



Cabinet
25 July 2016

**Report from Strategic Director of
Adults Social Care**

For Action

Wards Affected:
ALL

Adult Social Care – Charging for Services

1.0 Summary

- 1.1 In March 2016 Cabinet agreed to consult with current and future recipients of adult social care services on 3 minor changes to the existing charging policy. The proposal for change is as follows:-
- a. The introduction of new single charging policy which would include how Adult Social Care will charge for non-residential care and housing related support and residential care service in the future.
 - b. Using the Department for Works and Pension benefit entitlement information to undertake the financial assessments in the future
 - c. The introduction of an average charge of £29.07 where it has not been possible to undertaken a financial assessment using the DWP information
- 1.2 The Council has now completed a thirty days consultation on proposed changes. This report outlines the responses to that consultation, the potential impact on the residents and resulting recommendations taking into account the feedback that has been received from current and future users of Adult Social Care Services.
- 1.3 A summary of the consultation process and outcomes is included within the report.

2.0 Recommendations

- 2.1 Cabinet to note the responses received during the thirty days consultation from 25 April to 27 May 2016.

- 2.2 Cabinet to give approval for officers to implement a single charging policy which combines the existing Fairer Charging Policy for housing related support and CRAG related to charging for residential care services.
- 2.3 Cabinet to note that the new charging policy includes residents supported through the Shared Lives scheme under Fairer Charging.
- 2.4 Cabinet to agree to the use of Department Work and Pension (DWP) information to undertake financial assessment for all new customers.
- 2.5 To approve an average charge of £29.07 for customers in receipt of services and where information cannot be obtained from the DWP, Housing Benefit or Council Tax systems. The charged will be made from the time that the service commences up until a financial assessment can be completed.

3.0 Background

- 3.1 The current Adult Social Care charging policy for non-residential care and housing related support is based on the published Fairer Contribution Policy. This policy is based on government guidance, which states that a council can choose to charge for non-residential care services, subject to certain minimum levels of income.

3.2 Current charges

- 3.3 ***Non-residential care and housing related support charges*** are applied as follows:

- a. Non-residential care and housing related support (including extra care) provided under Section 29 National Assistance Act ['NAA'], Section s Chronically Sick and Disabled Persons Act 1970 ['CSDPA'], Section 45(1) NHS Act 2006, Section 8 Residential Homes Act 1980 and Section 2 Carer and Disabled Children Act 2000.
- b. Day services including transport, if provided.
- c. Any non-residential care and housing related support based care packages through Personal Budgets or Direct Payments.
- d. Tele care/assistive technology.
- e. One-off services (for example, intensive house cleaning).
- f. Telephone line rental and TV licences.
- g. Respite Care Services.

3.6 Residential Care Charges

Current residential care charges are applied by using the Department of Health Guidance paper 'Charging for Residential Accommodation Guidance' (CRAG). The paper provides statutory guidance to local authorities on how to interpret the regulations on charging for residential care.

The National Assistance Act 1948 underpins this guidance. The financial assessment is made using the National Assistance (Assessment of Resources) Regulations 1992.

4.0 Proposed Changes to the Charging Policy and Process

4.1 In March 2016 Cabinet agreed to consult with current and future service users on the following proposal:

- a) A single Charging Policy which brings together the current regime for charging for non-residential care and housing related support, and residential care under one document and in accordance to the requirements of the Care Act 2014.
- b) The implementation of light touch assessments which will reduce the requirement to visit clients receiving new services by using the data readily available within the Department of Works and Pension system relating to benefits entitlement as well as the councils housing benefit and council tax systems.
- c) Charging an average of £29.07 for clients in receipt of services but who have not yet had a financial assessment undertaken due to information being unavailable.

4.2 The results of the consultation were in the main positive towards the proposed change. This report recommends to Cabinet to agree the above changes to the charging regime for Adult Social Care. The benefits included reduced financial assessment visits for residents, less forms to be completed, accurate charging and transparency in the way charges for adult social care services are made.

5.0 The Consultation Process and Impact

5.1 Over the 30 days consultation process two stakeholder meetings were held. The first stakeholder meeting provided the opportunity for stakeholders to help design and comment on the on-line survey. The on-line survey went live on 25th April 2016 and closed on 27th May 2016

5.2 For both stakeholder meetings notes were taken by those presenting the information in relation to the proposal. Questions were raised

concerning the proposals and all questions were appropriately responded to at the meetings. There was a request for more information in relation to Disability Related Expenditure (DRE) and personal allowance. This information was provided at the second stakeholder meeting.

5.3 Stakeholders primary concerns were as follows. They:

- wanted to know what was included in a financial assessment calculation
- 2 residents wanted to know if customers had to give permission to the Council to access their DWP information
- 1 resident wanted to ensure enough time was allocated to the consultation period and requested that the consultation be extended by 5 days to take into consideration an end of the week closure rather than the beginning of the week
- 1 resident wanted to know how customers identified for reablement services will know that there would not be a charge for up to six weeks
- 1 resident wanted to know what constituted a Disability Related Expenditure
- There were X issues around customers not having a computer to exchange information with the Council.

5.4 In response to the above issues and concerns it was explained what was included within a financial assessment, what was disregarded and the types of Disability Related Expenditure (DRE) that would be considered within the calculation. Assurance was provided that the process would be open and transparent and that engagement with stakeholders was essential to ensure full understanding of how the financial contribution charges are calculated, applied and the timescales for informing customers of when the charges for their services will commence.

5.5 It was further explained that customers had already given their consent to the DWP to share data with other government agencies, including Local Authorities and that reablement customers are told by social workers that the reablement service is free for six weeks at the point when their reablement service commences. However, if it is necessary for ongoing care to continue after the six weeks this would be subjected to a financial assessment contribution. The response to this question also included information around means testing for Adult Social Care services and only those customers identified that can afford to pay will be charged a financial contribution.

5.6 In addition to the above issues raised stakeholders generally thought that combining the existing charging policies made sense and welcomed the use of DWP information to undertake financial assessments. One comment which had been made at the first stakeholder meeting was in relation to a stakeholder's brother who

lived in another borough and had their financial contribution calculated using DWP information. It was a positive experience for the brother as he did not have to find information or complete forms.

- 5.7 There were no comments made in relation to the proposal to charge the average cost of £29.07 per week where it had not been possible to undertake a financial assessment using the DWP information. It was explained that this was being introduced to ensure all income was being accounted for and that the charge was adjusted when a financial assessment was completed. If the financial assessment demonstrated that the customer should contribute more than the average charge of £29.07 per week then the new higher charge would commence from the day the customer was informed of the new charge. Should the financial assessment demonstrate that the customer should pay less than £29.07 per week then the difference would be reimbursed to the customer and backdated to when the customer was informed of the average charge being made towards their care.
- 5.8 A weekly check was undertaken to analyse the on-line survey responses to the consultation, however there were no returns. It was considered that the face to face interaction with stakeholders provided a more qualitative response to the proposal where clarity of information could be better exchanged and concerns addressed.
- 5.9 The financial assessment staff undertook formal training on the DWP system and used a small sample of customers in a test environment to pilot the new proposed system and identify any potential issues. The exercise was measured against the current manual process for undertaking financial assessments and it was found that using the DWP information was accurate, saved time in terms of visiting clients and involved less administration.
- 5.9 Members are referred to Appendix A for further details of the consultation. Following consideration of the consultation, officers continue to regard the proposals as appropriate.

6.0 Financial Implications

- 6.1 The annual forecast for income received from client contribution in 15/16 is £8.3m. The additional annual income to be generated from moving to the light touch assessments is estimated to be £200,000 per annum. This saving forms a contribution to the Council's customer access service saving target.
- 6.2 On average, financial assessments are forecasted to be completed 3 days earlier (based on previous client visits), saving 1.5 hrs officer time per appointment. The assessed charge can be made from the day the service commences (3 days earlier), and this will result in recognising income sooner.

6.3 Quicker determination of the assessed charge and reduction in staff time and current procedures cannot be fully quantified until this process has been implemented, but the availability of DWP information will streamline the process and reduce the requirement to visit clients receiving new services.

7.0 Legal

7.1 Cabinet should satisfy itself that the consultation undertaken has abided by case law which states that consultations must contain four elements:

- a. It must be at a time when proposals are still at a formative stage
- b. It must give sufficient reasons for any proposal to permit intelligent consideration and response
- c. Adequate time must be given for any consideration and response
- d. The result of the consultation must be conscientiously taken into account in finalising any proposals

7.2 In order to comply with element d above for proper consultation, members of cabinet should ensure that they have familiarised themselves with the views expressed during the consultation period and ensure that those views are taken into account in any decision made.

7.3 When a Local Authority is considering amending policies it should assess the actual or likely effect of its policies on those with a protected characteristic in the community. An Equality Impact Assessment will also be completed to assist Cabinet in its decision making

8.0 Diversity Implications

8.1 The Care Act 2014 changes the ways councils can charge and assess customer's financial resources by creating a clear, consistent and fair way of assessing what people can afford to pay for their care and support. Services provided will be means tested to ensure the person receiving care can afford to pay and also takes into account any further considerations. The minor changes proposed has been subjected to consultation and in doing ensures residents are aware of the potential changes to the policy and that the policy will apply fairly to everybody irrespective to their protected characteristics and in line with the Public Sector Duty under the Equality Act 2010.

8.2 A Equalities Impact Assessment Screening has been completed, as well as a full equalities impact analysis in accordance with our duties under the Equality Act 2010 through the consultation process. This

has taken into consideration a privacy impact assessment in relation to the use of resident's information.

9.0 Background Papers

Report to Cabinet – 25th July 2016

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