

ADULT SOCIAL CARE
POLICY ON ASSESSMENT
AND THE APPLICATION OF ELIGIBILITY CRITERIA
for
NON RESIDENTIAL CARE

Review Date September 2025

1. INTRODUCTION

- 1.1 The Social Work (Scotland) Act 1968 requires the Council to ensure resources are available to meet assessed eligible needs to a standard which will satisfy the Council that the person's eligible needs are being met.
- 1.2 Under Section 12A of the Social Work (Scotland) Act 1968 the Council has a duty to assess any adult (person over 18 years of age) who they believe may need community care services. The assessment of needs is used to determine whether a social care service is required to be put in place to meet those needs in line with eligibility for services.
- 1.3 Our duty is to promote social welfare and make available advice, guidance or assistance as appropriate and adequate. To do this we will work in partnership with individuals and their families / carers to assess needs.
- 1.4 The Council applies the National Standard Eligibility Criteria and waiting times for the Free Personal and Nursing Care of older people consistently across both adults and older people services.
- 1.5 Eligibility criteria assist the Council to achieve fairness, consistency and transparency in how decisions are taken.

2. GENERAL PRINCIPLES

- 2.1 The Council supports people to retain or regain as much independence as possible. Our assessment process focusses on the assessed person's capabilities, informal networks, and community capacity to achieve personal goals and outcomes before considering paid care.
- 2.2 In carrying out its functions the Council will have regard to the principles of involvement, informed choice, collaboration, dignity and participation
- 2.3 Not everyone who asks for social care or support is assessed as eligible to receive it. The application of eligibility criteria ensures that services and support are provided equitably, prioritised to those with the greatest needs, within the resources available
- 2.4 This policy applies to all community care services across adults and older people including occupational therapy assessments for aids and adaptations across all tenures
- 2.5 This policy does not apply to Carer's eligibility or Adult Carer Support Plans.
- 2.6 The assessment process and the eligibility criteria focus entirely on risk to independent living and wellbeing and does not discriminate between people's needs on the basis of any protected characteristic.

3. ASSESSMENT

- 3.1 The assessment process starts from the first time contact is made with social work services about the assessed person. Information will be gathered from the outset to enable us to properly consider the person's needs and outcomes.
- 3.2 The Council takes an outcomes based approach to assessment which focuses on what matters to the individual, what goals an individual has and what they want to achieve. The assessment may identify needs, outcomes and goals which do not meet the eligibility criteria for social care funding, and it should be recognised that the local authority has no statutory responsibility to pay for this.
- 3.3 If the assessment identifies that the individual is not eligible to receive paid care the Council will provide information and advice, and will offer to signpost to another service that can help the assessed person maintain their independence.
- 3.4 If care needs are urgent, or are to support hospital discharge, the Council may be able to provide some support based on an initial assessment. Provision of support in these situations may initially be for around six weeks, during which time we will continue to gather information and assess an individual's needs to determine eligibility for ongoing support.
- 3.5 From the information gathered at our initial contact it may be determined that a social work or occupational therapy assessment is required. This will usually be carried out within the individual's own home to allow the assessment team to observe the individual in their own environment. This may take more than one visit and dates will be arranged in agreement with the individual and their family / carer. The assessor(s) may come from a range of services and may be a;
- reablement worker;
 - occupational therapist or occupational therapy assistant;
 - district or community nurse; or / and
 - social worker or community care assistant
- 3.6 The assessment will be carried out in partnership and can involve relatives, carers or friends of the individual. If the individual needs help to make their views known then it may be helpful to think about also having an advocate or an interpreter in attendance. It is helpful for the assessment that the Council is informed of any specific requirements and who is going to be present during the assessment visits.
- 3.7 We will carry out this assessment as quickly as we can and provide updates on any waiting times for assessment. The individual, or their family / carer will be required to provide any additional information requested to enable the assessment to be completed. This may require us, with consent, to contact a GP or other third party professional.
- 3.8 The assessed person is entitled to a copy of the completed assessment subject to appropriate Data Protection law which may apply at the time and in the circumstances.
- 3.9 Once the assessment is completed a decision will be taken on whether the individual meets the eligibility criteria for the provision of any paid community care services. The decision will be made in line with any published service standards and individuals will be kept informed on progress throughout.

4. ELIGIBILITY

The assessment of needs and outcomes considers what risks there are to the individual, how severe these are and how urgently any intervention may be required to minimise or remove any risk. This indicates how critical an individual's needs are, and informs the Council if any assessed needs;

- can be met through informal supports, information, advice or universal services OR
- meet the eligibility criteria for paid social care support.

In emergency situations or post hospital discharge it may be that initial support and / or services are put in place for to minimise risk until a full assessment can be completed.

5. WEST LoTHIAN COUNCIL'S ELIGIBILITY CRITERIA

5.1 The use of eligibility criteria informs us whether assessed needs require the provision of services and the level at which those should be provided. Our resources are an important consideration in the setting of eligibility criteria and provision of services within West Lothian.

5.2 The threshold for paid care being provided in West Lothian is set at **substantial risk**. This means that people who have been assessed as having **any substantial or critical risks** are eligible for social care support.

Critical Risk – indicates that there are major risks to independent living or health and wellbeing. Health or care problems may be life threatening, or serious abuse or neglect has occurred or is suspected. There is an absence of any alternative support. Support required within 1-2 weeks.

Substantial Risk – indicates that there are significant risks to independent living or health and wellbeing. Serious impairment relating to health is resulting in an ability to consistently manage care. There is an absence of any alternative support. Support required within 6 weeks.

Moderate Risk – there may be some risks to independence or health and wellbeing. With support and advice risks can be managed for the foreseeable future with appropriate arrangements agreed for further review if necessary.

Low Risk – there may be some quality of life issues or be in need of advice and information.

Detailed definitions for each criteria are available on request from a social work centre or social care worker or online at www.westlothian.gov.uk

5.3 Our assessment considers all needs but primarily;

- Physical and mental health
- Personal care and home environment
- Participation in community life

Individuals who have critical or substantial needs within any of the above categories will meet the criteria for social care and support.

- 5.4 Eligible social care needs are those which the assessment has identified as not already being met through existing supports including family, friends and carers, and that require external support or services to be put in place.
- 5.5 The assessment also considers assistance for adaptations and equipment which may be eligible to be funded by the Council. Further information may be obtained from the Council's Scheme of Assistance.
- 5.6 The assessment process may consider other aspects of an individual's life, health and wellbeing and support for these may not be provided or may be limited. Assistance and guidance will still be provided where appropriate to signpost or provide information on other services which may be available.
- 5.7 If the individual is eligible for social care support then the council will also offer to undertake a financial assessment. The financial assessment will include a benefits check to ensure that the individual is in receipt of their full entitlements. The financial assessment may result in the individual being asked to make a contribution towards meeting the cost of any eligible social care.
- 5.8 If the individual has assessed eligible needs, the Council's policy on Self-directed Support (SDS) will be followed. SDS gives individuals informed choice about how they wish assessed eligible needs and outcomes to be met.
- 5.9 High cost care cannot be directly authorised by an assessor and is subject to an internal review process. This process includes a review of the assessment by senior managers and final approval by the Chief Social Work Officer, a Depute Chief Executive and the Head of Finance. This process shall be completed before final arrangements are put in place but interim care and / or support may be arranged whilst this review is being finalised. The Council has this review process to provide additional quality assurance and ensure that resources are appropriately allocated.

6 WHAT IF AN INDIVIDUAL IS NOT ELIGIBLE FOR SOCIAL CARE SERVICES

Resources are targeted to people who are in the greatest need and to allow them to maintain their independence and live safely. The Council does not have the resources and is not required to provide social care to everyone, or provide people with specific services as requested. Not everyone who approaches social work needs or is eligible for formal social care.

We will work with individuals and their relatives / carers to provide advice, guidance and assistance as alternatives to financial support e.g. housing, transport, welfare benefits.

7 EXISTING CARE PACKAGES

A change in circumstances, policy decisions, and the availability of resources may mean that a current care package no longer meets the eligibility threshold. If a care package needs to change at the point of review the individual will be supported to transition to any appropriate new model of care. Care and support will be continued during the review period while the social care worker, the individual and their family agree a transition plan.

8 ENQUIRIES AND COMPLAINTS

West Lothian Council seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. The first point of contact should be the assessor who has undertaken the assessment.

If an individual feels that the outcome of their enquiry is unsatisfactory, then the individual is entitled to pursue this through the West Lothian Council social work complaints procedure. Details are available on request and on the Council's website www.westlothian.gov.uk

The provision of care and support will continue during the period of any enquiry or complaint.

9 RELATED LEGISLATION AND WEST LOTHIAN COUNCIL POLICIES

This policy complies with the following core legislation which continues to be the legal basis for assessment in West Lothian Council;

- The Social Work (Scotland) Act 1968
- Chronically Sick and Disabled Persons Act 1970
- The NHS and Community Care Act 1990
- The Human Rights Act 1998
- Data Protection Act 1998
- Adults with Incapacity (Scotland) Act 2000
- The Regulation of Care (Scotland) Act 2001
- Community Health and Care (Scotland) Act 2002
- Mental Health (Care and Treatment) (Scotland) Act 2003
- The Adult Support and Protection (Scotland) Act 2007
- Social Care (Self-directed Support)(Scotland) Act 2013
- The Carer's (Scotland) Act 2016
- West Lothian Council Policy on the application of hourly rates for the purchase of registered agency services under Self-directed Support Option 2 ('SDS Option 2 Policy')
- West Lothian Council Policy on Self-directed Support ('SDS Policy')
- West Lothian Council Eligibility Criteria for Carer Support ('Carer's eligibility')
- West Lothian Council Policy on Contributions for non-residential adult social care ('Contributions Policy')

10 UPDATES

This policy will be updated annually. Up to date information will be published on the council's website www.westlothian.gov.uk.

DOCUMENT ENDS