

**REPORT OF THE CHAIRMAN OF THE ADULT SOCIAL CARE AND PUBLIC  
HEALTH COMMITTEE  
REVISION TO THE ADULT SOCIAL CARE CHARGING POLICY****Purpose of the Report**

1. The purpose of this report is to seek approval to make the changes to the Council's Adult Social Care Charging Policy ('Contributions towards a Personal Budget Guidance' Version 5 – Appendix A) described in this report.

**Information**

2. The Care Act 2014 brought in a revised legal framework which covers many areas, including the means tested assessment of the financial contributions people pay towards their care and support. As part of the programme of regular service reviews, the Council has been looking at what changes could be made to current processes to make them more efficient, less time-consuming and fairer.
3. The Council's Adult Social Care Charging Policy sets out guidance with regards to the levels of contribution service users are asked to make towards the cost of their care and support packages. A period of public consultation about proposed changes to the Adult Social Care Charging Policy commenced on 6 November 2017 and initially closed on 5 December 2017. Some elements of the consultation were extended to 22 January to allow people more time to respond. Letters about the consultation were sent to people who receive adult social care support from the Council. An on-line survey was made available on the Council's website and paper copies of the consultation were placed in public libraries. The consultation received a very good response, with a total of 1,425 people responding. 1,194 people responded between 6 November and 5 December and 231 people responded to the extended consultation period.
4. Following the public consultation, the Adult Social Care and Public Health Committee at its meetings on 8 January and 12 March 2018 agreed to submit some changes to the Council's Adult Social Care Charging Policy to Policy Committee for approval. These changes are described in the body of this report.

**Short Term Assessment and Reablement Team (START)**

5. The consultation between 6 November and 5 December 2017 included questions that specifically sought people's views on applying the Council's existing homecare charging policy for people who continue to require and receive home care from the Short Term Assessment and Reablement Team (START) after receiving non-charged reablement

support and completing the reablement programme, as well as those who choose not to engage in the reablement programme available.

6. 38% of respondents (453 people) agreed that the Council should charge service users who choose not to engage in reablement activity for a home care service. 33% did not agree, 24% said that they did not know and 5% did not answer this question.
7. 41% of respondents (493 people) agreed that the Council should charge the relevant contribution to any service users assessed as being able to pay a contribution for a home care provided by the Short Term Assessment and Reablement Team (START) service. This should start from the commencement of the home care service. 34% (405 people) of those responding thought the Council should not charge service users who have home care from START and 25% (296 people) did not know or did not answer.
8. Legally the Council is not able to charge for short term reablement services, however, some people can remain for a time with the service once their reablement goals are achieved, for example, whilst waiting for their homecare provider of choice to have capacity to take over their support package. People remaining in the service beyond their reablement period are in effect receiving a home care domiciliary service.
9. In line with the consultation responses, this report proposes a change to the 'Contributions towards a Personal Budget Guidance' Version 5, (hereafter referred to as the, 'Adult Social Care Charging Policy') in relation to the Council's Reablement Team (START) service. Section 3 of the Adult Social Care Charging policy sets out exemptions to charging and currently states:

"The first 6 weeks if the service provided is part of a package of reablement or [Intermediate Care](#) - see paragraph 2.59 of the Care and Support Statutory Guidance for more information."

10. It is proposed that the wording of section 3 of the Adult Social Care Charging Policy is changed in relation to Reablement to read as below, with the additional text to be added as shown in italics:

'no contribution is payable up to the first 6 weeks if the service provided is part of a package of reablement or [Intermediate Care](#) - see paragraph 2.59 of the Care and Support Statutory Guidance for more information. *A reablement service may be provided free of charge beyond 6 weeks, at the discretion of the Council, for those people whom the Reablement service deem would benefit from further reablement. However, this exemption does not include people who are deemed by the Council as having completed a package of reablement before the expiry of the 6 week period and who then receive domiciliary care from the START service, as an appropriate intermediate homecare service provider rather than as a reablement service, whilst awaiting a longer term package of care. People who have completed their reablement package of care but are in receipt of domiciliary care from the START service will be charged.*'

11. This proposed change to policy, which would come into effect on or after 1 April 2018, will mean that Council's current home care charging policy can be consistently and equitably applied to people at the point that their reablement programme with the Short Term Assessment and Reablement service (START) has been completed.

## **The way the Council calculates how much someone who has a spouse or partner can pay towards the cost of their care and support**

12. At present, when a person needing support has a spouse or partner, they are financially assessed as a single person and as part of a couple. For a couple's assessment, the person not receiving a service also has to provide details of their income and savings. Some people find this intrusive. If both members of a couple receive a service then three financial assessments are calculated, with the person being charged the lowest amount. This can be a time consuming process. In order to simplify the process, be less intrusive and to reduce the cost to the Council, it is proposed that the Council will cease couple's assessments and assess people as a single person only when calculating the contribution they can afford to pay towards the cost of their care and support.
13. The consultation between 6 November 2017 and 22 January 2018 asked people to say what they thought about this proposal. 60% of respondents (857 people) agreed with the proposal; 22% (309 people) did not agree; 15% (210 people) said that they did not know; and 3% (49 people) did not answer this question.
14. The majority of respondents supported this change and it was therefore proposed by the Adult Social Care and Public Health Committee on 12 March 2018 that approval be sought from Policy Committee to cease couples' assessments and assess people as a single person when calculating the contribution they can afford to pay towards the cost of their care and support.
15. Regarding the financial assessment of couples, section 4.4 of the Adult Social Care Charging Policy currently states:

A couple is defined by the DWP as:

  - Married couples
  - A man and woman living together as husband and wife
  - Same sex-partners whether registered as civil partners, or not.

Only income and capital held in the service user's name, and half of any income or capital held in joint names, will be taken into account. ***However, if it would leave the person better off, ACFS can assess the couple.***
16. It is proposed that the sentence in bold italics above is removed from section 4.4 with effect from 1 April 2018. This will simplify the assessment process for people who are part of a couple, be less intrusive for people and reduce the cost of the assessment process to the Council.

## **Other Options Considered**

17. The Adult Social Care and Health Committee, 8 January 2018, also considered the option not to proceed with changes proposed to apply the Council's existing home care charging policy to people who continue to receive home care from the Short Term Assessment and Reablement Team (START) where the reablement programme has been completed and they are awaiting a care provider for ongoing support, or where people choose not to engage in the reablement programme on offer: **paragraphs 14 and 15** [of the 'Adult Social Care and Health Consultation' report] indicate that the outcome of the consultation was that the majority of respondents either agreed, said they did not know or did not answer with regard to these proposals. As already stated the proposals are in line with application of the Council's current charging policy.

18. The Adult Social Care and Health Committee at its meeting on 12 March 2018 also agreed proposals to introduce an appeals process to consider representations from people who are unhappy about the way their contribution towards their care and support has been calculated, and to introduce a service cancellation policy. Approval was given to seek feedback on the draft wording and processes for these proposals from key stakeholders, including existing service user forums. The final versions of the wording and processes will be brought back to Policy Committee at a later date for approval.

### **Reason for Recommendations**

19. The amendments described in **paragraph 10 and 16** of this report are recommended by the Adult Social Care and Public Health Committee in order to ensure a consistent and equitable approach to adult social care charging.

### **Statutory and Policy Implications**

20. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

21. It is anticipated that the proposed change to the Adult Social Care Charging Policy in respect of the Short Term Assessment and Reablement Team (START) will allow the Council to save £45,000 a year (full year effect).

### **Legal Implications**

22. This proposed charging policy change has been considered by the Council's Legal Team and deemed lawful subject to the Council charging in accordance with the conditions set out in the applicable regulations.

### **Implications for Service Users**

23. The changes to the Adult Social Care Charging Policy will mean that:
- a. the Council's home care charging policy can be consistently and equitably applied to people at the point that their reablement programme with the Short Term Assessment and Reablement Team (START) service has been completed
  - b. people who are part of a couple will only be subject to one financial assessment

### **RECOMMENDATION/S**

24. That Committee approves the amendments to the Adult Care Charging Policy ('Contributions towards a Personal Budget Guidance' Version 5) as stated in **paragraphs 10 and 16** of this report.

**Councillor Stuart Wallace**

**Chairman of the Adult Social Care and Public Health Committee**

**For any enquiries about this report please contact:**

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**Constitutional Comments (SLB 13/03/2018)**

25. The Policy Committee is the appropriate body to consider the content of this report.

**Financial Comments (KAS 13/03/18)**

26. The financial implications are contained within paragraph 21 of this report.

**Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to Adult Social Care and Public Health Committee 'Adult Social Care and Health Consultation', 12 March 2018
- Responses to the Adult Social Care Charging Consultation, 6 November 2017 to 22 January 2018
- Report to Adult Social Care and Public Health Committee 'Adult Social Care and Health Consultation', 8 January 2018
- Report to Adult Social Care and Public Health Committee 'Adult Social Care and Health Consultation', 9 October 2017

**Electoral Division(s) and Member(s) Affected**

- All