

Age Alliance Wales

Care and Support Eligibility (Wales) Regulations 2015

Response to Health and Social Care Committee



National Assembly for Wales / Cynulliad Cenedlaethol Cymru
[Health and Social Care Committee / Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)

[The Care and Support \(Eligibility\) \(Wales\) Regulations 2015 / Rheoliadau Gofal a Chymorth \(Cymhwysra\) \(Cymru\) 2015](#)

Evidence from Age Alliance Wales - CSR 07 / Tystiolaeth gan Cynghrair Henoed Cymru - CSR 07

Age Alliance Wales (AAW) is the alliance of 19 national voluntary organisations committed to working together to develop the legislative, policy and resource frameworks that will improve the lives of older people in Wales.

The following 19 organisations represent Age Alliance Wales: Age Connects Wales, Age Cymru, Alzheimer's Society Wales, Arthritis Care, Care and Repair Cymru, Carers Wales, Contact the Elderly, Carers Trust Wales, Cruse Cymru, CSV -RSVP Wales, Deafblind Cymru, Disability Wales, NIACE Cymru, Prime Cymru, RNIB Cymru, Action on Hearing Loss Cymru, The Stroke Association and Volunteering Matters.

1. Age Alliance Wales (AAW) was pleased to have the opportunity to participate in the Welsh Government Technical Groups. Feedback from members showed the groups were viewed as positive and constructive.
2. AAW believes that a new national eligibility framework will be beneficial to older people providing that the criteria for eligibility is fair and adherence to framework is monitored. The level of eligibility needs be set at a fair and reasonable point; setting the benchmark too high would create a barrier to accessing vital care and support services for many.
3. AAW is a keen champion of the role of preventative services in maintaining and enhancing the well-being of older people. We were therefore pleased to note paragraph 2.24 of the Code of Practice which states: *Even where a determination of eligibility is made there remains a duty on the local authority to support people to access any appropriate community based services where these contribute to meeting the person's well-being outcomes.*
4. However, in the light of recent public sector cuts to adult community learning classes, libraries and day centres, we question whether local communities are ready and able to offer the variety and range of preventative services required to support older people with low level needs. It may well be that the development of

new and innovative ways of working alongside increased partnership working between sectors, will lead to an increase in the availability and quality of preventative services, but this is currently not the case.

5. AAW believes that older people should be involved in the design, planning and delivery of services. With local authorities holding sole responsibility for commissioning health and social care services, it is unclear how meaningful engagement with older people will be achieved. Furthermore, with voluntary organisations experiencing budget cuts and being required to deliver more for less, meaningful engagement with older people is being compromised.
6. AAW shares the concerns of the Carers Alliance and Age Cymru that the Bill, in aiming to achieve an increased focus on people's strengths, capacity and capabilities, could result in additional demand and expectation being placed on unpaid carers to meet the care and support needs of the people they care for. It is vital that primary and secondary legislation provides a clear legal framework for the decisions which need to be made by local authorities in these matters.
7. AAW was pleased to note that the Act's primary and secondary legislation relating to assessments stated that needs assessments SHOULD NOT include a consideration of the willingness or availability of a carer to provide care and support. However the 'can and can only' eligibility test contradicts this by stating that consideration of the availability of 'others who are willing to provide that care' SHOULD be included.
8. In light of the above, AAW shares the concern of Age Cymru and the Carers Alliance regarding the withdrawal of Regulation 7 from the original consultation draft. Regulation 7 stated that a local authority should disregard care given by a carer in when assessing need and eligibility. The withdrawal of the regulation could lead to a situation where carers are placed under undue pressure and lack the support they need to care adequately for a relative or friend.
9. There is a lack of clarity in the regulations and guidance regarding how the effectiveness of preventative services will be monitored. As detailed in highlighted in paragraph 3 of this document, cuts to local authority services and reductions in income for voluntary organisations are seriously reducing the number and range of preventative services available to an older person. Consequently, it is vitally important to have effective mechanisms in place that monitor whether community preventative services are being successful in supporting older people to achieve their stated outcomes.
10. AAW shares concerns expressed by RNIB Cymru and Action on Hearing Loss Cymru that assessors carrying out the eligibility test may not have the skills to make an informed assessment of the needs of someone with sight loss or who is deaf or with hearing loss. People with sight loss should have access to specialist

assessments from someone such as a rehabilitation officer for the visually impaired. People who are deaf or have hearing loss should have access to assessments carried out by specialist social workers for the deaf, or suitably qualified and trained social workers, in line with the ADSS' best practice guidance.

11. AAW shared the concern of RNIB Cymru and Action on Hearing Loss Cymru that the first draft of the eligibility regulations failed to reference the barriers to accessing information faced by people with communication needs. People with little or no sight are at a major disadvantage when accessing information and when communicating independently. This applies also to people with hearing loss if services rely on telephone contact and also people who use British Sign Language and for whom English or Welsh could be a second language. We therefore welcome the change made to the eligibility criteria following public consultation, to include the ability to communicate in regulations 3, 4 and 5. However we would recommend that this is reworded to say "ability to communicate or access information."
12. It has not been specified by the Act or in any secondary legislation drafted to date whether specialist habilitation and rehabilitation for people with sight loss will or should be provided as a community-based preventative service, or as a service provided by a local authority that would require an assessment of eligibility to access support. This implies that this would be a decision for local authorities to make, on the basis of their population needs assessment, and may result in differing service structures in different local authority areas. AAW shares the concerns of RNIB Cymru that this will result in inconsistent experiences for blind and partially sighted people across Wales.
13. AAW is concerned that if charging for preventative services is introduced, it will have a negative impact on older people by potentially deterring them from accessing services that maintain well-being and prolong their ability to live independently. The cost of deterring people from accessing preventative services will ultimately be met by the NHS.