

HOW ELIGIBILITY WORKS



'Eligibility' is meant to be a minimum guarantee, or a safety net. If a council has decided a need is 'eligible', they have to meet it, no matter the cost.

The problem is that councils treat 'eligibility' not as a minimum, but as the total offer to you. Consequently, they decide a need is 'eligible' only if they happen to have the resources to meet it.

But they are supposed to follow certain rules. There are two in particular;

1. Instead of the nine wellbeing areas the Care Act 2014 sets, the need must relate to one of ten 'eligibility outcomes'. They are listed on the next page alongside the wellbeing areas. You will see they are narrower than the wellbeing areas. For example, there is no mention of emotional wellbeing or of having control over your life, and your home has only to be 'habitable, not 'suitable'. (For a person to have any needs considered 'eligible', at least two of these 'eligibility outcomes' must be affected. However, this is rarely used in practice).
2. The need must have a 'significant impact on your wellbeing'. This must be judged by what is important to you, Wellbeing under this rule does refer back to the nine areas of wellbeing in the Act. This means that every need in your self-assessment will meet this rule. Otherwise, you would not have put it in your self-assessment.

A need might meet the second rule, but not the first. ***If that is the case, the Act says the council still has a responsibility for it.***

- The Act says councils have the **power** to meet any need it says does not meet the two eligibility rules
- It says they **must** make a decision as to whether or not they will meet it
- It says they **must** inform you in writing of their decision

If the council decides they cannot meet the need now, that is not the end of the story. They should keep the situation under review. The need does not go away.

In practice, however, councils never do this. They act as if the only needs they have a responsibility for are ones they say are 'eligible'.

| THE WELLBEING AREAS <i>In the Care Act 2014</i> | THE ELIGIBILITY CRITERIA <i>Used by Councils</i> |
|---|---|
| <ol style="list-style-type: none"> 1. Your personal dignity (including your treatment with respect) 2. Your physical and mental health and your emotional well-being 3. Protection from abuse and neglect 4. Having control over your day-to-day life (including over your care and the way in which it is provided) 5. Your participation in work, education, training or recreation 6. Your social and economic well-being 7. Your domestic, family and personal relationships 8. The suitability of your living accommodation 9. Your contribution to society | <ol style="list-style-type: none"> 1. Managing and maintaining nutrition 2. Maintaining personal hygiene 3. Managing toilet needs 4. Being appropriately clothed 5. Being able to make use of your home safely 6. Maintaining a habitable home environment 7. Developing and maintaining family or other personal relationships 8. Accessing and engaging in work, training, education or volunteering 9. Making use of necessary facilities or services in the local community, including public transport 10. Carrying out any caring responsibilities you have for a child |