to meet those needs will be interdependent. This is where high quality professional judgement and the effective deployment of available services and resources to meet need is critical.

6.8 The following sections cover two separate elements:

- The first section (paragraphs 7.1 - 8.5) provides guidance on the application of a standard national framework for eligibility criteria for access to personal and nursing care services for older people.
- The second section (paragraphs 9.1-9.8) provides guidance on standard timescales for the delivery of personal and nursing care services.

ELIGIBILITY CRITERIA – A NATIONAL FRAMEWORK

7.1 This section sets out a national framework for eligibility criteria that local authorities should use in setting local eligibility criteria for access to personal and nursing care services for older people. Local eligibility criteria indicate what level of need councils and their partners recognise as requiring services. In setting such

criteria, local authorities will have regard to a range of factors including the overall level of resources available to meet need, the cost of service provision and ensuring equity in their service decisions. Eligibility criteria are a method for deploying limited resources in a way that ensures that those resources are targeted to those in greatest need, while also recognising the types of low level intervention that can be made to halt the deterioration of people in less urgent need of services. Eligibility criteria are intended to apply fairly and not discriminate between people's needs on the basis of age, client-group, geographical location, gender, ethnicity, social class, sexuality, or any other basis apart from risk to independent living and well-being.

7.2 The framework set out below is based on eligibility frameworks already operated by a majority of councils in Scotland for social care services. The operation of the national framework should continue to be based on an assessment, through the Single Shared Assessment process, of the needs of service users and risks to each individual's independent living and well-being. The framework considers both (a) the severity of the risks and (b) the urgency for intervention to respond to the risks. Some levels of risk will call for the provision of services as a high priority whilst others may call for some service provision, not as a high priority but managed and prioritised on an ongoing basis. Some may not call for any social care service at all as engagement in local community activities may be the most appropriate way of addressing the need. In other circumstances the assessment may indicate a potential requirement for service provision in the longer term which requires to be kept under review. As part of the process for assessment and considering whether an individual's needs call for the provision of services, it is for relevant social work staff to consider how each individual's needs match against eligibility criteria in terms of severity of risk and urgency for intervention. The eligibility framework prioritises risks into 4 bands: critical, substantial, medium and low:

Intensity of Risk

Critical Risk: Indicates that there are major risks to an individual's independent living or health and well-being likely to call for the immediate* or imminent* provision of social care services (high priority).

Substantial Risk: Indicates that there are significant risks to an individual's independence or health and wellbeing likely to call for the immediate or imminent provision of social care services (high priority).

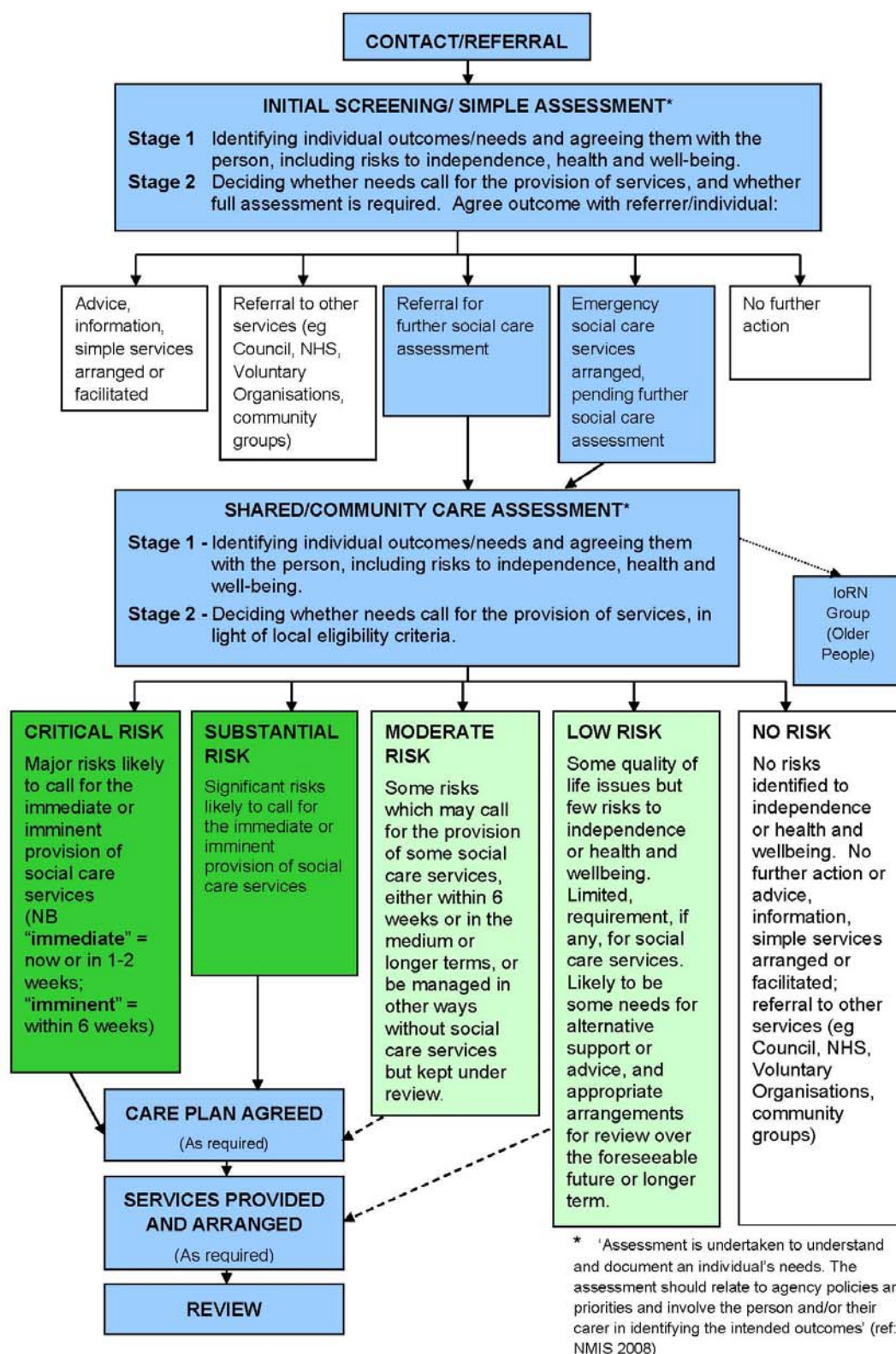
Moderate Risk: Indicates that there are some risks to an individual's independence or health and wellbeing. These may call for the provision of some social care services managed and prioritised on an ongoing basis or they may simply be manageable over the foreseeable future* without service provision, with appropriate arrangements for review.

Low Risk: Indicates that there may be some quality of life issues, but low risks to an individual's independence or health and wellbeing with very limited, if any, requirement for the provision of social care services. There may be some need for alternative support or advice and appropriate arrangements for review over the foreseeable future or longer term*.

In these definitions, the timescale descriptions (marked *) are used to indicate that services are likely to be required as follows:

- **Immediate** – required now or within approximately 1-2 weeks;
- **Imminent** – required within 6 weeks;
- **Foreseeable future** – required within next 6 months;
- **Longer term** – required within next 12 months or subsequently.

7.3 The following diagram illustrates how the intensity of risk and access to care services is determined using the standard eligibility criteria:



7.4 The above framework acknowledges that, in managing access to finite care resources, local authorities and their local partners focus first on those people assessed as having the most significant risks to their independent living or well-being. Where people are assessed as being in the 'critical' and 'substantial' risk categories their needs will generally call for the immediate or imminent provision of services. Those clients are entitled to receive such services and it is expected that

they will receive them as soon as reasonably practicable and, in the case of older people in need of personal or nursing care services, not later than six weeks from the confirmation of need for the service. This is the minimum expectation on local partnerships. Both COSLA and the Scottish Government encourage partnerships to seek to provide support within their available resources, beyond this minimum level, and particularly to consider the benefits of preventative and lower intensity interventions. This is considered further in paragraph 8 below.

Definition of Risk Factors

7.5 The following table provides definitions of risk factors for each of the bands in the national eligibility framework. These are based on definitions already operated by some Scottish councils. Inevitably, these are broad descriptions and call on the judgement of those applying the eligibility criteria in each case. The Scottish Government, COSLA and ADSW will prepare “pen pictures” for each criterion to assist councils and their partners in interpreting the necessarily broad descriptions for each of the criteria.

Table 1: Definitions of Risk / Priority

CRITICAL	SUBSTANTIAL	MODERATE	LOW
(High)		(Medium / Preventative)	(Low/ Preventative)
Risks relating to neglect or physical or mental health			
Major health problems which cause life threatening harm or danger to client or others.	Significant health problems which cause significant risks of harm or danger to client or others.	Some health problems indicating some risk to independence and/or intermittent distress, potential to maintain health with minimum interventions.	Few health problems indicating low risk to independence, potential to maintain health with minimum interventions
Serious abuse or neglect has occurred or is strongly suspected and client needs protective intervention by social care services (includes financial abuse and discrimination).	Abuse or neglect has occurred or is strongly suspected (includes financial abuse and discrimination).	Vulnerable person need to raise their awareness to potential risks of abuse	Preventive measures including reminders to minimise potential risk of abuse
Risks relating to personal care /domestic routines /home environment			
Unable to do vital or most aspects of personal care causing a major harm or danger to client or others or major risks to independence.	Unable to do many aspects of personal care causing significant risk of danger or harm to client or others or there are significant risks to independence.	Unable to do some aspects of personal care indicating some risk to independence.	Difficulty with one or two aspects of personal care, domestic routines and/or home environment indicating little risk to independence.
Unable to manage the most vital or most aspects of domestic routines causing major harm or danger to client or others or major risks to independence.	Unable to manage many aspects of domestic routines causing significant risk of harm or danger to client or others or significant risk to independence.	Able to manage some aspects of domestic activities indicating some risk to independence.	Able to manage most aspects of basic domestic activities
Extensive/complete loss of choice and control over vital aspects of home environment causing major harm or danger to client or others or there are major risks to independence.	Substantial loss of choice and control managing home environment causing a significant risk of harm or danger to client or others or a significant risk to independence.	Able to manage some aspects of home environment, leaving some risk to independence.	Able to manage most basic aspects of home environment
Risks relating to participation in community life			
Unable to sustain	Unable to sustain	Unable to manage several	Has difficulty

CRITICAL	SUBSTANTIAL	MODERATE	LOW
(High)		(Medium / Preventative)	(Low/ Preventative)
involvement in vital aspects of work/ education/ learning causing severe loss of independence.	involvement in many aspects of work/ education/ learning causing a significant risk to losing independence.	aspects of involvement in work/ learning /education and this will, in the foreseeable future, pose a risk to independence.	undertaking one or two aspects of work/learning / education / family and/or social networks indicating little risk to independence.
Unable to sustain involvement in vital or most aspects of family /social roles and responsibilities and social contact causing severe loss of independence.	Unable to sustain involvement in many aspects of family /social roles and responsibilities and social contact causing significant distress and/or risk to independence.	Able to manage some of the aspects of family / social roles and responsibilities and social contact, that pose some risk to independence.	Able to manage most of the aspects of family / social roles and responsibilities and social contact, that pose some risk to independence.
Risk relating to carers			
Carer has major physical/mental health difficulties due to the impact of their role as a carer causing life threatening harm or danger to themselves or others.	Carer has significant physical / mental health difficulties due to the impact of their role as a carer causing significant risk of harm or danger to themselves or others.	Carer able to manage some aspects of the caring / family / domestic / social roles. Potential risk to breakdown of their own health identified.	Carer able to manage most aspects; has difficulty undertaking one or two aspects of their caring / domestic role but with low risk.
There is a complete breakdown in the relationship between client and carer and carer is unable to continue caring or has difficulty sustaining vital or most aspects of their caring role.	There is a significant risk of breakdown in the relationship between client and carer and carer is unable to sustain many aspects of their caring role.	Relationship maintained although at times under strain between client and carer/ limiting some aspects of the caring role.	Relationship maintained between client and carer by limiting aspects of the caring role.
Carer is unable to manage vital or most aspects of their caring / family / work / domestic / social roles and responsibilities.	Carer is unable to manage many aspects of their caring / family / work / domestic / social roles and responsibilities.	Carer is able to manage some aspects of their caring / family / work / domestic / social roles and responsibilities	Carer is able to manage most aspects of their caring / family / work / domestic / social roles and responsibilities

7.6 It is for the Chief Social Work Officer / Director of Social Work to consider the changes necessary to any existing eligibility criteria in order to meet the requirements of the standard national eligibility framework. Each local authority should ensure that their local eligibility criteria are compatible with the national eligibility framework and definitions set out above, as well as ensuring that their arrangements for accessing care services are lawful and have been the subject of an equality impact assessment.

7.7 A key aim is to ensure that eligibility criteria are operated as consistently as possible by staff and that there is transparent understanding amongst service users, their families and the wider public about how decisions about access to care services are reached. It will be necessary for councils to train staff and prepare relevant public information on revised local eligibility criteria.

MODERATE AND LOW RISKS

8.1 The aim of the guidance set out above is to ensure greater consistency and transparency in standards for access to care services.

8.2 It remains the statutory responsibility of each local authority to assess the potential needs of each individual and consider whether those needs call for the provision of some social care service. An individual client may be assessed as having being at 'moderate' or 'low' risk, but this may still be considered by the council to require the provision of services. If so, the urgency for such intervention will require to be considered in determining how to respond to the care needs assessment or on-going review. As previously stated, it is not considered appropriate simply to place individuals who require services in a date order queue. Response to need should be informed by the continuing systematic review of each individual's needs, including consideration of how urgently service provision is called for and what interim measures may be appropriate pending a more permanent response.

8.3 It is also important that councils and their partners consider whether the provision of services or equipment or other interventions might help prevent or reduce the risk of an individual's needs becoming more intensive.

8.4 Councils should ensure that they have in place clear arrangements for meeting, managing or reviewing the needs of individuals who are not assessed as being at 'critical' or 'substantial' risk, including:

- adopting a strong preventative approach to help avoid rising levels of need;
- embedding preventative strategies at every level of the social care system, informed by assessment of local needs and created in partnership with relevant agencies;
- timely investment in re-ablement services, therapy, intermediate care and assistive technologies to reduce the number of people requiring ongoing social care support;
- an actively managed waiting list for those who are intended to receive service provision;
- a clear timescale for review of needs arising from the care needs assessment;
- provision of advice on alternative sources of support and request to contact relevant referring agent if needs change.

8.5 As set out in previous guidance, individual clients should receive clear information about the support they will receive based on the care needs assessment.

MANAGING WAITING TIMES

9.1 This section sets out requirements for the operation of a standard national waiting time for the delivery of personal and nursing care services for older people. As acknowledged in section 6, local authorities need to be able to manage their resources to effectively meet demand for care services.

9.2 As noted above, drawing on the national framework, local eligibility criteria should be based on an assessment of the severity of risks to independence and wellbeing and the urgency with which any social care intervention is called for.

9.3 Those people assessed as being at 'critical' or 'substantial' risk are likely to have an immediate or imminent requirement for care services. For people at 'critical' risk, local authorities will continue to arrange and deliver services as a matter of urgency, often within a matter of days.

9.4 For older people in need of personal and nursing care services assessed at 'critical' or 'substantial' risk, a maximum 6 week waiting time standard is defined in this guidance.

Personal and Nursing Care Services - Standard Waiting Time from Confirmation of Need to Delivery of Service

9.5 For older people assessed as being at 'critical' or 'substantial' risk there should be a standard maximum waiting time for personal and nursing care services of **six weeks (42 calendar days)** from the 'confirmation of need' to the 'delivery of service':

- "Confirmation of need" means the point at which an individual's need for personal or nursing care services is identified against the eligibility criteria following the care needs assessment or review. The individual may already be in receipt of some existing or emergency service or services.
- "Delivery of service" means the point at which personal and nursing care services as set out in the agreed Care Plan are being delivered to the client. It is acknowledged that some elements of the full agreed Care Plan, e.g. complex equipment or adaptations may not fully be in place.
- "Personal and nursing care services" means social care within the meaning of section 1 of, and schedule 1 to, the Community Care and Health (Scotland) Act 2002 as read with any regulations made under section 1 or 2 of that Act.

9.6 The terms of the definitions will be given in more detail in the guidance on monitoring and reporting that will issue separately.

9.7 Chief Social Work Officers / Directors of Social Work should ensure that their local arrangements aim to deliver agreed personal and nursing care services for all older people within the 'critical' or 'substantial' bands, as defined in the national eligibility framework, within the standard 6 week timescale.

9.8 Local authorities should keep under review both the overall management of waiting times against the standard and particular circumstances where the standard is not met for whatever reason.

Assessment Timescales

9.9 As noted above, local authorities have a clear statutory duty to assess the needs of any adult who appears to be in need of community care services. It would not be appropriate for delays with assessment processes to be used to manage access to or demand for social care services. It is not possible to determine fully the urgency with which an individual might require services before an assessment has commenced. However, COSLA and the Scottish Government have agreed that local partnerships should monitor the timescales from first referral to confirmation of need and summary information should be collected nationally.

- "First referral" means the point at which the potential need for an assessment is first notified to the council or a care needs review is initiated.
- "Confirmation of need" means the point at which an individual's needs are identified against the eligibility criteria following the care needs assessment or review.

9.10 No firm standard or target has been set for this timescale. However, COSLA and the Scottish Government will keep under review the information collected from councils on the actual timescales between first referral and confirmation of need and consider what appropriate standard or standards might be applied in future. As with the "delivery of service" measurement, more detailed guidance on the national measurement of actual timescales experienced will be issued separately.

NATIONAL MONITORING

10.1 The Scottish Government will continue to collect quarterly statistical information on the numbers of clients receiving Personal and Nursing Care services. It will also continue to collect specific information on local authority expenditure levels on personal and nursing care and other care services for older people through the annual Local Finance Returns.

10.2 In addition, the Scottish Government and COSLA will ask councils to compile, from **1 December 2009**:

- information on the numbers of individuals identified within the eligibility criteria;
- information on the timescales from initial referral to the confirmation of need, as described above and in the more detailed measurement guidance;
- information on timescales from the confirmation of need to the initial delivery of services, as described above and in the more detailed measurement guidance.

This information will enable monitoring of the national standard.

REVIEW

11.1 The Scottish Government and COSLA will continue to reflect on our work to stabilise the Free Personal and Nursing Care policy in general and the delivery of the eligibility framework in particular.

11.2 Local authorities and partners should keep under review the way that the eligibility criteria are applied locally in practice to ensure consistency, transparency, and fairness. A key aim is a transparent understanding amongst service users, their families and the wider public about how decisions about access to care services are reached.

11.3 Local profiling of the application of the eligibility criteria by age band, gender, relative need or dependency (Indicator of Relative Need group), and ethnic group will provide local authorities with the information they need to demonstrate over time, and, if they choose through 'benchmarking', the consistency with which they are applying the criteria. For many local authorities use of the IoRN will be new. Local authorities should ensure that they are able to collect and analyse IoRN information by the end of 2009/10.

11.4 Local authorities are asked to notify the Scottish Government and COSLA of any significant future changes to the operation of their eligibility criteria and waiting times.

CONTACTS

12.1 For further information or any enquiries about this guidance, please contact: Shaun Eales, Scottish Government, Room 2ER, St Andrews House, Regent Road, Edinburgh, EH1 3DG, Tel; 0131 244 5430, E: shaun.eales@scotland.gsi.gov.uk, or Ron Culley at COSLA Tel: 0131 474 9257, E-mail: ron@cosla.gov.uk.

September 2009

