

TO: EXECUTIVE
24 JANUARY 2017

CHARGING OPTIONS FOR CARE AND SUPPORT AT HOME
Director of Adult Social Care, Health & Housing

1 PURPOSE OF REPORT

- 1.1 To seek approval to consult on potential changes to the Charging Policy for Adult Social Care Services (non residential services), aligned to transformation in the provision of the support offer at night.

2 RECOMMENDATIONS

- 2.1 That the Executive notes the transformation of the support offer at night.
- 2.2 That the Executive agrees to consult on the following option for charging:

That the Council when financially assessing someone in receipt of Adult Social Care fully takes account of the income received by people receiving the higher rate of benefit from Attendance Allowance, Disability Living Allowance, and Personal Independence Payments.

3 REASONS FOR RECOMMENDATIONS

Night time support transformation

- 3.1 There is limited provision of support at night in someone's home in Bracknell Forest. A number of people do have live-in carers, and a further small cohort have scheduled night time visits from a care home provider. This leaves a gap for people who may need occasional support, but do not need regular support. Most of these individuals will have been assessed by the DWP as being in need of night term support, and therefore eligible for the night time component of one of the benefits listed in paragraph 3.10 below, but have not been assessed by Adult Social Care as being eligible for support, as the thresholds are different.
- 3.2 Forestcare would be able to offer a charged for pop in service, for those occasions when people need attending to. If people utilise this service, the fee they pay would be completely taken into account in the new financial assessment proposed above.
- 3.3 There is a strong preventative element to this set of proposals, which are outlined below. A lack of uptake or provision of night time care services is likely to increase admissions to long term residential care. Research into the determinants of permanent admission to residential care has identified incontinence related issues to be a major predictor. It is night time care services that are the best place to support these issues and hence delay or even to prevent admission from becoming necessary. The twin proposals outlined in this paper encourage people to take responsibility for their own care and support, as their night time benefit income would be taken into account in assessing their affordability to contribute towards the costs of their support, and their contribution will be reduced if they are paying for the

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night term support offer, from Forestcare, or any other willing provider that may choose to offer this service.

- 3.4 Following on from CQC Registration, Forestcare are now able to offer emergency personal care to individuals at any time of day or night. Forestcare provides emergency cover 24 hours a day, seven days a week, 365 days a year. Our out of hours service is tailored to the convenience of our customers. For a small weekly fee, they can be re-assured that they/their loved ones needs can be promptly responded to.
- 3.5 Each emergency care situation is different, but some common scenarios we regularly give immediate support to include:
- Rapid response for an unplanned discharge from hospital.
 - Emergency support when another agency has let a family down.
 - Help when unforeseen circumstances occur and a family has other commitments.
 - Assistance with personal care
 - Falls
 - Prescription Collection
- 3.6 Forestcare Responder Service means that there is always a way of dealing with life's uncertainties. As circumstances unfold, customers can be reassured that they will receive the best emergency home care and thorough professionalism from the Forestcare emergency support team who will endeavour to attend within 45 minutes of being contacted.
- 3.7 All of our Emergency Response Officers are First Aid and Moving and Handling trained to assist them to help. Following an initial assessment, if it is safe and the individual is unhurt, we will lift them using the latest lifting technology.
- 3.8 The basic charge for this service is:
- £8.70 per week (plus basic lifeline rental) – 1 call out per month
 - £15 per week (plus basic lifeline rental – 2 call outs per month
 - Additional visits £31.00/£46.50 Bank Holidays including Christmas and New Year.

Where people are paying for this service, and they are separately making a contribution towards the costs of their social care package, it is likely to constitute "Disability Related Expenditure" in their financial assessment. What this means in practice is that their assessed charge for social care support is likely to reduce by the same amount that they are paying for the service outlined above. This is relevant to sections 3.10ff below.

- 3.9 Calls can be accumulated but not used in advance. All customers who sign up to the Responder Service receive a full support plan and risk assessment.

Proposed charging amendments

- 3.10 The Care Act 2014 imposes powers and duties on Local Authorities in relation to these matters from April 2015, with further ongoing changes to some of the detailed requirements.

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The Care Act 2014 states that there are a number of benefits that may be **fully** taken into account when considering what a person can afford to pay towards their care from income, which the Council currently does not, where the person is receiving the higher rate:

- Attendance Allowance, including Constant Attendance Allowance and Exceptionally Service Disablement Allowance
- Disability Living Allowance (Care component)
- Personal Independence Payment (Daily Living component)

The Care Act had stipulated that no-one should be made worse off by the reforms, and changing the policy to be in line with the Care Act would have had a negative impact on people's finances. As such, previous policy decisions on charging presented to the Executive have not addressed this aspect of the Care Act, as it was believed that the regulations would be changed. Whilst there have been some minor amendments to the Care Act in this regard, the Council does not fully take into account the benefits listed above. It is proposed that the Council consults on this.

- 3.11 When there is a decision to charge, the LA must have regard to the **2014 Regulations**.

Reg 15 states:

In a case where the adult has needs for care and support other than the provision of accommodation in a care home, or the carer has needs for support, a local authority may in carrying out the calculation of the adult or carer's income for the purposes of the financial assessment, disregard such other sums the adult or carer may receive as the authority considers appropriate.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There is no alternative to implementing the requirements of the Care Act however there are decisions to be made regarding the detail of local implementation.

5 SUPPORTING INFORMATION

- 5.1 The Executive received a report in November 2015 recommending a number of changes to the Charging Policy to bring the Council into line with other duties and powers in the Care Act 2014. However, this area was not addressed, as it was anticipated that the legislation would be changed. That is no longer the case.
- 5.2 The current policy fully takes into account income from benefits for the middle or lower rates of Attendance Allowance, Disability Living Allowance and Personal Independence Payments, but does not take the income fully into account if the person is on the higher rates of those benefits. The policy also fully takes into account income from the higher rates of benefit when someone receives night care arranged by the local authority.
- 5.3 A significant number of people in receipt of support do receive these benefits at the higher level, and could be impacted by a simple change of fully taking into account the income from the particular benefit, as follows:

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	Numbers of People That Are:			Total
	Worse Off	Better Off	No Change	
Attendance Allowance	104	4	36	144
DLA Care - Higher	70	0	99	169
PIP: Daily Living (Enhanced)	14	0	20	34
Total	188	4	155	347

- 5.4 The average potential impact for those that are negatively impacted is £25 per week, with most worse off to the tune of £27.20 per week. A number of people will be impacted by a lower amount because they will be paying the full cost of their care whilst still retaining some of the benefit income.
- 5.5 The potential reduction in the net cost of funding support for people via these changes could be £230,000 in a full year once fully implemented. However, the new night time support offer – or any alternatives that people are able to source from other providers – is one that the Council would encourage people to take up, as it is likely to help them maintain their independence for longer. To the extent that this cohort of people do take up this offer, it will reduce the amount of money that the Council is able to raise in charges. If people take up the service offered by Forestcare, whilst this will increase the amount of income that Forestcare is able to earn, this additional income will only cover the additional costs to Forestcare of expanding the service. Therefore, the change in policy is unlikely to achieve the full potential income figure.
- 5.6 An individual's financial assessment into what they can afford to contribute towards their social care support takes into account additional expenditure they incur directly due to their disability. If an individual arranges their own private night time support, this cost would need to be taken into account if the policy on the extent to which benefits are taken into account is modified.
- 5.7 It is noted that the Council is also consulting on changes to its Housing Allocations Policy and the Local Council Tax discount scheme, and it might be perceived that this will impact on the same people as the proposed changes above. Neither of these two potential changes will impact on the same people as the proposed changes to the adult social care charging policy. All working age people with an adult social care support plan currently eligible for an 80% council tax discount are classified as "Vulnerable People", and will continue to receive the same discount.
- 5.8 As these potential changes:
- Have a potentially significant impact,
 - Are not mandatory,

it is advisable to consult on them.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 6.2 The costs of consultation are relatively low, and can be met from within existing resources.

Equalities Impact Assessment

- 6.3 Equality for all people being supported will be considered at all stages in the process.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None at this stage, this paper seeks permission for a Public Consultation on options in respect of charging.

Method of Consultation

- 7.2 N/A

Representations Received

- 7.3 N/A

Contact for further information

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Equalities Screening Record Form

Date of Screening:	Directorate: ASCH&H		Section: Commissioning & Resources
1. Activity to be assessed	To consult on proposals to take into account DWP benefits received for night time care and support in the financial assessment of what people need to contribute towards the cost of their care.		
2. What is the activity?	X Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
3. Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		
4. Officer responsible for the screening	Neil Haddock		
5. Who are the members of the EIA team?			
6. What is the purpose of the activity?	To consult on proposals to take into account DWP benefits received for night time care and support in the financial assessment of what people need to contribute towards the cost of their care		
7. Who is the activity designed to benefit/target?	People who are assessed as needing social care support, who receive benefits to help pay for needs related to their disability at night.		
8. a Racial equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.		N	
8. b What evidence do you have to support this? E.g equality monitoring data, consultation results, customer satisfaction information etc.	People's eligibility for services is assessed on the basis of need. Equality monitoring suggests there is no bias on the basis of race in the outcome of assessments.		
9. a Gender equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		People's eligibility for services is assessed on the basis of need. Equality monitoring suggests there is no bias on the basis of gender in the outcome of assessments. However, as the majority of people who need support are older people, and women live longer than men, women are more likely to be eligible for the services that the proposed financial assessment policy would apply to.
9. b What evidence do you have to support this?	Statistics on the numbers of people supported by the Council indicate that a majority of people who receive adult social care services are women.		
10. a Disability equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		People's eligibility for services is defined by the impact that that individual's disability or health condition has on them.
10. b What evidence do you have to support this?			
11. a Age equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		People's eligibility for services is assessed on the basis of need. Equality monitoring suggests there is no bias on the basis of age in the outcome of assessments. However, the majority of people who need support are older people.
11. b What evidence do you have to support this?	Statistics on the numbers of people supported by the Council indicate that the majority are defined as older people.		

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12. a Religion and belief equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.		N	People's eligibility for services is assessed on the basis of need. In Bracknell, numbers of people with different religions or beliefs are too low to test for bias on the outcome of assessment. However, equality monitoring suggests there is no bias on the basis of race, gender, or age in the outcome of assessments, and it is therefore assumed that this is true across all protected characteristics.
12. b What evidence do you have to support this?			
13. a Sexual orientation equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.		N	People's eligibility for services is assessed on the basis of need. In Bracknell, numbers of people with different sexual orientation are too low to test for bias on the outcome of assessment. However, equality monitoring suggests there is no bias on the basis of race, gender, or age in the outcome of assessments, and it is therefore assumed that this is true across all protected characteristics.
13. b What evidence do you have to support this?			
14. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carer's/ex-offenders) and on promoting good community relations.		The proposal would negatively impact on the income levels of people who receive DWP disability benefits for night time support needs, and who do not use that money for any form of night time support. Mitigation will take the form of phasing in the changes, as well as in considering what the appropriate minimum income level they should be left with should be. Additionally, additional night time support services will be put in place, which whilst they would be charged for, this charge would reduce their social care assessed contribution.	
15. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?		People with the protected characteristics of age or disability are the people who are most likely to need social care support, and therefore to be impacted by any charging regime.	
16. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?		People with the protected characteristics of age or disability are the people who are most likely to need social care support, and therefore to be impacted by any charging regime.	
17. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?		N	The power to charge people for social care services is enshrined in statute, and can only apply to people who, because of their disability, which will often be caused by conditions associated with ageing, need adult social care support.
18. What further information or data is required to better understand the impact? Where and how can that information be obtained?			
19. On the basis of sections 7 – 17 above is a full impact assessment required?		N	The power to charge people for social care services is enshrined in statute, and can only apply to people who, because of their disability, which will often be caused by conditions associated with ageing, need adult social care support.
20. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.			
Action	Timescale	Person Responsible	Milestone/Success Criteria
Means Assessment – all people who are eligible for services undergo a financial assessment to ensure that they do not pay more than they can reasonably afford.	Ongoing	Neil Haddock	

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21. Which service, business or work plan will these actions be included in?	Commissioning & resources team plan.
22. Have any current actions to address issues for any of the groups or examples of good practice been identified as part of the screening?	No
23. Chief Officers signature.	Signature: _____ Date: _____
24. Which PMR will this screening be reported in?	