

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

DECISION NO.

14/00134

If decision is likely to disclose exempt information please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972

Subject: : Eligibility Criteria for Care and Support (Adults and Carers)

Decision:

As Cabinet Member for Adult Social Care and Public Health, I AGREE:

That Kent County Council should adopt the National Minimum Eligibility Criteria for determining which adults have eligible care and support needs and the national minimum eligibility criteria for carers from 1 April 2015.

Any Interest Declared when the Decision was Taken None

Reason(s) for decision, including alternatives considered and any additional information

One of the major planks of the Care Act is the introduction from April 2015 of a new national minimum eligibility criteria for adults with care and support needs which all councils must adhere to (section 13 of the Act). The detail of the new criteria is contained in The Care and Support (Eligibility Criteria) Regulations 2014.

In summary an individual with care and support needs will meet the minimum eligibility if they meet all three of the following conditions:

- (a) their needs arise from or are related to a physical or mental impairment or illness AND
- (b) as a result they are unable to achieve two or more specified outcomes AND
- (c) as a consequence there is, or is likely to be, a significant impact on their wellbeing, as defined under section 1 of the Care Act.

It is considered that the new criteria create a threshold that is lower than the current substantial level, and is more in line with the moderate level which applies in Kent. It is therefore recommended that the council adopts the new national minimum eligibility criteria as the Kent eligibility criteria for care and support from April 2015. As the new minimum is thought to be as generous as the current "moderate" level applicable in Kent, it is not thought necessary to widen eligibility beyond the national minimum in order to maintain the current level of eligibility. It is recommended that all current service users (including those assessed as 'Moderate') will continue to be eligible after April 2015. They will not be reassessed against the new criteria until their planned review or if their needs change.

In addition, local authorities must apply the national minimum eligibility criteria for carers.

Background Documents:

Recommendation Report from Corporate Director to Cabinet Member

Cabinet Committee recommendations and other consultation:

Cabinet endorsed the proposed policy change at its meeting on 1 December 2014.

The Adult Social Care and Public Health Cabinet Committee on 4 December 2014 resolved that the decision proposed to be taken by the Cabinet Member for Adult Social Care and Public Health, that

the County Council adopt the national minimum eligibility criteria for determining which adults with care and support needs meet Kent's eligibility criteria, from 1 April 2015, after taking into account the comments made by this Committee, be endorsed

Any alternatives considered:

The only lawful alternative to the above is for Kent's eligibility criteria to be more generous than the national minimum. A possible way to achieve this would be to state that an individual had to be unable to achieve only one of the specified outcomes rather than two or more. This is not recommended as it would seem to set the bar at a lower level than currently operates in Kent. Also, such an option will require Kent County Council to have a complex system in place which will separate out those costs that will count towards the cap (i.e. only those needs that meet the national minimum eligibility criteria). It is considered that this will be very difficult to operate and put into practice. It is also believed to be unnecessary as it will still be possible in exceptional cases to arrange care and support for people who fall below the minimum eligibility criteria if it is deemed to be appropriate to prevent or delay the development or increase in needs. In individual cases Case Managers always have the discretion to accept a person as eligible even when they do not strictly meet the criteria and this is thought to be sufficient to cover those cases, as now, that may be on the borderline of eligibility.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None.



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signed

15 DECEMBER 2014

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date

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Decision Referred to Cabinet Scrutiny			
YES		NO	

Cabinet Scrutiny Decision to Refer Back for Reconsideration			
YES		NO	

Reconsideration Record Sheet Issued			
YES		NO	

Reconsideration of Decision Published			