



Executive - appendices: fairer contributions

Monday, 19 September 2011 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

John (Chair)	Leader/Lead Member for Corporate Strategy and Policy Co-ordination
Butt (Vice-Chair)	Deputy Leader/Lead Member for Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults and Health
Powney	Lead Member for Environment and Neighbourhoods

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The press and public are welcome to attend this meeting

Agenda - appendices: fairer contributions

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

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Local authorities have discretionary powers to charge adult recipients of non-residential services. The decision as to whether or not to charge and how to charge are matters for local choice subject to public law principles and must comply with the Department of Health's 'Fairer Charging' guidance, issued in 2003. Following consultation with service users, this report recommends that Members agree to adopt a revised policy, namely the Brent Council's Fairer Contributions Policy [the 'policy'] which will ensure that practice in Brent is in line with Department of Health's Guidance.

Ward Affected:
All Wards

Lead Member: Councillor
Contact Officer: Alison Elliott, Director of Adult Social Services
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

Date of the next meeting: Monday, 17 October 2011



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

London Borough of Brent

Draft

Fairer Contributions Policy

(Non-Residential Care & Housing Related Support)

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1. Background

- 1.1 Under s.17 of the Health and Social Services and Social Security Adjudications Act 1983 a local authority has a power to charge for non-residential services provided under s29 National Assistance Act, s45(1) NHS Act 2006, s8 Residential Homes Act 1980 and s2 Carer and Disabled Children Act 2000 where the charge is reasonable and the service user has means to pay. This means that the Council has discretionary powers to require adult recipients of non-residential services to contribute to the cost of any services.
- 1.2 This policy was written to comply with the requirements set out in “Fairer Charging for Home Care and other non-residential Social Services” Guidance issued by the Department of Health in September 2003 and the subsequent Fairer Contributions Guidance issued in 2010.
- 1.3 The Policy has also taken into account the Audit Commission’s guidance on good practice in the design of charging policies to ensure that consideration has been given to the use of targeted public subsidy to promote Council’s broader social inclusion objectives.

2. Guiding Principles

- 2.1 Guiding Principles - there are 5 principles that support the proposed policy, namely to make sure that the Council:
 - a. Recovers contributions from service users for non-residential services based on the service user’s ability to pay. It is intended that no one would be put in a position of financial hardship as a result of this charging policy as a maximum contribution will be set at either the full cost of the services provided or at a level that affords the service user a basic living allowance whichever is the lowest.
 - b. has a clear and transparent contributions policy which is easy to understand and is consistently applied to all service users, taking into account their individual circumstance and needs.
 - c. provides an early notification to service users of their contribution to non-residential care costs.
 - d. ensures that service users have an opportunity to maximise welfare benefits thus maximising their ability to contribute to their non-residential care costs.
 - e. ensures administrative efficiency and convenience for service users (including netting of service user contributions at the point of resource allocation for personal budget).

3. What support is covered (scope and exclusions)

- 3.1 This policy applies to the following:

- a. Home/Domiciliary Care services provided under s29 National Assistance Act, s45(1) NHS Act 2006, s8 Residential Homes Act 1980 and s2 Carer and Disabled Children Act 2000.
- b. Day services including transport, if provided. It does not include those in Residential placements under s21 National Assistance Act 1948, , who receives a day service, as these are part of the package of care that they are already contributing towards under alternative statutory provision.
- c. Any community based care packages through Personal Budget.
- d. Telecare/Assistive Technology.
- e. Meals on wheels will continue to be invoiced separately at a flat rate on the basis that they are a substitute for ordinary expenditure.
- f. One-off community care services (for example, intensive house cleaning)
- g. Telephone line rental/TV licences. However, this would be charged at cost. (This does not include telephone line rental/TV licences in sheltered or extra care housing where separate Housing charges may apply).

4. What support is not covered

4.1 There are a number of circumstances in which service users will not be asked to contribute towards their care or support cost. These include those being provided with care or support:

- a. under Section 117 of the Mental Health Act 1983 (after care services).
- b. who have any form of Creutzfeldt Jacob Disease.
- c. paid for in full by a Primary Care NHS trust.
- d. in intermediate care setting, re-ablement for up to six weeks or as part of short-term/ rehabilitation or extended stay (for example, following a stay in hospital).
- e. Where the Council is satisfied that any contribution would lead to exceptional hardship it reserves its discretion not to require a contribution (in full or in part).
- f. Services provided to relevant and former relevant children under the Children Act 1989 are not required to contribute towards the cost of any provision under this policy.
- g. basic aids and adaptations equipment where provided will be provided free of charge.

4.2 Examples (not an exhaustive list) of exempt support are stated below.

- a) Services provided directly to carers (under section 2 Carers and Disabled Children's Act 2000) to support them in their caring role. Where housing related support is offered to carers outside the social care system, different eligible and charging arrangements may apply.
- b) Provision of Information, Advice and Guidance and undertaking community care assessments.

5. Application of this policy

This policy applies to all service users accessing the support listed in 3 above.

6. Financial Assessment

- 6.1 The Council will positively seek to complete a financial assessment for all service users as soon as possible unless they -
- a) are exempt as described under section 4 of this policy.
 - b) choose not to be financially assessed. Service users who choose not to be financially assessed will be required to pay the full costs of support provided.
- 6.2 A financial assessment will be undertaken as soon as the Supported Self-Assessment has been carried out. At the point of needs assessment, the practitioner or support worker will also advise that there may be a contribution to the costs of the support. The Financial Assessment Team will offer a face to face meeting to complete the financial assessment form and undertake a full benefits check, advice and practical support to apply for benefits they might be entitled to claim.
- 6.3 Where the service user opts for the direct payment element, all contribution to support costs will be deducted prior to any direct payment being made available.
- 6.4 This total contribution will not exceed the full cost of support or reduce the service user's income below the basic living allowance calculated as set out in paragraph 7.1 below. If an individual chooses to take a social care support commissioned by London Borough of Brent that therefore will result in an invoice being issued, the individual will receive one itemised invoice for support received in every four-week period.

7. How the contribution is calculated

- 7.1 When the Council assesses a service user's ability to pay a contribution towards the cost of their support, it ensures that each individual maintains a portion of their income that is at least the level of basic living allowance. This allowance is equal to the basic level of income support (IS) or pension guarantee credit (PGC) plus an additional 25% of this amount, as a buffer. The calculation of basic living allowance (Income Support Threshold) is as stated below.

$\text{Basic living allowance} = \text{IS or PGC} + (\text{IS or PGC} \times 25\%)$

The Capital Threshold and the Basic Living Allowance are updated annually and accord with the levels set within CRAG and by the DWP respectively.

- 7.2 The maximum contribution per week is calculated using financial information received from service users and other information available to the Council. The calculation will take account of relevant income and capital. The income that will be taken into account includes all the

benefits received by service user (except those listed in paragraph 7.8 and 7.9 below), State Pension and Occupational Pensions; any other income; and capital.

- 7.3 Savings between the lower threshold (as set out in CRAG) and the upper threshold will attract a surcharge of £1 per week for each £250 (or part of £250). For example, if a service user has savings of £17,250 the notional income would be £12 per week being £17,250 less £14,250 (= £3,000) divided by £250 (= £12).
- 7.4 Capital includes any savings in bank or building society accounts; National Savings bank accounts; PEP, ISA or TESSA accounts; SAYE (Save as Your Earn) schemes; cash; Premium Bonds or National Savings Certificates; stocks, shares, trust funds and investments; invested in property, building and land (rental income will be included); and which someone else is holding on behalf of service user.
- 7.5 If there are joint savings with husband, or wife, or partner, only 50% of the total amount will be taken into account.
- 7.6 In calculating the maximum contribution, the value of the main residence occupied by the service user will be ignored (if the property is subsequently sold, such liquid capital that results for the service user will be subject to financial assessment). However, if service user owns a second property, this will be taken into account. The maximum contribution, subject to paragraph 10, will be the full cost of care.
- 7.7 Service users will be assessed in their own right, and the income of their carer, parent or partner/spouse will not be taken into account.
- 7.8 There are some incomes, which are partly or wholly disregarded in the calculation of the maximum charge. These include:
- the mobility part of Disability Living Allowance;
 - £10 of a War Pension or War Widow's Pension;
 - payments from the Independent Living Fund - the Department of Health issued a draft guidance document in 2000 in which it stated that service users receiving financial support from the ILF should have their contribution to the ILF considered as a disability related expense within the assessed charge for non-residential services.
 - child benefit and child tax credit;
 - the part of Attendance Allowance and Disability Living Allowance (care component) that covers care at night;
 - working tax credit;
 - disabled person's tax credit;
 - maternity allowance;
 - charitable income;
 - the savings part of Pension Credit; and
 - ex gratia payments made to former Far Eastern prisoners of war;
 - payments made under the Vaccine Damage Payment;

- Compensation from personal injuries awards are disregarded for assessment purposes for a period of 52 weeks, with the exception of any part of the award provided to meet care costs. There are specific circumstances under which these compensation payments are fully disregarded for assessment purposes and it will not always be possible to ask recipients of these awards to make a contribution. Where service users are in receipt of compensation for personal injuries, their contribution will be considered on a 'case by case' basis.

7.9 Housing costs, mortgage, rent or Council Tax (net of related benefits) will be deducted from the relevant income, as stated in paragraph 7.2 above, before calculating the maximum contribution.

7.10 Disability Related Expenses (DRE) – this will be considered when the extra cost is needed to meet a service user's specific need due to a condition or disability as identified in the service user's assessment. The Council will disregard these costs from any income where it is satisfied that the cost has been incurred by the service user as a result of their disability, and it is not reasonable for a lower cost alternative item or service to be used. Receipts may be requested. DRE will be assessed on a case by case basis in accordance with the guidelines set out by NAFAO.

7.11 Non-disability related expenses – the calculation of the maximum contribution will take into account such expenses as referred to in the Department of Health Guidance. Some expenses (for example, household content insurances, water rates, etc.) are deemed to be afforded by the service user from their prescribed protected income. Brent Council will seek to allow additional costs, together with other essential expenses such as service charges and ground rent that owner/occupiers incur if they are not receiving related benefits to cover those costs. Essential expenses may include home maintenance (where this is not provided by a third party e.g. landlord or Council and required for the health and safety of the service user e.g. electrical, heating system repairs, home accessibility) and payments under court order (e.g. child maintenance).

7.12 Dependants - the calculation of the maximum contribution will take into account the financial implications for service users who have children up to 18 years of age, (and rarely, adults) who are financially dependent on them. Children will continue to be considered as dependants on receipt of proof that they remain in full time education after their 18th birthday.

7.13 The assessable income is worked out by:

adding together all identified weekly income and then subtracting;

- a) any costs for housing;
- b) any income that must be disregarded under this policy;
- c) any disability-related expenditure; and
- d) the Basic Living Allowance.

The result is the assessable income. The maximum that a service user could be asked to contribute each week will be the lower of the assessable income and the full cost of the support being received. A breakdown of how the contribution has been calculated will be provided to the service user. Examples of how the Council might work out the maximum contribution are shown below.

Example of how contribution is calculated (using 2011/12 thresholds)

No financial information declared

= *Full Cost*

*

Customer savings £23,250 or more

= *Full Cost*

*

Customer savings under £23,250

**Customer Income
(Incl. Tariff Income on savings)**

less

**Basic Income Level
(Basic IS / PCGC + 25% extra)**

and

**Customer Expenses
(Housing + Disability)**

leaves

Assessable Income

Chargeable Income

charge lower of

- a) Assessable Income**
- b) Cost of Service**

8. Financial Assessment of Couples

- 8.1 In the event of shared capital, benefits or other forms of income, the financial assessment will seek to identify such shared sums and they will be apportioned between all relevant parties. Financial assessments will also consider disability related expenses of both parties, whether one or both are service users.
- 8.2 Whilst all circumstances will be taken into account for the purpose of calculating the maximum charge to ensure that the outcome does not financially disadvantage either party, whether or not they are a service user, it is the responsibility of the service user or anyone acting on their behalf to notify the local authority of those circumstances. Financial assessment would be applied on the basis of joint assets if it were considered advisable that a couple could possibly benefit from being jointly financially assessed. A couple is defined as two people who are married or in civil partnership or are living together as if married or in civil partnership.

9. Earned income disregard

- 9.1 This Policy will disregard a service user's earnings as defined in the "Charging for Residential Accommodation Guidance" (CRAG).

10. Decline to provide financial details

- 10.1 Service users have the right to choose not to provide their financial details to the Council. In such cases, the Council is unable to undertake a financial assessment, and the service user will be charged for the full cost of support they may receive.

11. Delays in completing the financial assessment

- 11.1 If a service user unreasonably delays completing the financial assessment they will be required to pay the full cost of the support provided, until a financial assessment is completed. If a financial assessment results in a lower charge any re-imbusement to the service user will be at the discretion of the Council and will require the service user to demonstrate exceptional hardship. Where the service user or representative prefers to complete the financial circumstances statement by post, then it is expected that this will be returned to the Council within 2 weeks.
- 11.2 If further information is required for the financial assessment then it is expected that the service user will provide this within 2 weeks of the date it was requested.
- 11.3 The Council aims to complete financial assessment within 14 days of a request for assessment.
- 11.4 Where the financial assessment is likely to exceed the 14 days due to the complexity of the assessment then the Council will, by agreement with the service user or their representative, agree an interim level of contribution based on the information available at that time. Where, on

completion of the assessment, the service user is assessed to pay a lower contribution than the interim figure the Council will re-imburse the full amount owed with interest at 2% above the Bank of England base rate. In the alternative, if the service user is assessed as requiring to pay a larger contribution than the interim figure the Council will invoice for the difference without interest. Payment is expected within 21 days after which interest of 2% above the Bank of England's based rate will become payable, Alternatively, if services are received by way of Direct Payment the Council may agree to recover the monies owed incrementally by reducing the weekly direct payment payments, provided that the Council is satisfied that the service user is able to continue to meet their eligible needs.

12. Effective point of charging

- 12.1 All service users will be informed on confirmation of their support plan (or as soon as possible for housing related support) of the contribution, unless 11.4 applies. The service users will be expected to contribute towards the cost of the services received from the date that the Council advises them of their assessed contribution (usually at sign off of the care/support plan). If this is done verbally, then this will be confirmed in writing within 7 days. No contribution will be payable prior to support being provided, nor will any contribution payment commence prior to the service user agreeing to accept the services on the basis that they will contribute to the assessed cost.
- 12.2 It is the responsibility of the service user to advise the Council of any change in their financial circumstances as this may prompt a review of their contribution.
- 12.3 Any increase in contribution due to an award or increase in benefit entitlement will take effect from the date of the award.
- 12.4 Any increase in contributions due to an increase in other income or amount of capital held will take effect from the date of change in circumstances.
- 12.5 In the event of a reduction of income or benefit received, any amendment to the assessed contribution will take effect from the date of the change in circumstances, provided the Council is advised of the change in circumstances within two weeks.
- 12.6 Billing for assessed contribution will cover a four-week period.

13. Deprivation of Capital

- 13.1 Where the Council believes that a service user has deprived himself of a capital asset in order to reduce his contribution the Council will treat the service user as still possessing the asset.
- 13.2 The Council would decide from available evidence whether the service user owned the capital.

- 13.3 It is up to the service user to prove that they no longer have a resource. Failure to do so will result in the Council treating the service user as if they still possess the actual capital. Examples of acceptable evidence of the disposal of capital would include: a trust deed, deed of gift, receipts for expenditure, proof that debts had been repaid.
- 13.4 The timing of the disposal will be taken into account when considering the purpose of the disposal.
- 13.5 Where, for the purpose of avoiding or reducing the contribution, capital which would not have been disregarded has been used to acquire personal possessions, the current market value of those possessions should be taken into account as an actual resource. Their market value should not be disregarded.
- 13.6 If the service user, in depriving himself of an actual resource, converted that resource into another actual resource of lesser value, he should be treated as notionally possessing the difference between the value of the new resource and the one which it replaced e.g., if the value of personal possessions acquired is less than the sum spent on them the difference should be treated as a notional resource.
- 13.11 If the Council decides that the service user has disposed of capital in order to avoid paying a contribution or to reduce the contribution payable, the Council will decide whether to treat the resident as having the capital (notional capital) and assess the contribution payable accordingly; and then whether:
- a) to recover the assessed contribution from the resident in full; or
 - b) recover the assessed contribution by instalment; or
 - c) defer payment until a later date; or
 - d) place a charge on any property owned by the service user either with agreement or subsequent to court action; or
 - e) take appropriate action as agreed by either policy or management.

14. Review of Financial Circumstances

- 14.1 Under Section 17(3) of HASSASSA 1983, all service users have the right to ask the Council for a review of a charge for which they have been assessed if they consider that they cannot pay it.
- 14.2 A re-assessment may be necessary for any one of the following reasons:-
- a) An annual review
 - b) The service user requests a re-assessment

- c) The service user's financial circumstances change
 - d) There was an error or omission (on the part of the service user or the Council) in the financial assessment
 - e) An appeal is upheld
- 14.3 The service user or their authorised representative can start the review process at any time by contacting their social care/support worker or the Financial Assessment Team.
- 14.4 If a service user's financial circumstance changes, they must advise the Financial Assessment Team as soon as possible, as this may affect their assessed contribution. Changes, which should be notified, include:
- a) Receipt of a new benefit or changes to benefits.
 - b) Changes to income or allowable expenditure.
 - c) If the service user's capital or savings crosses one of the capital thresholds (refer to paragraph 7.3 and Appendix A).
 - d) Changes to living arrangements (e.g. the service user or their partner moves to a care home, the service user moves to another residence or the number of people in the service user's household changes).
- 14.5 After a service user has told the Financial Assessment Team about changes in their financial circumstances or a review visit is made, a new financial assessment will be completed using the new information that is provided. If the revised assessment results in an increase or a decrease in the weekly charge, the service user will be notified of the revised contribution and it will usually be backdated to when the service user's circumstances changed.

15. Service users who are in arrears (Non Payment of Charges)

- 15.1 Service provision for Service Users who refuse to pay their assessed charge may be affected.
- 15.2 Arrears of payment are dealt with through the Council's debt collection process. The Council will take steps to recover any amounts owing, including legal action. The Council may recover arrears from contributions through Debt Collection Agencies and or the courts where service users have the means to contribute towards the cost of their support but refuse to do so.
- 15.3 The Council wants to make sure that any contributions made to service users are fair and reasonable. The Council appreciates that sometimes; people who use its services may experience difficulties or exceptional circumstances, which the Council would consider on an individual basis. The Council also allows people to have their exceptional circumstances considered through two different ways, which are: Contribution waivers; or Appeals.
- 15.4 Contribution waiver

- 15.4.1 A waiver is a request to set aside the assessed contribution for a fixed period prior to any invoices being raised. A waiver will only be issued in exceptional circumstances.
- 15.4.2 Where a service user feels that they cannot afford to pay their assessed contribution (and the assessment calculation is agreed to be correct under the policy), they may apply to the Council via their social worker/support worker to request consideration to waive part or all of their assessed contribution.
- 15.4.3 If the social worker/support worker believes a waiver is appropriate they should refer the matter to the Financial Assessment Manager and through their line manager, for the relevant Head of Service to approve. If the Head of Service agrees that to require the contribution the service user would experience exceptional hardship, then the contribution may be suspended for up to three months and then reviewed.
- 15.4.4 The relevant Head of Service may approve waivers up to the lower of 3 months charges and £2,500. Waivers over this amount require the approval of the Director for Adult Social Services. All waivers must be documented and a copy kept with the Financial Assessments Team.

15.5 Appeals

- 15.5.1 The Council's Fairer Contribution Appeals process aims to protect the rights of all service users, by encouraging a fair and open resolution of individual issues.
- 15.5.2 This process provides a safeguard to those people who have been assessed to pay a contribution, however cannot reasonably afford to pay the assessed contribution (or part of it), or service users feel that the contribution has been incorrectly assessed or the financial assessment process has not been complied with (see also paragraph 14.2 above).
- 15.5.3 It is for the person, with help if necessary from an adviser, support worker, friend or advocate to demonstrate to the Council that their means are insufficient to reasonably pay their assessed charge.
- 15.5.4 If service users are concerned about their contribution, they should contact the Financial Assessments team as soon as possible, to resolve the issue promptly.
- 15.5.6 If service users are dissatisfied with the outcome of discussion with the Financial Assessments Team, they can make use of the 'review and appeals procedure (Appendix B) below.
- 15.5.7 The Council will consider reviews or appeals within 3 months of the date of charge notification and only accept at its discretion those received outside this timescale.

16. Complaints

- 16.1 The Council welcomes feedback from service users, and has dedicated officers to manage complaints.
- 16.2 If service users are dissatisfied with the way that they have been treated during the financial assessment process, or the service that they receive, they have the right to make a complaint to the Complaints Officer. The Council has a statutory complaints process to ensure that service user' views and concerns are considered and dealt with appropriately and that Council holds itself accountable to the highest standards.

17. Use of financial information and privacy

- 17.1 The information the Council collects and keeps about service users is confidential and can only be seen by authorised staff. This information will only be shared with other relevant people and agencies in accordance with the Data Protection Act 1998 or with the written consent of the service user or their legally appointed representative. This Act also gives people the right to see information that the Council keeps about them at any stage.

18. Equality Impact

- 18.1 The Council has considered the impact this policy will have of the diverse communities of Brent. The proposed policy was the subject of a considerable community consultation, which engaged a broad range of people of different ethnic groups, abilities, ages, genders, social-economic backgrounds and geographical areas within the Borough. Community views were carefully considered when making decisions about this policy, and deciding how the Council can treat service users in a fair and consistent way. The Council has assessed that this policy does not discriminate against groups of service users or present adverse impacts due to their race, gender, disability, sexuality or age.

19. Reviewing the charging policy

- 19.1 This policy document will be reviewed annually prior to the commencement of each new financial year. Annual review will ensure all rates and amounts are consistent with inflation or other relevant changes, which may occur. The Council will consult the community on such changes through its annual budget consultation. However, the council will consult more widely if it proposes to make any significant changes (over which the Council has control) to the contributions policy. The Council however, will not consult on changes or increases resulting from changes in the Charging for Residential Accommodation Guidance (CRAG), which may affect this policy, or to mandatory changes in either the Fairer Charging Guidance or the Fairer Contributions Guidance, all of which are issued by the Department of Health.

Appendice A - CURRENT THRESHOLD RATES (2011/12)

	£
Lower	14,250
Upper	23,250

Appendix B- REVIEW AND APPEALS PROCEDURE

You can request a review of your assessed contribution for any of the following reasons: -

- The Council have used incorrect dates or amounts.
- The Council have incorrectly calculated the contribution.
- You have additional expenditure which you did not previously state on the financial circumstances form.
- There are exceptional personal circumstances concerning your financial situation, which means that you believe it is unreasonable for you to pay the assessed contribution

Reasons that are not directly related to your financial circumstances will not be considered as grounds for review.

The Financial Assessment Manager will review your case and take into account the issues you have raised. The manager will write to you with the outcome of the review within 14 working days, they will also explain what to do next if you remain unsatisfied with this response.

If you are dissatisfied with the Financial Assessment Manager's review of your assessed charge, you can make a formal complaint using the Departments Complaints Procedure.

If you believe that your assessment has been calculated correctly and that all the information contained in it is correct, but that the assessed charge is still unreasonable, then you can Appeal the charge. Appeals should be made to the Assistant Director of Adult Social Services, who will respond to you within 14 working days.

The following table represents the appeal reasons and the response times:

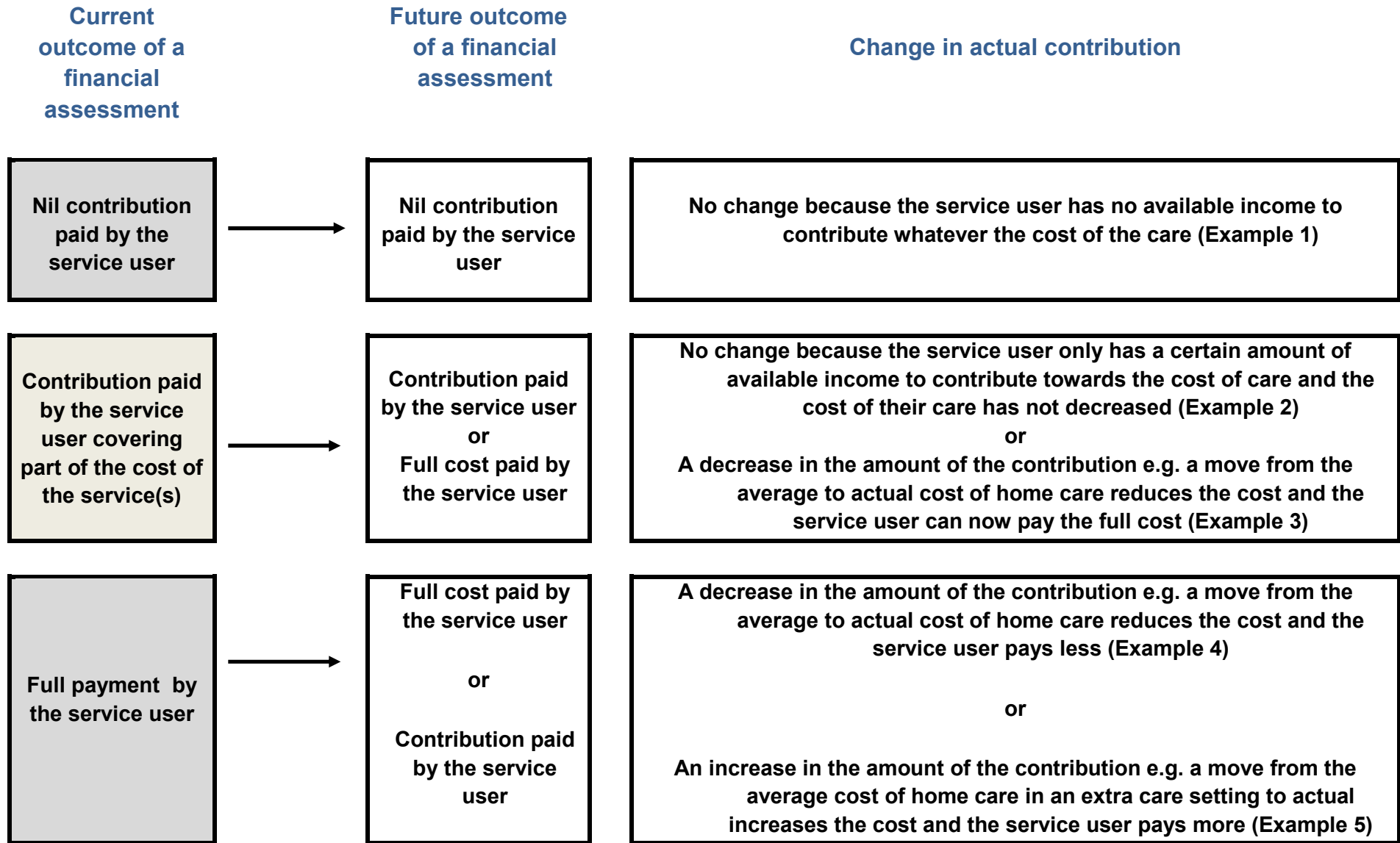
Activity	Reason	Lead Officer	Targeted Working Days
Review A	Incorrectly calculated Exceptional personal circumstances: Additional expenditure, etc	Financial Assessment Team manager	14
Review B	Dissatisfied with outcome of Review A	Evoke the Departments Complaints procedure	14
Appeal A	Where the financial assessment is wholly correct, but service user still believes it to be unreasonable.	Refer to Director of Adult Services	14
Appeal B	Dissatisfied with outcome of Appeal A	Evoke the Departments Complaints procedure	14

You will need to write to the Complaints Officer outlining the nature and reason for the complaint.

Information regarding the Complaints Procedure can be accessed via the Councils Website www.brent.gov.uk

APPENDIX B

A summary of what the changes will mean to people who use the services:



Examples illustrating what the changes will mean to people who use the services

Example 1 – Nil Contribution

No change because the service user has no available income to contribute whatever the cost of the care

Mr A is aged 22. He receives 10 hours home care and attends day care twice a week. He has a total income of £100.70 a week.

Under the current policy he pays no contribution towards his personal budget as his level of eligible income is below the basic Income Support level plus a buffer of 25 per cent.

Under the proposed Fairer Contributions policy he will still pay no contribution towards his personal budget as his level of eligible income is below the basic Income Support level plus a buffer of 25 per cent.

Mr A could choose to change the balance of services that he receives (as long as the new combination still meets his assessed needs) through his personal budget, but his cost will not change.

The detailed figures for this example are set out below:

	Income		Package of care
	Income Support (£100.70)		Home care, 10 hours (£129.70)
TOTAL INCOME	£100.70	PLUS	Day care, 2 days per week (£96.00)
		TOTAL COST	£225.70
MINUS	Basic Income Support plus 25 per cent (£116.87)	CONTRIBUTION	Zero
EQUALS INCOME AVAILABLE FOR CHARGING	-£16.17		

Example 2 – Contribution (No change in the amount contributed)

No change because the service user only has a certain amount of available income to contribute towards the cost of care and the cost of their care has not decreased

Mr B is aged 70. He receives 10 hours home care and attends day care twice a week. He has a total income of £250.70 a week. Under the current policy he pays a

contribution of £84.95 towards his personal budget. This is based on the average cost of £17.48 per hour for home care. There is no charge for day care.

Under the proposed Fairer Contributions policy Mr B will continue to pay a contribution of £84.95 towards his personal budget as this is the maximum income available for charging above the basic Income Support level plus a buffer of 25 per cent.

Mr B could choose to change the balance of services he receives (as long as the new combination still meets his assessed needs) through his personal budget, but his contribution will either stay the same or go down, depending on the services he chooses.

This is worked out as follows:

	Income		Package of care
	Pension paid by employer (£250.70)		Home care, 10 hours (£129.70)
TOTAL INCOME	£250.70	PLUS	Day care, 2 days per week (£96.00)
		TOTAL COST	£225.70
MINUS	Basic Income Support plus 25 per cent (£165.75)	CONTRIBUTION	100 per cent of INCOME AVAILABLE FOR CHARGING (£84.95)
EQUALS INCOME AVAILABLE FOR CHARGING	£84.95		

Example 3 – Contribution (Decrease in the amount contributed)

A decrease in the amount of the contribution e.g. a move from the average to actual cost of home care reduces the cost and the service user can now pay the full cost

Ms C is aged 63. She receives 10 hours home care each week. She has a total income of £315.75 a week. Under the current policy she pays £150 towards her personal budget. This is based on the average cost of £17.48 per hour for home care.

Under the proposed Fairer Contributions policy Ms C will pay a £129.70 contribution towards her personal budget. This is a decrease of £20.30 in the contribution to her personal budget as the actual cost of Home care is less than the average cost.

Ms C could choose to change the type of service she receives (as long as the new service(s) still meet her assessed needs) through her personal budget, but her contribution will either stay the same or go down, depending on the services she chooses.

This is worked out as follows:

	Income		Cost of care
	Pension paid by employer (£315.75)	COST OF PACKAGE	Home care, 10 hours (£129.70)
TOTAL INCOME	£315.75	CONTRIBUTION	100 per cent of INCOME AVAILABLE FOR CHARGING (£129.70)
MINUS	Basic Income Support plus 25 per cent (£165.75)		
EQUALS INCOME AVAILABLE FOR CHARGING	£150.00		

Example 4 – Full payment (Decrease in contribution)

A decrease in the amount of the contribution e.g. a move from the average to actual cost of home care reduces the cost and the service user pays less

Ms D is aged 63. She receives 10 hours home care. She has a total income of £365.05 a week. Under the current policy she pays the full cost of care, £174.80. This is based on the average of £17.48 per hour for Home care.

Under the proposed Fairer Contributions policy Ms D will pay £129.70 towards her personal budget. This is decrease of £45.10 in the contribution paid as the actual cost of Home care is less than the average cost.

Ms D could choose to change the type of service she receives (as long as the new service(s) still meet her assessed needs) through her personal budget, but she will always either pay the full cost or care or a contribution. This is worked out as follows:

	Income		Cost of care
	Pension from employer (£350.00)	COST OF PACKAGE	Home care, 10 hours (£129.70)
TOTAL INCOME	£350.00	CONTRIBUTION	£129.70
MINUS	Basic Income Support plus 25 per cent (£165.75)		
EQUALS INCOME AVAILABLE FOR CHARGING	£184.25		

Example 5 – Full payment (Increase in contribution)

An increase in the amount of the contribution e.g. a move from the average cost of home care in an extra care setting to actual increases the cost and the service user pays more

Ms E is aged 63. She receives 7 days extra care each week and attends day care twice a week. She has a total income of £432.50 a week. Under the current policy she pays the full cost of her care, £41.93. This is based on the average costs of £41.93 per week (£5.99 per day, 7 days per week) for extra care. Day care is currently not charged for.

Under the proposed Fairer Contributions policy Ms E receives a personal budget and she chooses to use her personal budget to pay for extra care and daycare. Under the proposed Fairer Contributions policy she will pay a contribution of £266.75 towards her personal budget. This is an increase of £224.82 in the amount she pays towards her care package. She will also no longer pay the full cost but will only contribute. This is because the actual cost of extra care is more than the average cost and she is now being charged for daycare.

Ms E could choose to change the type of service she receives (as long as the new service(s) still meet her assessed needs) through her personal budget, but she will always pay the full cost of care or a contribution.

This is worked out as follows:

	Income		Cost of care
	Pension paid by employer (£432.50)		7 days extra care (based on 14 hours week maximum) (£193.06)
TOTAL INCOME	£432.50	PLUS	Day care, 2 days per week (£96.00)
		TOTAL COST	£289.06
		CONTRIBUTION	100% per cent of INCOME AVAILABLE FOR CHARGING (£266.75)
MINUS	Basic Income Support plus 25% per cent (£165.75)		
EQUALS INCOME AVAILABLE FOR CHARGING	£266.75		

1. Do you agree or disagree with the proposed change that Brent Council should charge for all non-residential social services that could form a part of a personal budget, instead of just charging for home care services?

Responses:	count	% of responses
Agree	32	20.6%
Disagree	62	40.0%
Neither agree or disagree	61	39.4%
Total Responded to this question:	155	100.0%
Total who skipped this question:	7	
Total	162	

2. Can you suggest some other ways that Brent Council can adopt in order to ensure that everyone is treated equally?

Responses:	count	% of total
Valid	56	35%
No reply	106	65%
Total	162	100%

3. Do you agree or disagree that Brent Council should use the actual cost of providing non residential services to work out how much a service should pay instead of the average cost?

Responses:	count	% of responses
Agree	46	29.5%
Disagree	48	30.8%
Neither agree or disagree	62	39.7%
Total Responded to this question:	156	100.0%
Total who skipped this question:	6	
Total	162	

4. Can you suggest any other ways that Brent council could use to assess a service users contribution to the cost of non-residential social services?

Responses:	count	% of total
Valid	43	27%
No reply	119	73%
Total	162	100%

5. Do you agree or disagree that Brent Council should put in place a transitional arrangement of equal monthly increments over a 12 month period?

Responses:	count	% of responses
Agree	52	32.9%
Disagree	51	32.3%
Neither agree or disagree	55	34.8%
Total Responded to this question:	158	100.0%
Total who skipped this question:	4	
Total	162	

6. Can you suggest an alternative transitional arrangement that could be put in place in moving from the current policy to the future policy?

Responses:	count	% of total
Valid	37	23%
No reply	125	77%
Total	162	100%

7. What other ways do you think Brent council could use to communicate the services it offers and their costs?

Responses:	count	% of total
Valid	42	26%
No reply	120	74%
Total	162	100%

2. Can you suggest some other ways that Brent Council can adopt in order to ensure that everyone is treated equally?

I think that everyone should be able to contribute a certain amount that mean that whether they use that service or not or is not part of their personal budget. The cost of each service should be highlighted to everyone so that every one knows what the cost of the service is. Also make sure every one has to pay a minimum amount this affordable to everyone based on their financial
I do not know about other ways but I am living alone, very ill, I can't afford it to pay extra and I need support from home care. Also suffering in lung disease and many more diagnose
Personal assessment
Don't know anything about it as the care manager did not cover this (Ms G) when my son was reviewed in October . He needs to be assessed again I don't know when , only then I may be able to
Equality meant that every one pays the same amount if some get the service then all should get the services means justify is and should be about , a should disabled people as of hour they
I am totally disabled and my daughter who is over 71 yrs also have to do every thing for me . charge me for sending a woman to give me a bath every day and I have to pay for this which is
I personally will like to revived the help and attention I deserve and paying as an elderly person. Etc personal care um for all human beings. When you are unable to do for yourself this help is needed.
Don't Know
Good service to the elderly people some help and care for the weaker people
Everything was ok as it was
It's impossible to satisfy all equally each person has his/her own personal needs
Most users pay huge amounts in council tax and are vulnerable. It is therefore unfair to charge the vulnerable. This should be seen as an extension of a National Health Service / plan for the elderly
Charging according to their income means everyone is treated equally
People with more or less money should not be treated any different. May be care can be but it is unfair to discriminate against individual financial basis. care or combine staff to for more patients
As state retirement pension income £84-02 plus pension credit £14-93, I pay nil contribution, I have
Check everyone cased making sure to be fair with all. Cos I pay gas, electricity, waters, GP told me to buy shoes support. To help me with my feet (lots of pain) I buy heated plasters for by back (1 a
Some people do not pay and then people pay a lot of money I do not think that this is entirely fair
I think each person should pay towards the cost of the care they receive. Depending on their income some receive more care than others, like where I live. Why should 40 people in the same building be charged the same. Not every one receives the same amount of care and support
People that are fit to work should be incentivised so that their work income will always mean they are substantially better off working and not penalised for working because they need care
Compare income vs. outgoing
Actually I feel that the council should take a consideration the condition and situation of people. I have read all the pages, and is confusing.
I want thing stay say Sam
Social care should be free like it is in Scotland!!!
A greater review of each user plus listen more to the views of the cares
Let Brent council take control over payments
Keep present plan
Everyone should be treated according to ones budget and how much of the service can be utilised
Everyone should be treated equally not according to their finances

I would like to suggest, service user to be charged on an hourly rate , because my son stays only 3 hours at a time for twice a week, therefore it is for him to pay the hourly rate and not the whole
People are not treated equally - when they have saved all there lives - you take more money from them than people who have it. Worked so hard and looked after the money
1 on a personal point of view - 2 feel that it is terrible that we are asked to pay for these services because most of us have worked most of our lives contributing to health service and automatically taken from our pay - I worked my self until the age of seventy two- life is extremely different for us all - all house hold expenses continue to rise - heating lighting food etc - personally I could pay
Your proposal will leave disabled person in severe financial hardship. Setting the basic level of income (i.e. income support plus 25 percent) does not recognise disability needs of disable person. Therefore basic level of income should be 100 percent of income support i.e. income support plus 100 percent. How you can save more? Have one chief executive for the two council like other
Do not charge so much, we all should pay £10.00 ph that is enough for all concerned if is only a few hovers a week. Daily care - personal care should be charged a different rate £7.50 ph
Let the very rich people pay for it - they got the money
I think if you have lived and worked in this country (in my case over 45 years) have contributed through your taxes for over a period of 20 year you should not have to contribute in your old age regardless unless you have an income or have savings well over an average amount
Recover the £17 million pounds lent to the republic of Iceland. Pay no Brent employee more than the annual salary paid to the prime minster
I can't think of any other suggestions but people can't be treated the same!
Age should be taken into account
I think I pay a lot consider there is very little I can do for may self. I think you penalize service user for being disable. As we are the most targeted in all these cut backs
Sorry no suggestions
To make sure it is a equal scale so every feel comfortable and not on easy. Make it. Some pay more some pay less, some there more to be done, or less and there is problem. Just to have best
no changes
Will depend on individual circumstances
Every one assessed on their income, taking into consideration their rent and service charges. Before working out what contribution they can afford, because they are placed in housing by Brent
Financially access each individual as you do now. And charge according to the amount of care each person gets and not a flat rate for each person
I do believe everyone should be assessed individually
First of all I would only like the home help on Monday, Wednesday and Friday mornings. I am slowly, but surely getting better. He only comes in for 45 min in the mornings only
Everyone assessed for how much care needed and how much they can afford to pay. Not a flat rate
Means test each person and assess how many hours they need
They have cut down a lot of things
Funding a way of adopting a plan to keep both services for both criteria.
Reduce the wages of the top highest paid 15% of council staff and use the money to subsidise the poorest residents' community services. To ensure equalities, work out how much money from their council tax is used to provide services to the poorest groups, and how much to provide wages,
Ensure that cost of care provided by families, e.g. loss of earnings are recognised as disability related expenses. Don't discriminate against carers who choose to work. Don't discriminate against people who have a learning disability/autism, rather than an obvious physical disability

There are lots of things in Brent that are unfair and so we am baffled by this sudden urge to be fair in this particular area. With this proposal what would be fair is if: 1) unpaid support provided by family members to ADULTS with Learning Disability was costed out and taken into account. 2) Brent are able to guarantee and monitor quality of service in the community in a way that clearly demonstrates value. When services are free people put up with a certain level of complacency. The minute there is an associated financial value then people will make value judgements. Meals on Wheels service provides ample evidence. As it is it feels like the council is doing everything it can to reduce demand. 3) council being open about the objectives underlying this proposal. Stop saying

These questions are not very well constructed - this one has many different elements that you are asking opinion on - I might agree with personal budgets but disagree with charging - the question is presented to get the answer you want not to seek customers opinion. Therefore i am typing

Charges should reflect the quality of the service as assessed by its recipients.

4. Can you suggest any other ways that Brent council could use to assess a service users contribution to the cost of non-residential social services?

They should work out the actual cost every financial year to enable any increase in cost of care to be reasonable for that year with any vat rise or any other extra cost to be calculated accordingly. To
I think they should review people personally by visit and find out their needs, every service user have different health matters, so there for need to be taken by consideration. I personally need
As stated on previous page
The service user should not be asked to make a contribution. This leads to on a person who has always claimed benefit would get the service for free but a person who has always paid full council
The non resident services should be free
Don't know
Help if only where it is necessary
How much a client can afford to pay
No
None
Do not support charging the elderly who are in desperate need of this vital service
Look into the careers service cos together with the agencies they are not doing a satisfying job. The clients they are not happy with the way are getting bad service. (Not arriving in time, and not letting
I do not want to use direct payment because I am sure this will cause difficulties for me. I wish to keep the method whereby the council arranges all the care and needs as has traditionally happened
NO
My name is Ms S. I receive a social service for a shower every other week, and I pay £77.48 per hour. I suffer form sever osteoarthritis with difficulty I can sign letters. I am 90 years of age my
Home carers - it would be better if the person receiving the care is not charged a flat amount per week, sometimes carers do not turn up, therefore the client should not be charged when they do
They can assess how much contributions are made throughout adult life and then charge the user
Provide more carers (creating jobs) quite a number of services users are losing out on carers not turning up, and it is causing financial stress. This service should be monitored, around a 6 month period. Brent social service is losing out a lot resources, compromising people care especially those
As before - everybody wants the best care for themselves - as the cost of living goes up and up - people who have a bit of savings are punished by paying more in contribution - when I'm sure they
Consideration of individuals need and circumstances i.e. heath and safety problems falls etc - difficulties of housekeeping and such - no one should feel discarded because we are old and
By setting the basic level of income enough to meet the needs of disabled person e.g. income support and 100% your proposal of basic level of income + 25% is too low which will deprive disable
You can't compeer some people only need help with shopping 2 hovers weekly
Whether you attend one day or five, charges should be no more hat £5.00
By personal interview previously arranged
Most elderly people have worked and paid taxes all their lives and now they are old they are expected to pay for their care. I think elderly people should just pay a standard charge towards
I don't know enough about social policies to think of other methods!
Age should be taken into account
Sorry no suggestions
Some non residential have the contributions can afford, but expect the council to do everything and not fair because council have help everybody. Not fair on council (service users) some can afford council should provide social worker to help look into that forum. So carers can be paid more, and
no changes

DM suffers from dementia so cannot contribute to filling this form in any way or form
According to how much money a person has in the bank
I think it should be an average cost because not everyone should pay the same. As they do not all
none
Not everyone needs the same hours so why should everyone who has no saving and claims benefits pay the same. Some people need 10 hours a week and other may need 15hour pw.
No idea
Making the current system work by using similar system as now, so that it would be easier for the
Paying according to how much money would be left for a decent life. Working out how to remember there is no such thing as a service user, (hideous phrase) just old, frail, disabled bewildered people having to decide whether to pay out of their £132 pw or remain utterly alone all
Make a full and fair assessment of all living costs, then take into account all additional expenditure related to disability. Otherwise those with very high support needs will not be able to afford the
Some account could be taken when assessing the contribution of the free help given by family members, particularly those drawing a pension and unable to draw carers allowance. I am sure that a
It will push most service users towards the cheapest provider whether that adequately meets their needs or not which in turn will lead to deterioration in quality of life. In worse cases, public will
HAVE a variety of service providers that can propose what they would charge - an element of competition with close monitoring of standards - make the customer the important decision maker
The contribution should reflect the quality of the service.

6. Can you suggest an alternative transitional arrangement that could be put in place in moving from the current policy to the future policy?

No the 12 months is reasonable and breaks down the payment and they won't have any hardship as it's a fixed amount each month
I am very satisfied with Brent home care and carers, helpful
Form day 1 people should not loose out by these changes as could cause
They should not and make the service for people like us free
Set a future start date issue notice to service users of the change
Disabled people should be helped with care
NO
None
Very concerned about the monthly increments. I am petrified of the potential of rising monthly costs!
I neither agree or disagree but for those who have no choice to pay addition would probably benefit from transition payment. They could be given option to reduce are slightly to avoid care payment.
I think I should pay what I can, towards the care and support I receive. Each individual's income is different, as some people have occupational pensions and other rely on state benefits only. I also think some people can op out of care cost if they are not receiving care or support. Again there should be incentives for people who need care to work if they can, so no one is worse off or only a little better off by working and paying towards their care
No
I can not suggest any policy reading again and again the 13 pages are vey confusing. Neither the examples. I'm very concerned how the proposed changes affect me personally. I cannot see in the web as you suggest
Maybe suspend the payment request for a few months, giving the client more time to find the money
Keep present policy
An advocate should be put in place to advise and help service user make decisions
Should be invested first and then access for all service users in Brent and around the borough
Yes, by sending us all the relevant information and ensuring that the fund will be paid in advance, before directly making payments forward the service that my son is using , in this case is the day centre
This is to hard to understand
Why make it transitional
If you are taking away a disabled persons part of disability living allowance (personal care past) it does not matter. How you destroys that person life. So there is no need for you trying be nice

I do not use presently the service since last year
No more than £5.00 per week
Advice client well in advance of any proposed increases
I can't think of a system that is cheaper, more cost efficient to the client, changing for the current policy to the future policy!
Do not understand this so I am not sure how to answer these question are not for me
Have a regular meeting with agency and carers, and social workers to help client that are vunrerebal and have no one to help and have are confused.
And feel less helpless. Main thing is the communicating level: clients feeling lost
no changes
no
Everyone's income is different
none
No idea
If it means staff positions. Fine if not no . Don't want to lose any more staff than has been.
You appear to have made a decision already; so this is not a real question. How is helping a transition from relative to absolute poverty, to be done helpfully or with compassion? "incur an additional payment increase of £13 pw?" "correct contribution"?? What you are asking is, "shall we take from the poorest and most frail money they don't have now or in a year?" Using pompous language doesn't disguise the disgusting subtext, sorry.
No - I don't agree with the higher charge
The transitional arrangement just takes account of the financial impact in the first year. What about subsequent inflationary increases in charges?
Can't because the whole proposal is ill considered and unfair.

7. What other ways do you think Brent council could use to communicate the services it offers and their costs?

Not as much paper work would be good
best
Put an article in Brent magazine of the fixed proposed changes for 1st August 2011. So every one can have a read and it's well communicated. Also letter or posters or leaflets sent out to people on the service about how it would affect them after the changes. And updated changes communicated t each service user by form of leaflets
I would prefer if they communicate with me about any changes by visiting me at home where I live. I would explain my situation personally. I would like to prefer if they can sent me someone who speaks Urdu that would make much easy for me.
Sorry, I can't give any opinion as explained over leaf, I'm in the dark about this. I need to hunt down social services again as to ask about it.
Net everyone has access to the web or to computers letter would usually be enough
me
Have a communication box on the invoice
Mail
will not be representative of people's true feelings because the questions are so difficult to understand. Please amend in future. I suspect that change will be made irrespective of our choices
have face to face dialogue with council officers. It is rather insensitive for the council to expect pensioners disabled etc, to make a journey to the north of the borough for a meeting. Those of us in the south are therefore at a disadvantage. It appears that a decision is already made. Why consult??
By writing every one directly
with to it are limited to payment. Other suffer from not so complex conditions receive more money or help
By post messaging
I think that it is better to write to people because a lot of people are not on the internet and even if they are do not have a computer a home
Letter would be best if not by phone
Email
good idea to have this information on posters, and flyers for clients to read when they visit Brent buildings
paper. As I have mention before the only social service I receive is I have the shower lady come every other week. I am very worried that the changes can affect me. I would be grateful if you could let me know.
By post, I'm 91 and don't have a computer of any kind
In the Brent magazine. Via email (for those who have internet). By leaflets.

workers who will then explain with us in black and white , because the support worker are the people we regularly see.
people, I for one have been very ill and unable to go to any of the meetings - therefore I really do not understand your letters on pre payment cards. I have been told as I missed the meetings you cannot spare the time to explain all the changes. I am very nervous as to what is going on, if I do the wrong thing will my mother suffer, also how do I pay the tax etc.
out of their visits then at the end they have also to write up each task they have performed in total these two items are taking up to ten minutes of our time why can't they just write up on the first visit and write ditto for the rest. To end this I would like to say I have had wonderful carers - but is very sad to see their struggling to keep up with the demands of travelling from one client to the next - in my road there are two of us receiving care really is one carer required to visit us both often they care asked to travel from Kilburn to Harlesden and the bus services are also abominable I know travelling time is paid to them and no time allowed for?
physical disability (e.g. cannot speak, read website) make the impossible to us. for council to save money
By letters. Ps over 70 year of age you should charge as I suggested £10 or £7.50 over 75 years of age regardless of income a flat £7.00 ph that is enough!
computers. Every disabled person in this country should be entitled to attend a day centre if they wish to without them coming into a criteria. it is there given right to do so
We do not see the justification for increasing client s contributions. When Brent is owed £17million by Iceland
Internet - Brent council website
Information in local papers, local radio stations, letters to home care customers. Also leaflets to day centres e.g. for elderly or disable or to libraries!
Only borough social services
You could also use local surgeries (DR) to advertise and promote the real cost as the surgery is often the most contact service user visit. Produce a easy read leaflet also and instructional video on your new website would be helpful to convey the message
I think at the moment service users like myself our money fluctuates form one month to another , and if you housebound (semi) and have stressful when you are worried cannot pay because something else comes up e.g. gas electricity , water, things for school e.g. trips and when there on holidays. You get very anxious
because some them ask carers, and carers are lost to, to help especially if a client is on there own and confused
no changes
From Mr G, Willesden Green London

Keeping regular updates as they are monthly quarterly yearly - however they are done at the present time

current experts such as community groups, charities, tenants associations and ward councillors to raise funds to develop such services. Stop presenting everything as decisions made by council workers and begin asking and having face to face discussions across the communities about how to utilise their strengths.

Make sure all charges are made clear at the time the assessment is carried out, and then made clear again when the service is proposed to the user. This will need to be in a variety of accessible formats, not just on the website.

Your proposals seem adequate.

Whatever the communication channel using plain English and getting a focus group to comprehend the content would be a good start.

A special effort to train people at the onestop shop as my experience in the past is that the information is hit and miss.

Fairer Contributions Policy (Personal Budgets) consultation

survey start date: 11-Apr-11
survey close date: 04-Jul-11

Responses:

Paper	152
Online	10
<hr/> Total	<hr/> 162

EQUALITY IMPACT ASSESSMENT

FINANCIAL ASSESSMENTS AND CONTRIBUTION FOR COMMUNITY CARE SERVICES THROUGH PERSONAL BUDGETS

1. What is the service/policy/procedure/project to be assessed?

Implementation of the Fairer Contributions Policy in Adult Social Care for those people on Personal Budgets for their Community Care Services. This replaces the Council's Fairer Contribution Policy for Home Care

2. Describe the aim of the service/policy. What needs or duties is it designed to meet? How does it differ from any existing services/policies in this area?

The aim of this Policy change is to implement the improvements to contribution for Community Care Services that the Transformation of the Customer Journey aims to deliver.

More specifically to ensure that:

- Customers contribute for services on the basis of their individual ability to pay for these services through financial assessment; this ensures that they have their basic level of Income Support (IS) or pension guarantee credit (PGC) plus an additional 25% of this amount, as a buffer.
- All services will now be subject to inclusion for contribution whereas in the past services such as Day Care did not form part of this group
- The Council is transparent with people about the level of social care funding (Personal Budget) they are entitled to in order to meet their community care needs. Over the past two years information on Personal Budgets has been provided to user groups and voluntary sector forums as part of the implementation and development of personalisation in Adult Social Care. Information is also available in the Fair Access to Care services leaflet, the Health and Well Being Directory and Direct Payments leaflet.
- Customers can take this Personal Budget as Direct Payments in order to fund their own services or have the Council buy these services for them
- Contribution for services is now based on the actual cost of services, whereas in the past this was a notional cost and some hourly costs, such as Home Care, have been reduced
- Customers can then choose which combination of services to purchase to meet their needs; this is called Choice and Control
- The principles of a Reablement Service, that will benefit the majority of customers, remains free of contribution for the period of Reablement; up to 6 weeks. This service provides a high level of support to people for a limited period of time to help maintain them as independently as possible and in their own homes.
- The simplification of the contribution process is designed, as part of the Customer Journey, to streamline all of the processes in Adult Social Care for the Customer

This is set in the wider context of demographic changes which mean that the demand for all services will increase over time putting undue pressure on resources and possibly leading to the rationing of these resources in the future unless action is taken. For example changes will be in relation to the significant growth in the population of older people, particularly those over 85, and the growth in the need for Dementia services and support. The Transformation is aimed at improving the prevention work through information advice and signposting; improving the ability of people who need immediate support to remain independent for longer in their own homes; to improve the safeguarding of adults, through the development of a specialist safeguarding team, who might be at risk or are being abused so that they can remain as independent as possible and risk free; and focus the resources for people who require long term support on those with the most complex needs, through a Personal Budget and a Personal Support Plan.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

- Yes the aims are consistent in that this new Policy does not set out to intentionally discriminate against any of the groups in the Equality Policy or against any individual person on those grounds. The extent to which people benefit from this change, in the way they are assessed for their financial contribution to services, will be balanced against their ability to pay. Under the old system service users were charged according to the services received. This encouraged inequality among service users, now the contribution will be applied across all services provided affording service users choice over the way in which they wish their needs to be met without fear that this may have negative financial consequences. This will mean that some of those currently in receipt of services (namely older people and those with a disability), may incur increased costs. Likewise some services users (again sharing the same protected characteristics) will be required to make a lower contribution. None will be able to structure their care to avoid having to make a contribution. However whilst on the face of it this may appear to be an adverse impact it is more likely to have a positive impact in line with the Council's equality programme as it will encourage greater community involvement by ensuring that service users are not limited to traditional building based social care provision such as day centres; and will have wider access to a range of community based support that they personally feel will meet their needs through their Personal Budget. It will therefore enhance the Council's ability to meet its duties under the Equality Act to enable people with protected characteristics to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Some individual service users (including those from categories of protected characteristics under the Equality Act) might be financially worse off as a consequence of the implementation of this proposal. Others will financially benefit, however it is important to note that all service users will be individually assessed on their ability to pay and will not be left in financial hardship as a result of these changes.

- It is also worth noting that for the first time some services that were hitherto free to customers will now be charged for. This addresses the unequal impact in the past of the Council's selective charging policy

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health? What are the reasons for this adverse impact?

It is likely that the implementation of this Policy could result in an adverse financial impact on the group of people living in Extra Care Housing. This is housing for people who have very complex needs but for whom community based services are much more appropriate, although they can be quite extensive, and where there is no statutory need to accommodate the person in residential or nursing home care.

People in this group are likely to be:

- Older People at least 55-60 but more likely to be in the late 70's and 80's
- More likely therefore statistically to be women than men
- More likely to have physical or sensory impairments because of their age.

The policy proposed to implement a requirement that individual service users, subject to their ability to pay, contribute against the full cost of their non- residential care provided. Currently, for this group, Brent Council has agreed to a maximum ceiling for contribution of £5.99 per week. This under represents the total cost to the council of providing these services and there appears little justification for subsidising this group over service users with the same protected characteristics who happen to reside in their own home or alternative accommodation. The implementation of the policy will ensure greater clarity and fairness for all services users, including those with protected characteristics. However in recognition that the implementation of this policy will have an adverse impact on this group in particular it is proposed to stagger the implementation of the policy for this client group over a transitional one year period to minimise any adverse financial impact.

The second group of people to be affected by these changes are likely to be adults with a disability who are attending day centres or day care resources run by the Council or privately run in certain circumstances for which there is currently no charge. This group of people have protected characteristics but under the old charging system received services for which there was no financial contribution to be made.

These people will be:

- Some younger adults (18-65) with a learning disability with a range of other protected characteristics
- Some younger adults (18-65) with a physical disability with a range of other

protected characteristics

- Some older people aged 65+ again the majority of whom now and in the future are likely to be women and will have a physical or mental impairment or disability

This group of people will be assessed in the same way as other people with similar protected characteristics in order to determine their contribution to their community care services. Their contribution, as with all other people, will be based on their individual ability to pay. Currently this group of people do not pay for these specific services other than to pay for a mid-day meal, if this is provided, at the cost of that meal. Their service is therefore subsidised by the Council over and above the level of subsidy for other people with similar protected characteristics who have opted to have their services provided by another means.

The implementation of the policy will ensure greater clarity and fairness for all services users, including those with protected characteristics. It is also noted that the financial assessment will likely mean that few of the current recipients of this service will have to pay full cost. However in recognition that the implementation of this policy will have an adverse impact on this group in particular it is proposed to stagger the implementation of the policy for this client group over a transitional one year period to minimise any adverse impact.

This will also enhance the council's ability to meet its equality duties and in particular to ensure the promotion of opportunities for those with protected characteristics and the fostering of relations between those with protected characteristics and those that do not as it will ensure that recipients of support are not limited to traditional building based provision but can access community resources without fear that it will have adverse financial consequences.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make you judgement separately (by race, gender and disability).

The provision of adult social care is made available only to those who have a requirement for such care and meet the Council's eligibility criteria. As a result most recipients will enjoy protection under the Equality Act either due to their age or a disability. The impact overall from the implementation of this policy is broadly thought to be neutral in that many service users will be financially better off as a consequence, but some (particularly in the extra-care setting, and Day Centres) will be adversely affected. The precise figures of those involved and likely protected characteristics that they share are not available in detail at the present time. The reason for this is that as many of the people who may be affected by this have not had a financial assessment completed before, because of the types of services they have elected to receive, whether they will make a contribution or not to their services

is yet to be determined.

However as at the 31st March 2011 the following number of people were in extra care housing and attending day services and may be affected by these changes:

- 272 people aged 65+ were attending day care
- 229 adults aged 18-65 with a learning disability were attending day care
- 39 adults aged 18-65 with a physical disability were attending day care
- 141 adults aged 18-65 with a physical disability were attending day care (those on sec 117 after care cannot be assessed to pay for services)
- 115 people were in extra care supported accommodation

This is out of a total of 4,331 people receiving community care services (non residential) as at 31st March 2011

Source of data Brent Council return to the Department of Health PSS-EX1 for the year April 2010 to March 2011

Appendix A of the Executive Report gives examples of how the changes may affect individual people and their current circumstances. However until the financial assessments are completed on all service users it is impossible to predict the impact on individual people.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

Overall the impact of this policy will be positive as it relates to a persons ability to pay through a financial assessment, and will ensure that the contributions policy is linked with the move towards Personal Budgets and the Customer Journey. It is much more transparent, consistent and fair, and enables more choice and control to over the provision of non- residential services to service users.

It ensures that the aims set out within the Public Sector duties of the Equality Act 2010 are more likely to be realised for the reasons given above. The adverse impact is mitigated by the intention to stagger implementation of the changes on those likely to be financially adversely effected over 12 months.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Consultation on the proposed changes to the contribution policy ran from 11th April to

4th July 2011. The purpose of the consultation was to seek views on changes to the contribution policy, seek alternative options, how best to inform people of the changes and what transitional support ought to be put in place to help people whose contributions have increased.

A number of consultation activities took place. There were five consultation meetings all at Patidar House in London Road, Wembley; an accessible community building off the High Road:

* 6th May attended by 95 people the meeting was minuted and these minutes are available on the web site

*23rd May attended by 35 people the meeting was minuted and these minutes are available on the web site

*3rd June attended by 46 people the meeting was minuted and these minutes are available on the web site

*24th June attended by 15 people the meeting was minuted and these minutes are available on the web site

*27th June attended by 20 people at Patidar House. Notes were taken.

*The meetings on 3rd & 27th June were specifically for people with learning difficulties and were attended by some carers and advocates as well as Mencap.

This means that a total of 211 people attended these consultation meetings. Voluntary organisations were invited to the consultation meetings and the dates and details of the meetings were available on the Brent Council Web site.

There was also a specific meeting with the Brent Pensioner Service Users Consultative Forum on Monday 6th June 2011 at Brent Town Hall where one of the main agenda items was the Consultation on Fairer Charging. A number of voluntary organisations attended this meeting at which the proposed changes to the charging policy were explained and details given of the consultation process. The minutes of this meeting are available.

In addition the proposals were discussed within relevant forums such as the LINK and the Pensions Forum to ensure that relevant groups were aware of the consultation and how to respond. People who were unable to attend any of the consultation meetings were given the opportunity to give their views in different ways by completing a short questionnaire, send their views via email or completing an online survey.

Information on the proposed changes, timetable and decision making process by the Council's Executive was given at each meeting. Translator and British Sign Language expertise were provided at the meetings. At the meetings for people with learning disabilities carers were also present. The question and answer session at each meeting provided opportunity for people to explore issues of concern to them including questions about implementation the date if changes are agreed, monitoring and service standards, and what the changes will mean to people who use the services. The results of this consultation were published on the 30 August 2011 on the Council's website at www.brent.gov.uk/consultation. For people who may not be able to access the website, provision will be made for alternative means of communicating the result of the consultation to them.

The total number of responses to the survey was 162, including on-line responses. An analysis of the survey is available on the web site on www.brent.gov.uk/consultation

The headline responses are as follows and the detailed breakdown of these responses is given in Appendix B of the Executive Report.

a) Respondents were split between disagreeing and having no view either way on the question – ‘Brent Council should charge for all non-residential social services that could form a part of a personal budget, instead of just charging for home care services’. 20% of respondents agree that service users should contribute towards all non-residential services.

b) Respondents are fairly evenly split between agreeing and disagreeing on the questions ‘Brent Council should use the actual cost of providing non residential services to work out how much a service user should pay instead of the average cost’ **and** ‘Brent Council should put in place a transitional arrangement of equal monthly increments over a 12 month period’. In both cases slightly larger proportions don’t have a view either way.

Some open text comments from respondent support the guiding principles as outlined in paragraph 3.6 above, in terms of ‘fairness’ and ‘contributions policy based on ability to pay’. The principle of fairness was further tested in relation to people who have worked most of their lives, contributed into the state and saved their money who now have to further contribute to their care cost when other people who haven’t done this are getting their care free for a lack of means. Other comments draw upon the current national economic climate and rising cost of living and how care should be taken to avoid financial hardship for vulnerable people. It was also suggested that social care should be free like it is in Scotland or should be seen as an extension of a NHS service and should be free at the point of delivery. Some respondent have used the opportunity to raise unrelated problems with the state, health & social care system and the Council. Useful suggestions were also received in relation to how best to communicate with service users.

Analysis of further questions shows the following responses:

When asked “Can you suggest some other ways that Brent Council can adopt in order to ensure that everyone is treated equally?”

- 41 people responded with ideas and suggestions such as:
 - I think that everyone should be able to contribute a certain amount that mean that whether they use that service or not or is not part of their personal budget. The cost of each service should be highlighted to everyone so that everyone knows what the cost of the service is. Also make sure everyone has to pay a minimum amount this affordable to everyone based on their financial assessment, so everyone pays a net rate
 - Social care should be free like it is in Scotland!!!

- I can't think of any other suggestions but people can't be treated the same!
- 4 people wanted to keep things as they are now
- 3 people had no suggestions
- 8 people gave a response but not to this question

When asked “Can you suggest any other ways that Brent council could use to assess a service users contribution to the cost of non-residential social services?”

- 30 people responded with ideas and suggestions such as:
 - According to how much money a person has in the bank
 - Consideration of individuals need and circumstances i.e. health and safety problems falls etc - difficulties of housekeeping and such - no one should feel discarded because we are old and incapable of work
 - Make a full and fair assessment of all living costs, then take into account all additional expenditure related to disability. Otherwise those with very high support needs will not be able to afford the care they need and afford to live. The end result will be more people needing to move to residential care.
- 9 people had no suggestions
- 4 people gave a response but not to this question

When asked “Can you suggest an alternative transitional arrangement that could be put in place in moving from the current policy to the future policy?”

- 19 people responded with ideas and suggestions such as:
 - No the 12 months is reasonable and breaks down the payment and they won't have any hardship as it's a fixed amount each month
 - Very concerned about the monthly increments. I am petrified of the potential of rising monthly costs!
 - No more than £5.00 per week
- 2 people wanted to keep things as they are
- 8 people had no suggestions
- 8 people gave a response but not to this question

When asked “What other ways do you think Brent council could use to

communicate the services it offers and their costs?"

- 31 people responded with ideas and suggestions such as:
 - The web is not to me helpful. I cannot use it, and I have no access. To be typed in paper. As I have mention before the only social service I receive is I have the shower lady come every other week. I am very worried that the changes can affect me. I would be grateful if you could let me know.
 - Put an article in Brent magazine of the fixed proposed changes for 1st August 2011. So everyone can have a read and it's well communicated. Also letter or posters or leaflets sent out to people on the service about how it would affect them after the changes. And updated changes communicated to each service user by form of leaflets
 - You could also use local surgeries (DR) to advertise and promote the real cost as the surgery is often the most contact service user visit. Produce a easy read leaflet also and instructional video on your new website would be helpful to convey the message
- 11 people gave a response but not to this question

8. Have you published the results of the consultation, if so where?

Yes the results have been published on the Brent web site on the 5th September 2011 at www.brent.gov.uk/consultation other means of providing this information to people who cannot use or access the website will be arranged according to the needs of those people.

9. Is there a public concern (in the media) that this function or policy is being operated in a discriminatory manner?

There could be public concern that this policy may increase some costs for service users at a time of financial constraint to people's own budgets. However this policy is also aiming to address anomalies in contributions that have existed for some time and there will be some customers who may be financially better off as a result of these changes and have more choice and control over how their budget for community care services is used.

People who attend Day Services will have to pay towards these for the first time, depending on their ability to pay, but this addresses an inequality that has been around for a long time where they had to pay nothing.

Some people who opt just for a home care service though their personal budget may end up paying less than before.

Some people may end up paying the same

The Fairer Contributions Policy Consultation document sets out examples of how groups of people may be affected by this change in policy.

It is also important to note however that these changes do actually enhance the ability of the Council to meet its duties under the Equality Act by virtue of removing inequalities where some people, with the same protected characteristics, were assessed to pay a contribution towards their services and others were not; not on the basis of their ability to pay but on the basis of the service choice they made.

10. If in your judgement, the proposed service/policy does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

The projected adverse impact on people who live in extra care sheltered housing, and those in receipt of day services, can be justified because of a need to apply a transparent, lawful and consistent policy across all those in receipt of non- residential services.

However in extra-care housing the impact is likely to be on a specific group of older women customers and could be mitigated by the proposal to phase in the increased contribution over a 12 month period from this group of people so as minimise the financial impact. Service users will still be individually assessed so they will not be left in financial hardship.

The same process will apply to those people in receipt of day care

At the end of this period of time, these groups will not be paying any more, proportionately, than any other group of service users for their Community Care Services.

11. If the impact cannot be justified, how do you intend to deal with it?

The impact can be justified but is also being mitigated by being phased in over a period of 12 months for those affected.

The Council also operates an “Exceptional Hardship Policy” so if a service user happens to experience exceptional hardship as a result of these changes their case can be considered under this policy by the Director of Adult Social Services

12. What can be done to improve access to/take up of services?

This does not apply to this policy per se, although ensuring that all people are assessed as soon as possible after Reablement for a contribution towards their Personal Budget according to their ability to pay has become a priority for the

Finance Team.

13. What is the justification for taking these measures?

The justification is based on the following:

- Need to seek contributions for all community care services according to a person's ability to pay
- Need to provide for a free reablement service
- Need to provide more choice and control for people on a Personal Budget
- Need to implement a more streamlined approach to contributions in line with the principles of the Customer Journey
- Need to have a policy that complies with the 2003 and 2009 Department of Health Guidance on charging/contributions for non- residential services.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

The monitoring of the impact of this policy change will be undertaken by the Senior Finance Analyst in Adult Social Care through closely monitoring the outcome of the individual financial assessment and comparing this with previous years, if this is applicable.

15. What are your recommendations based on the conclusions and comments of this assessment?

To adopt the policy including the phased introduction for those in receipt of services living within extra-care housing accommodation and for those in receipt of day services.

Should you:

- *Take any immediate action?* This is being done through the consultation proposals and outcomes being made available on-line and a report going to the Council's Executive for approval on Monday 19th September 2011
- *Develop equality objectives and targets based on the conclusions?* This will be done by the Senior Finance Analyst and reported to the Departmental Management Team via reports produced from the client information system Frameworki
- *Carry out further research?* This will need to be addressed again in April 2012. Every year a service user's financial contribution needs to be reviewed and re-assessed to ensure that their contribution is fair and proportionate to their ability to pay. This revision can then be screened to assess if there has been any further adverse impact on any other groups of services user by comparing the outcome of this with current practice. The Council also, each year, needs to take account of the true cost of the services it provides and balance the income to be received from service users against these costs. This ensures that the Council carries out its duties to ensure value for money

for the council tax payers in Brent. The Council also has duties under the Equalities Act to ensure no one group with protected characteristics is treated more fairly or unfairly than another group thereby encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

16. If equality objectives and targets need to be developed, please list them here.

Data can be collected from all 9 protected groups. An analysis of this data both in terms of input numbers and outcomes will enable the Department to assess whether the service is impacting disproportionately on any of those 9 groups with protected characteristics.

17. What will your resource allocation for action comprise of?

The Reports are owned by the Finance Team they will produce the reports for DMT meetings

The Senior Finance Analyst will need to allocate the resources for this to be done

DMT will determine if further investigation is needed in certain reporting areas and where any further reports need to go

Person Responsible for publishing the results of the Equality Impact Assessment:

Senel Arkut Head of Service for Support Planning and Review

Person Responsible for monitoring the impact of these changes:

Altin Bozhani Senior Finance Analyst

David Hardman reviewer and report author 2nd September 2011