

RECORD OF EXECUTIVE DECISION

Tuesday, 23 April 2013

Decision No: (CAB 12/13 10493)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ADULT SERVICES
SUBJECT:	PROPOSED CHANGES TO THE NON RESIDENTIAL ADULT SOCIAL CARE CHARGING POLICY
AUTHOR:	Carol Valentine

THE DECISION

Reconsidered decision following Call-in:

- (i) To approve changes to the non residential care (NRC) contributions policy for adult social care as set out in Appendix 1.
- (ii) To delegate authority to the Senior Manager: Safeguarding Adults, following consultation with the Cabinet Member for Adult Care and the Head of Legal, HR and Democratic Services to review the format and content of the current non-residential care contributions policy for adult social care, to make any textual, formatting or administrative or other minor changes required to update the policy, give effect to recommendation 1 above and ensure it is fit for purpose for 2013 and beyond.
- (iii) To delegate authority to the People Director to determine which 'one off' services should be included within the Policy as chargeable services and to determine the scale of fees and charges to be applied for these services (Proposal 10 in Appendix 1 – changes to Policy).
- (iv) To note that recommendation 2 above does not extend to making any major or substantive changes to either the services to be provided under the policy or the charges to be applied to any such service. Such matters would require reference to Cabinet for determination following appropriate public consultation.
- (v) To respond to the recommendations of the Overview and Scrutiny Committee made on 19th February 2013 as set out in paragraphs 15 – 17 of this report.
- (vi) Having regard to the Council's transformation programme and this review of charging policy, to delegate authority to the People Director, following consultation with the Cabinet Member for Adult Services, to undertake a review of the Financial Assessment process for non residential care charging and to thereafter to regularly review and update assessment processes in line with current and future policy and legislative requirements.

REASONS FOR THE DECISION

The changes will

- Ensure the policy meets national guidance
- Supports the development of personalisation in adult social care
- Ensure equity and fairness in the application of the policy
- Maximises income from those who are assessed as being able to contribute to support the Council to meet the costs of providing for the increased demand due to demographic changes

DETAILS OF ANY ALTERNATIVE OPTIONS

1. To take no action would mean the policy was unable to meet national guidance, would not be applied equitably and would not support the development of personalised social care.
2. Respondents to the consultation asked the City Council to consider the long term impact of the proposed changes. They suggested that if individuals felt they could not afford services they would wait till crisis point and require higher cost services such as residential care. They felt this was counter intuitive to prevention and health and well-being agendas and therefore the changes should not be taken forward.
3. Respondents to the consultation asked that the Council consider leaving the maximum contribution level at 95% of the figure the individual is assessed as being able to afford rather than the proposed 100% since this was felt to negatively impact on service users both financially and in terms of quality of life

This proposal was rejected since;

- To take 100% of the contribution which the individual is assessed as being able to contribute leaves service users with 25% above nationally set minimum income levels.
 - A 100% contribution meets national guidance, which was set in recognition of the fact that social care users are likely to have additional expenditure related to their needs.
 - Individual circumstances can be taken into account in assessing contributions and in particular any disability related expenditure must be considered.
 - If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.
4. Respondents suggested that the specific rent allowance that the Council is proposing to end funds additional daily living expenses for people with severe learning disabilities. They thought that stopping this payment will have a significant impact on these service users' quality of life. They

considered that this group should be treated differently because their condition was life long and did not afford them the opportunities open to others. They suggested the allowance was retained in recognition of the life long caring role of their family carers

This proposal was rejected since;

- Having regard to the national charging guidance and the various groups of persons who have protected characteristics of one category or another, there is no justification for the giving of a rent allowance to this group and not to other groups who have an equal claim to such a need.
- To offer the allowance to all those receiving social care would reduce NRC income by approximately £900,000. Such a reduction in income would impact on the ability to deliver social care support at current levels.
- It is recognised that locally and nationally the contribution made by carers to the care of individuals with social care needs is significant. The Council provides support to carers via a range of commissioned services. Local Authority funding cannot be paid to families to pay for their care.
- There is no rationale for the rent allowance since the policy takes account of day to day living expenses, allowing the individual receiving care to contribute towards board and lodging costs.
- Parents who qualify for Housing Benefit have this reduced when their adult son or daughter lives in their home. However, an allowance is made in the social care financial assessment of the son or daughter to take account of the lost Housing Benefit. This ensures the individual can contribute appropriately to household expenses and parent is not financially disadvantaged.

5. The proposal to change the policy to ask those with more than £23,250 organise to their own care raised a concern that this placed an inappropriate burden on family carers. Concern was also raised about the need to handle any changes to current arrangements for this group sensitively.

The removal of the proposal was rejected since;

- Setting this limit brings the NRC policy in line with the national residential care charging policy and is felt to be fair and equitable.
- The approach supports the direction of travel for the Council in promoting personalisation and choice and control over service provision for all service users.
- A range of support will be offered to those choosing to commission their own arrangements including; continued right to social care assessment; support with care planning both from the Council and via services set up by the Council.
- Those who do not have capacity and do not have family carer support will continue to have their arrangements managed by the Council; work will be undertaken throughout the year to support those already receiving services to set up their own arrangements.

6. Paying full cost for services was a key concern. Contributors expressed the opinion they are already “charged a lot” for services and contributions should not be raised.

This proposal was rejected since;

- No one will ever pay more than they are assessed as being able to afford.
- Individual circumstances can be taken into account and charges waived or reduced for welfare reasons.
- The proposal is put forward to support the service to meet the national agenda to offer choice and control to service care users and to increase the level of Direct Payments used. The current approach is disincentive to this in that if the individual arranges their own care they are financially assessed on the real cost of the service, whilst if services are arranged by the Council a maximum charge of £13.46 per day or hour is made.

7. The proposal to ask for up to the full contribution towards the cost of two carers raised concerns that this may increase the burden on service users and family carers who might try to cope without a second carer on the basis of cost. There was also a concern that this may be inequitable.

To remove this proposal was rejected since;

- No one will ever pay more than they are assessed as being able to afford.
- Carers needs are assessed as part of the assessment process and Individual circumstances can be taken into account and charges waived or reduced for welfare reasons.
- The proposal is put forward to support the service to meet the national agenda to offer choice and control to service care users and to increase the level of Direct Payments used. The current approach is disincentive to this in that if the individual arranges their own care they are financially assessed on the real cost of the service, whilst if services are arranged by the Council the maximum charge is based on 1 carer support.
- The policy is based on ability to contribute and takes individual circumstances into account and it is therefore equitable and conforms with the relevant equalities duties.

8. Tenants of Extra Care Housing were concerned that they would be charged for overnight care services which they currently did not need and suggested only charging those who used night time care.

This proposal was rejected since;

- Individuals make the decision to move to extra care to ensure access to immediate support should they need it. It would therefore be inequitable to charge only those who receive hands on care when all tenants are benefitting from the service.
- Tenants who do not wish to receive or pay for the full extra care package offered at an extra care facility have a choice to move to more appropriate accommodation to meet their needs.
- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 23rd April 2013

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision is not subject to Call-In.