

# Care and Support - A Guide to Eligibility

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This fact sheet is to explain the national eligibility criteria that Lincolnshire County Council Adult Care uses to determine if you are eligible for care and support from us. The government has introduced a new national eligibility threshold to determine which people will be eligible for support. The changes are part of the Care Act which takes effect from April 2015. Eligible needs are those which if they are not being met by others, mean that Lincolnshire County Council Adult Care would have to ensure they are met by providing you with care and support.

Adult Care does not need to meet any eligible needs which can continue to be met by your informal carer or by other support arrangements - but we must make sure we assess your carers' needs if they need support to continue helping you. There are separate criteria for determining carers eligibility for support.

## How we decide your eligibility

The national eligibility threshold has three steps to deciding eligibility.

- Step 1 – Your needs must arise from or are related to a physical or mental impairment or illness
- Step 2 - As a result of your needs you are unable to achieve two or more of the 10 'eligibility outcomes' described below
- Step 3 - As a consequence of being unable to achieve two or more of these outcomes there is, or there is likely to be, a significant impact on your wellbeing

Your needs are eligible where they meet all three of these conditions.

## Interpreting the eligibility criteria

### Step 1 – Your needs arise from or are related to a physical or mental impairment or illness

The first condition that Lincolnshire County Council Adult Care must be satisfied about is that your

needs for care and support are due to a physical or mental impairment or illness and that they are not caused by other circumstantial factors. Adult Care must consider at this stage if you have a condition as a result of either physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse or brain injury. We in Adult Care should base our judgment on the assessment of you and a formal diagnosis of your condition should not be required.

## **Step 2 - As a result of your needs, you are unable to achieve two or more of the outcomes set out in the regulations**

The second condition that Adult Care must consider is whether you are “unable” to achieve two or more of the outcomes set out in the regulations. We must also be aware that the regulations provide that “being unable” to achieve an outcome includes any of the following circumstances, where you:

- Are unable to achieve the outcome without assistance. This would include where you would be unable to do so even when assistance is provided. It also includes where you may need prompting for example, you may be physically able to wash but need reminding of the importance of personal hygiene
- Are able to achieve the outcome without assistance but doing so causes you significant pain, distress or anxiety. For example, if you have severe arthritis, you may be able to prepare a meal, but doing so will leave you in severe pain and unable to eat the meal
- Are able to achieve the outcome without assistance, but doing so endangers or is likely to endanger your health or safety, or that of others – for example, if the health or safety of another member of your family, including any child, could be endangered if you attempt to complete a task or an activity without relevant support
- Are able to achieve the outcome without assistance but it takes significantly longer than would normally be expected. For example, if you have a physical disability you may be able to dress yourself in the morning, but it may take you a long time to do this and may leave you exhausted and prevent you from achieving other outcomes

## The 10 'Eligibility Outcomes'

The Eligibility Regulations set out a range of outcomes. Lincolnshire County Council Adult Care must consider whether you are unable to achieve two or more of these outcomes when making the eligibility determination. The following provides examples of how Adult Care should consider each outcome set out in the Eligibility Regulations (which do not constitute an exhaustive list) when determining your eligibility for care and support:

**a) Managing and maintaining nutrition** – We should consider whether you have access to food and drink to maintain nutrition, and whether you are able to prepare and consume the food and drink.

**b) Maintaining personal hygiene** – We should, for example, consider your ability to wash yourself and launder your clothes.

**c) Managing toilet needs** – We should consider your ability to access and use a toilet and manage your toilet needs.

**d) Being appropriately clothed** – We should consider your ability to dress yourself and to be appropriately dressed, for instance in relation to the weather to maintain your health.

**e) Being able to make use of the home safely** – We should consider your ability to move around the home safely, which could for example include getting up steps, using kitchen facilities or accessing the bathroom. This should also include the immediate environment around the home such as access to the property, for example steps leading up to the home.

**f) Maintaining a habitable home environment** – We should consider whether the condition of your home is sufficiently clean and maintained to be safe. A habitable home is safe and has essential amenities. You may require support to sustain your occupancy of the home and to maintain amenities, such as water, electricity and gas.

**g) Developing and maintaining family or other personal relationships** - We should consider whether you are lonely or isolated, either because your needs prevent you from maintaining the personal relationships you have or because your needs prevent you from developing new relationships.

**h) Accessing and engaging in work, training, education or volunteering** - We should consider whether you have an opportunity to apply yourself and contribute to society through work, training, education or volunteering, subject to your own wishes in this regard. This includes the physical access to any facility and support with the participation in the relevant activity.

**i) Making use of necessary facilities or services in the local community including public transport and recreational facilities or services** – We should consider your ability to get around in the community safely and consider your ability to use such facilities as public transport, shops or recreational facilities when considering the impact on your wellbeing. We do not have responsibility for the provision of NHS services such as patient transport; however they should consider needs for support when you are attending healthcare appointments.

**j) Carrying out any caring responsibilities the adult has for a child** – We should consider any parenting or other caring responsibilities you have. You may for example be a step-parent with caring responsibilities for your spouse's children.

### **Step 3 - As a consequence there is, or there is likely to be, a significant impact on your wellbeing**

The third element is that we must consider whether your needs and your inability to achieve the outcomes above cause or risk causing a significant impact on your wellbeing. The Care Act defines wellbeing like this:

“Well-being”, in relation to an individual, means that individual’s well-being so far as relating to any of the following—

- Being treated with dignity and respect
- Having physical and mental health and emotional well-being;
- Being protected from abuse and neglect;
- Having control by the individual over their day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
- Being able to participate in work, education, training or recreation;
- Having social and economic well-being;
- Having a family life and being able to form personal relationships;
- Be able to live in suitable accommodation;
- Feeling able to contribute to society.

Promoting wellbeing involves actively seeking improvements in the aspects of wellbeing set out above when carrying out a care and support function in relation to an individual at any stage of the process from the provision of information and advice to reviewing a care and support plan. Wellbeing covers an intentionally broad range of the aspects of a person’s life and will encompass a wide variety of specific considerations depending on the individual.

(Care Act Statutory Guidance, p.2)

Adult Care must determine how your inability to achieve the eligibility outcomes impacts on your wellbeing. Where you are unable to achieve more than one of the outcomes, we do not need to consider the impact of each outcome individually, but should consider whether the cumulative effect of being unable to achieve those outcomes is one of a “significant impact on wellbeing”. In doing so, we should also consider whether:

- Your inability to achieve the outcomes above impacts on at least one of the areas of wellbeing (as described in Section 1 of the Act in a significant way), or
- The effect of the impact on a number of the areas of wellbeing mean that there is a significant impact on your overall wellbeing

The term “significant” is not defined by the regulations, and must therefore be understood to have its everyday meaning. Adult Care will have to consider whether your needs and your consequent inability to achieve the relevant outcomes will have an important, consequential effect on your daily life, your independence and your wellbeing.

In making this judgment, Adult Care should look to understand your needs in the context of what is important to you. Needs may affect different people differently, because what is important to one person's wellbeing may not be the same in all cases. Circumstances which create a significant impact on the wellbeing of one individual may not have the same effect on another.

### **Considering needs met by carers in eligibility determinations**

The eligibility determination must be made based on your needs and how these impact on your wellbeing. Adult Care must only take into consideration whether you have a carer, or what needs may be met by your carer after the eligibility determination has been made. The determination must be based solely on your needs and if you do have a carer, the care they are providing will be taken into account when considering whether your needs must be met.

Lincolnshire County Council Adult Care are not required to meet any eligible needs which are being met by a carer, 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 therefore we must take steps to meet them without further assessment.

## Alternative Formats

If you would like to request a copy of our Care and Support - A Guide to Eligibility fact sheet in an alternative language or format please call **01522 782060**

### **Polish**

Informacja ta jest również dostępna w innym języku i formacie. Jeśli masz jakiegokolwiek pytania, prosimy zadzwonić pod numer wyżej

### **Russian**

Эта информация также доступна на другом языке и формате. Если у вас есть какие-либо вопросы, пожалуйста, позвоните по номеру выше

### **Portuguese**

Esta informação está também disponível em outro idioma e formato. Se você tiver alguma dúvida, por favor ligue para o número acima

### **Latvian**

Šī informācija ir pieejama citā valodā un veidā arī. Ja jums ir kādi jautājumi, lūdzu, zvaniet uz numuru, iepriekš

### **Lithuanian**

Ši informacija taip pat buvo pateikta kita kalba ir forma. Jei turite kokių nors klausimų, prašome skambinti numeriu aukščiau

### **Slovak**

Táto informácia je k dispozícii aj v inom jazyku a formáte. Ak máte nejaké otázky, zavolajte prosím na číslo vyššie