

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children, Health and Wellbeing Policy Development Panel	
MEETING/ DECISION DATE:	28th January 2020	EXECUTIVE FORWARD PLAN REFERENCE:
		E 9999
TITLE:	Adult Social Care and Support Charging and Financial Assessment Framework	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption</p> <ol style="list-style-type: none"> 1. Care and Support Charging and Financial Assessment Framework. 2. Direct Payment Policy 3. Results report and appendices 4. Risk assessment 		

1 THE ISSUE

- 1.1 The Care and Support Charging and Financial Assessment Framework and the Direct Payment Policy came before the Panel on the 1st October 2019 prior to the conclusion of the public consultation. The public consultation has now concluded, and the policies have been amended with consideration of the feedback received.

2 RECOMMENDATION

Panel is asked to;

- 2.1** Endorse the proposed Care and Support Charging and Financial Assessment Framework amended after consideration of the feedback from the public consultation.
- 2.2** Endorse the updated Direct Payment Policy amended after consideration of the feedback from the public consultation.

3 THE REPORT

3.1 Please see the Results Report and appendices at annex 3 to this report.

3.2 The Draft Adult Social Care and Support Charging and Financial Assessment Framework and Direct Payment Policy has now been through the consultation which ran from the 24.09.2019 – 03.12.2019.

The Project Team (Lesley Hutchinson, Annemarie Strong and Sara Dixon) with support from Councillor Appleyard, the Senior Leadership Team, commissioning colleagues and Communications and Marketing attended 21 face to face consultation events with the public between the 25th September and the 27th November 2019 and meet with 196 people.

The consultation ensured the following key messages were at the forefront:

- Ensure people are charged fairly and receive all the financial benefits they are entitled to for the care and support they need;
- Apply the charging rules consistently to ensure those people with similar needs or services are treated the same;
- Be clear and transparent to ensure people know what they will be charged;
- Promote wellbeing, social inclusion and support the vision of personalisation, independence, choice and control;
- Support carers to look after their own health and wellbeing and to care effectively and safely;
- Be person focused to reflecting the variety of care and options available to meet individual's need;
- Be sustainable for the Council in the long term.

We received 90 responses to the consultation on line and in paper form of which 57 were standard questionnaires and 33 were Easy Read questionnaires. We also received two letters making comment on the Draft Adult Social Care and Support Charging and Financial Assessment Framework and Draft Direct Payment Policy.

3.3 There were 10 proposals consulted on and it is requested that the following be approved and form the final Care and Support Charging and Financial Assessment Framework:

Proposal 1: accepted (the council proposes to introduce a care and support charging and financial assessment framework that aims to provide a fairer system and make it easier to understand for those people who need care.)

Reason: in principle most people supported the proposal, however there were elements within the care and support charging and financial assessment framework that raised concern.

Proposal 2: not accepted – amended (when the council's client finance team become aware of a new service user, a care finance officer will make several attempts by different means to contact them or their representative. the council will require a service user or their representative to respond within two weeks of the initial contact being made to arrange a financial assessment. if there is no response, the council will deem the person to be self-funding. this would be considered on a case by case basis.)

Reason: following the level of concern expressed regarding the two-week time period for the service user or their nominated representative to make contact with the care finance officer the proposal is to extend this timeframe to four weeks.

Proposal 3: accepted (many service users will be entitled to claim for benefits. these benefits are included in the financial assessments. the council will take into account any benefit that it believes a service user would have an automatic entitlement to, if an application were made. this relates to pension guaranteed credit and employment and support allowance.)

Reason: the council notes individuals concerns regarding support and signposting and will review the information already available to support people and develop a guidance document explaining what the person or their representative needs to do to make an application for the designated benefit.

Proposal 4: accepted (in some cases, a third party (family or friend) will pay extra costs towards a more expensive service such as a larger room in a care home. the council will require any third party to enter into a formal agreement confirming they will make the required payments. the council will also carry out a basic financial assessment on the proposed third party to ensure the required payment is affordable.)

Reason: Respondents did express a level of concern, however this was mainly in regard to the principle of third-party payments and the use of the same rather than the agreement and/or financial assessment. The use of third-party payments is a matter of statute. There were a small number of people who felt it was an infringement of their rights however the decision to agree to a third-party payment is optional and therefore any person who did not wish to provide financial information would not have to do so.

Proposal 5: accepted. (in some cases, a service user is unable to pay for their care as their funds are tied up in a property. arrangement can be made for service users to enter into an agreement that allows for payment at a later date. this is known as a 'deferred payment agreement'. when an agreement is entered into and a yearly fee is charged. the fee covers the administration costs incurred in preparing annual statements, reviewing the equity / level of debt and the value of the property. the council proposes an initial set up fee of £105 and an annual fee of £30.00. these costs will be collected when the deferred payment agreement ends.)

Reason: Statistically, the number of respondents in favour were only marginally more than those respondents that answered 'no', however it should be noted that the fee is not payable at the outset but added to the debt and is payable when the deferred payment agreement is ended.

It was also noted that there was a general dissatisfaction with the current law in respect of property ownership and care costs, however this is a matter for central government.

Further the project team sought confirmation, via the national association of financial assessment officer's forum and from other local authorities in respect of the setup fee they charged.

This ranged between £64.00 and £397.00, however, some Local Authorities did not charge a single fee opting to charge an hourly rate or a mixture of both making comparison difficult, the £105.00 was an average of our nearest neighbouring Local Authorities. Therefore, it is proposed that the sum of £105 is reasonable.

The fees for a deferred payment agreement will increase annually in April in accordance with the Consumer Prices Index including owner occupiers' housing costs (CPIH), to allow for the increase in property prices.

Proposal 6: accepted. (in some cases, a service user's representatives may be in the process of applying for deputyship when the service user needs care. also, there may be times when the service user's property is currently not registered with the land registry. a new interim funding policy will be applied that allows the council to fund care for a period of time whilst deputyship is obtained and / or the property is registered. this will be subject to a four-month review (other situations will be considered). a signed contract will be required confirming the amount to be repaid to the council. the service user or their representative will be required to keep the council updated.)

Reason: the proposal is accepted, however more detail will be provided in a specific leaflet to those who may require assistance via interim funding to ensure the agreement and principle is clear.

Proposal 7: accepted (to ensure there is a fair approach to disability related expenditure, the council is introducing new amounts. the council will only pay for expenditure that is related to a disability. for example: additional laundry, replacement bedding, private domestic help and additional heating costs.)

Reason: some concerns were raised in respect of people's individual needs being taken into account, for example dietary requirements, the intention has always been to work with people on an individual basis to ensure genuine disability related expenditure is taken into consideration.

Proposal 8: accepted (the council will allow transport and education costs. these must be set out the service user's care and support plan and will only be allowed if the individual is not in receipt of disability living allowance or any disability living allowance component of personal independence payment (PIP).

Reason: the responses showed clear support for the proposal.

Proposal 9: accepted. (people receiving care and support at home are currently allowed £189.00 per week to cover the cost of living. the council proposes to only allow the cost of the standing charge for gas, electricity, water and sewerage within the financial assessment.)

Reason: whilst there was clear concern that people may be adversely affected due to items such as additional heating costs caused by a disability need for greater heat this would fall under proposal 8 and be a disability related need and would be considered in any care act assessment and assessed accordingly.

In addition, any person aged over 60 would be in receipt of the winter fuel allowance and those in receipt of certain benefits may be eligible for the cold weather payment.

Proposal 10: accepted (in some cases, the council will arrange care for people who are able to pay for their own care. a new one-off charge will be applied to any new self-funder where the council has been asked to arrange the care and support. this is to cover the administrative costs incurred by the council. it is proposed this is a one-off fee of £250.00 plus vat.)

Reason: The Project Team sought confirmation, via the national association of financial assessment officer's forum, from other local authorities in respect of administration charges for those who are deemed as self-funding but request the council to arrange care. the other local authorities confirmed a charge between £125 plus vat and £500 many also charged an annual fee in addition to the initial charge.

The Project Team acknowledges that the consultation feedback showed a response that the proposed sum of £250 plus vat was too high but given the evidence from other local authorities and that fact that the use of the service is at the persons discretion the council felt that the proposal was reasonable.

This cost will not cover the full cost to the council but will allow the council to recoup some of the costs of the officer time, social worker time, checking the appropriateness of the options of care available, negotiating on the persons behalf and setting up the package of care.

The council will provide all those who are self-funders and express they wish the council to carry out this work on their behalf with a leaflet explaining the options in respect of arranging care.

It should be noted that private agencies who provide this service charge a higher rate, the rates charged by private agencies range between £255 plus vat and £695 plus vat.

The amended direct payment policy also formed part of the consultation and the following is proposed.

Direct Payment Policy: agreed

Whilst some concerns at language and accessibility were raised, the easy read version will remain available on-line and in hard copy by request. if any individual has a concern about the implications of the direct payment policy, they can speak with their social worker or care co-ordinator.

Further following feedback in respect of pre-paid cards, to clarify, pre-payment cards will be optional if used in the future.

The policy be updated to include SEN and SCHP, the commissioner will liaise with the relevant teams to ensure the wording is correct and the information accurate.

- 3.4 The final Care and Support Charging and Financial Assessment Framework and Direct Payment Policy will be available on-line permanently and for four weeks after approval at the One Stop Shops and libraries. Hard copies can be sent by post on request.

The final Care and Support Charging and Financial Assessment Framework and Direct Payment Policy will also be made available in easy read on-line and for

four weeks after approval at the One Stop Shops and libraries. Hard copies can be sent by post on request.

The FAQ's together with the Results Report and appendices will also be made available on-line and for four weeks after approval at the One Stop Shops and libraries. Hard copies can be sent by post on request.

The current cohort of approximately 2,100 service users will be sent letters informing them of where they can view the final Adult Social Care and Support Charging and Financial Assessment Framework and how the decisions made will impact on their weekly care charge.

4 STATUTORY CONSIDERATIONS

- 4.1 The Care and Support Charging and Financial Assessment Framework and Direct Payment Policy ensures compliance with the Care Act 2014 and related statutory guidance. The proposed decisions, after consideration of the feedback from the public consultation, on the discretionary elements fall within the discretion afforded to the Council.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 It is forecast that for 2020-21 the introduction of the framework as recommended will reduce by £500K the net cost to the Council of funding care and support through ensuring that where eligible, service users claim benefits from the correct source (ie Pension Guarantee Credit will be claimed via the welfare benefit system), at no cost to the service user. This has been made explicit throughout the consultation.
- 5.2 Some of the final project costs cannot be itemised due to the fact they cannot be appraised until the final Care and Support Charging and Financial Assessment Framework and Direct Payment Policy are approved but will include.
- a. document costs – easy read versions of the final documents;
 - b. short term client finance staffing;
 - c. training – client finance, social work teams etc (no cost);
 - d. controcc (client finance data system) training is already provided in the existing contract with the provider;
 - e. Postage costs to inform individuals of any change to their assessed weekly care charge.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issues and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 This Care and Support Charging and Financial Assessment Framework will provide clear guidance and procedure in relation to financial assessments. This will mitigate any risk to the Council and will be transparent for service users and carers.

- 6.3 The Direct Payment Policy will provide clear guidance to those in receipt of Direct Payment of their obligations and duties both to those they employ and in relation to compliance with their statutory duties and functions. It will further ensure transparency in respect of the Councils functions thus mitigate any risk to the Council.

7 CLIMATE CHANGE

- 7.1 Fewer letters will be required to be sent after introduction of the Care and Support Charging and Financial Assessment Framework and Direct Payment Policy as there should be a reduced number of complaints in the long term resulting in lower numbers of letters required and reduced postage. The Client finance teams use the pool cars reducing the impact on the environment as these vehicles are environmentally friendly.
- 7.2 If the final Care and Support Charging and Financial Assessment Framework and Direct Payment Policy are approved by Full Council. Consideration has been given to limiting the number of paper copies the final documents by making the same available on-line and in the one-stop shops and library for a period of 4 weeks after approval by Full Council. However it must be recognised that the service users affected by these changes may not be able to access information via the website or be able to access the one-stop shops or library.

8 OTHER OPTIONS CONSIDERED

- 8.1 None

9 CONSULTATION

- 9.1 Please see appendix 3 to this report which includes an equalities impact assessment. The Care and Support Charging and Financial Assessment Framework and Direct Payment Policy were extensively and widely consulted on, ensuring as many people as possible were given the opportunity to participate and comment.
- 9.2 Subject to approval by Full Council Social Workers and Teams will receive briefings on the final versions of the Care and Support Charging and Financial Assessment Framework and Direct Payment Policy to ensure they can provide support to Service Users, Families and Carers.
- 9.3 Subject to approval by Full Council all current Service Users will receive a letter notifying them of how to access the final Care and Support Charging and Financial Assessment Framework and Direct Payment Policy and any change (or not) to their assessed weekly care charge and information on how to contact the Care Finance Team to challenge this.
- 9.4 Subject to approval by Full Council the project team will provide further events with third parties to appraise them of the final decisions taken by the Council.

Contact person	Annemarie Strong 01225 395005
Background	

papers	
Please contact the report author if you need to access this report in an alternative format	