

14 June 2021

Agenda Item: 10

REPORT OF THE SERVICE DIRECTOR FOR AGEING WELL COMMUNITY SERVICES

ADULT CARE FINANCIAL SERVICES UPDATE AND FUTURE SERVICE REVIEW

Purpose of the Report

1. This report provides an update on Adult Care Financial Services (ACFS), key aspects of the work and sets out aims of the next phase of service review. The report also seeks approval for:
 - a) a budget of up to £65,000 to contract for specialist independent advice and expertise on Local Authority Financial Charging Regulations to scope the next phase of the service review
 - b) permission to review Nottinghamshire County Council's policies relating to financial contributions for social care and the ACFS functions as part of the service review
 - c) the extension of 2 FTE temporary Deputyship Officer (Band A) posts until 31st March 2022
 - d) the extension of a 0.6 FTE temporary Finance Assistant (Grade 4) post until 31st March 2022.

Information

2. Adult Care Financial Services (ACFS) was not in the scope of the 2019/20 Departmental Workforce Remodelling because it was in the final phase of a significant project. This has now been successfully completed and has delivered an improved process for managing the Department's financial contribution systems and billing.
3. The service undertakes five different functions and the workforce establishment is 48.7 FTE posts. Staff in the five areas each have specific specialist knowledge and expertise. The team oversees approximately £42,000,000 of income a year, based on year 2020/21 figures. This amount can go up or down each year because it is means tested and therefore depends on each person's individual financial circumstances and ability to contribute to their care, as well as the service that they receive.

Area 1	Area 2	Area 3	Area 4	Area 5
Financial assessment and charges Team	Residential Assessments Team	Client Finance Team	Community Assessments Team	Direct Payments Team
Delivers	Delivers	Delivers	Delivers	Delivers
Payments and billing	Financial Assessments and contributions	Appointee and deputyship cases	Financial Assessments and contributions	Financial Assessments, audits and contributions

Key up-dates

4. The Care Act 2014 gives local authorities the powers to charge people for their care and support. In doing this, councils have to undertake a means tested financial assessment to calculate how much money a person can afford to contribute to their care. Part of this includes that they must take into account and disregard any Disability Related Expenses (DRE). These are any additional costs that people have to pay due to their disability or illness that the council does not fund. These are assessed on an individual basis and can cover a wide variety of things including: specialised equipment and insurance, or things people have to use more of, for example, higher electricity bills for heating and washing.
5. Local feedback told the Council that people wanted improved clarity on what can be classed as a DRE. Further work has now been completed. The Co-production Steering Group chose this as one of their first pieces of work, working with the ACFS team. A clearer and more up-to-date guidance list of what can be considered as a DRE allowance has now been co-produced. This will help to support staff with conversations with people about DRE. A DRE factsheet for people and their carers has also been co-produced. The Group is now working with the service on how these are communicated.
6. The new guidance will assist staff in ensuring that people's financial assessments are fair and equitable, as well as in line with national guidance. People can already request a review and consideration of their individual circumstances following the initial assessment.
7. Implementing the guidance is therefore the right thing to do, however, it may affect the overall amount of annual income that the Council receives. It is difficult to fully assess the future impact of this, because in any one year the individual financial circumstances of the people the Council supports will change. Additionally, the guidance will improve the conversations that staff have with people about what can and cannot be disregarded, however, it is difficult to predict what the overall impact of this may have on income overall. The clearer guidance may lead to consideration of some new items as being DRE for some people and equally take some items out for others, or remain the same. Due to difficulties in predicting the financial impact a monitoring process has been put in place that will report into the Senior Leadership Team's monthly finance meeting.
8. The Corporate Director of Adult Social Care and Health agreed with the Council's Section 151 Officer that the new guidance would be implemented in April 2021, with the understanding that the Adult Social Care and Public Health Committee would be informed at the June meeting.

Service review

9. Five main areas for potential future improvement have been identified:
 - review of the Department's internal processes, policies and procedures relating to the ACFS functions
 - better customer service for people through greater alignment between ACFS and operational teams
 - more accessible, easy to understand communications with people
 - a shift to more digital ways of working
 - potential changes to the structure of the service and resources in light of findings from the review of the above areas.
10. Minimum requirements regarding charging for care and support are set out in national regulations and statutory guidance that local authorities are required to apply. Councils all have their own policies in place to supplement these minimum requirements and cover areas where there is discretion. Nationally, these local policies are an area that local authorities often face legal challenges on. Nottinghamshire County Council maintains awareness of these through its national and regional networks and legal team, in order to consider if any national challenge highlights practice that needs to be reviewed locally to see if improvement is required. It is, however, good practice at intervals to do a full review of all policies relating to financial contributions and the management of people's money. Approval is therefore requested from Committee to undertake a full review of all policies relating to the ACFS functions as part of the service review.
11. To properly scope these areas and understand the potential benefits that a service review could deliver, it is proposed that external advice and expertise is brought in to do this initial one-off piece of work. This is because it is a very specialist area, requiring knowledge of the legislation, regulations and policy relating to charging for Adult Social Care and how wider social care operates, as well as what different models have been used elsewhere successfully. The specialist will be able to support the identification of areas of best practice and areas of emerging thinking. The review will be co-produced with people who have experience of these services.

Workforce

12. On 9th September 2019, Adult Social Care and Public Health Committee approved 2 FTE temporary Deputyship Officer and 0.6 FTE temporary Finance Assistant posts up to March 2020. The posts were made temporary on the basis that the service was not part of the initial main phase of the departmental workforce remodel and would soon be the subject of a future service review, which would accurately assess the demand for and impact of the posts. This review has been delayed due to the impact of managing the Covid pandemic. The posts were initially extended up to June 2020 using emergency powers and approval has now lapsed. There is ongoing need for the 2.6 FTE posts to be extended to the end of March 2022, pending the outcome of the service review which will now take place this year. Funding is available for these in the Departmental budget.

13. A Deputyship is where the Court of Protection grants the Council greater authority to act in all financial matters for someone that the Council works with and for whom no suitable alternative person is available to take on this role. Since January 2020 the deputyship volumes have remained stable. The team currently manage 338 deputyship cases, compared with this time last year at 336 cases, so the work has remained steady and there is the demand for this service within the current operating model. This is a non-statutory function that the Council provides because it allows people to maintain their independence and achieve their goals whilst safeguarding them from financial abuse.
14. The Finance Assistants provide practical support to the Deputyship Officers and are part of a wider pool of Finance Assistants supporting work across ACFS. They manage people's money and also ensure bills are paid promptly.
15. To illustrate the role, a Deputyship Officer has been working with person 'C', who has a learning disability and mental ill-health for several years. They support 'C' to manage their money so that they do not get in to debt. 'C' has always said that they would like to live on the street where they grew up. When they were left some money this dream became a real option. The Deputyship Officer supported them through all the negotiations until 'C' picked up the keys to their own house - six doors away from the house 'C' grew up.
16. The posts are also required in order to maintain the case load levels advised by the Office of the Public Guardian (OPG) during a recent assurance visit and benchmark in line with other local authority caseloads.
17. Committee is therefore requested to approve the following, pending the outcome of the service review:
 - a) the extension of 2 full-time equivalent (FTE) temporary Deputyship Officer (Band A) posts until 31st March 2022 (£42,779 per FTE)
 - b) the extension of a 0.6 FTE temporary Finance Assistant (Grade 4) post until 31st March 2022 (£30,284 per FTE).

Other Options Considered

18. Options have been considered to utilise internal generic project resources with input from the finance specialist who worked on the first phase of the systems finance and billing project. This was discounted due to the specialist knowledge required by the Deputyship Officer.

Reason/s for Recommendation/s

19. A specialist external business partner is sought from an agency with technical experience in the ACFS systems and functions as outlined in the report. The specialist can help the Council to develop a service that will better suit the needs of the people it serves, be more localised and place based to enhance a strength based service.
20. This specialist can advise on the future potential for reducing back office functions, delivering a cultural shift from potential alignments with localised teams and deliver opportunities for technological and reconfiguration options, to deliver improved outcomes for people's experience. This option would enable the delivery of a review that would make

the financial services offer more accessible and better suited to a future model for better experiences for the people the Council serves into the future.

Statutory and Policy Implications

21. 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

22. The sourcing of a discrete specialised agency project manager to undertake the review and early implementation is likely to take up to six months at an estimated cost of up to £65,000. This project will be met from departmental reserves.
23. The cost of the 2 FTE Deputyship Officer posts is £85,558 and the 0.6 FTE Finance Assistant post is £18,170. The total cost of the temporary posts proposed is £103,728 to 31st March 2022.
24. It has been confirmed that these posts are already in the budget, it was set up this way at the time of the initial report for the posts in September 2019 and highlighted for review.

Human Resources Implications

25. Extension of the Deputyship Officer and Finance Assistant posts will be undertaken in line with the Council's relevant policy.
26. Extending the posts for a further period of 12 months may mean that the postholders have more than two years' service with the Council and will therefore have accrued certain employment rights. The implications of this will be managed in line with the Council's employment procedures.

Smarter Working Implications

27. Although the post holders would ordinarily be office based and undertake face to face visits, due to the current emergency response to the pandemic the expectation is that post holders will be home based. This will be kept under review as Government guidance changes.

RECOMMENDATION/S

That Committee:

- 1) considers the update on the work of Adult Care Financial Services and whether there are any further actions it requires arising from the information in this report

- 2) approves a budget of up to £65,000 to contract for specialist independent advice and expertise on Local Authority Financial Charging Regulations to scope the next phase of the service review
- 3) gives approval to review Nottinghamshire County Council's policies relating to financial contributions for social care and the ACFS functions as part of the service review
- 4) approves the extension of 2 FTE temporary Deputyship Officer (Band A) posts until 31st March 2022
- 5) approves the extension of a 0.6 FTE temporary Finance Assistant (Grade 4) post until 31st March 2022.

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Constitutional Comments (CEH 02/06/21)

28. The report and recommendations fall within the remit of Adult Social Care and Public Health Committee under its terms of reference. Committee should note that if the review of the policies relating to financial contributions for social care and the ACFS functions mean a new policy/ies are required or the existing policies need changes which have significant financial or other impacts then a report will need to be taken to Policy Committee for approval.

Financial Comments (ZB 01/06/21)

29. The financial impact of the DRE guidance implementation is unknown as yet, however this will be monitored and reported to Senior Leadership Team on a monthly basis.
30. The total cost of the posts is £103,728 for the financial year to 31st March 2022. This is comprised of 2 FTE temporary Deputyship officer posts (Band A, £85,558) and 0.6 FTE temporary Finance Assistant post (Grade 4, £18,170), which will be funded by existing budgets within the ACFS team.
31. The cost of the agency Project Manager of £65,000 will be met in year by departmental reserves.

HR Comments (WI 01/06/21)

32. The temporary fixed term contracts will be extended for the current incumbents in the Deputyship Officer and Finance Assistant posts for the duration outlined in the report. Consideration will also be given to the implications outlined in **paragraph 26**.

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.

[Interim Review of structure within Adult Social Care Financial Services – further to wider workforce review – report to Adult Social Care & Public Health Committee on 9th September 2019](#)

Electoral Division(s) and Member(s) Affected

All.

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