

TO: EXECUTIVE  
18 JULY 2017

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

**1 PURPOSE OF REPORT**

- 1.1 To inform the Executive of the outcome of the consultation on charging options, which started on 25 January 2017 and ended on 24 April 2017.

**2 RECOMMENDATIONS**

- 2.1 That the responses that have been received during the consultation period be noted.

- 2.2 That the Executive agrees the following change to the financial assessment when calculating what people can afford to contribute towards their care:

**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.**

- 2.3 That the Executive agrees a protection period for people negatively impacted on by the proposals.

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The Care Act 2014 imposes powers and duties on Local Authorities in relation to these matters from April 2015. The Executive decided to consult first before making any changes to current policies.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There is no alternative to implementing the requirements of the Care Act 2014 however there are decisions to be made regarding details of local implementation. The Executive could choose not to make this change to the financial assessment policy.

**5 SUPPORTING INFORMATION**

- 5.1 The Executive received a report on 24 January 2017 that recommended public consultation on the proposed change to the financial assessment, and accepted that recommendation.

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- 5.2 The consultation started on 25 January, and ended on April 24. Everyone supported by Adult Social Care received a letter, information pack, blank survey and Stamped Address Envelope to complete and post back.
- 5.3 The consultation was also posted on line on the Council's consultation portal.
- 5.4 A single option for amending the current policies was considered and consulted upon, as identified below.
- 5.5 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.**

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 did not address 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 regulations have stayed in place and the Council does not fully take into account the benefits listed above. Everyone who receives a chargeable adult social care service is financially assessed, and all other income that they receive, except where specifically excluded by legislation, is taken into account in the financial assessment, other than the above elements.

- 5.6 In view of this, not taking this income into account means that people who benefit from this income are the only people whose income is not fully taken into account, excluding income that is specifically disregarded by statute. Additionally, if people do use this income to purchase night time support, which is what the benefit is provided for, then the income will be excluded when calculating what a person should contribute towards their care.
- 5.7 Most of the individuals in receipt of these benefits will have been assessed by the Department of Work and Pensions as being in need of night term support, and therefore eligible for the night time component of one of the benefits listed in paragraph 5.6 above. However, they have not been assessed by Adult Social Care as being eligible for support at night, as the thresholds are different. At present, there is limited provision of support at night in someone's home in Bracknell Forest, such that people may be unable to purchase the support they need at night, particularly those people who may need occasional support, but do not need regular support.

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- 5.8 Forestcare now 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.
- 5.9 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.
- 5.10 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
- 5.11 There is a strong preventative element to this set of proposals. A lack of uptake or provision of night time care services is likely to increase admissions to residential care. Research into the determinants of admission to residential care has identified incontinence related issues to be a major predicator. It is night time care services that are best placed to help these issues and so delay or even 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 night term support offer, from Forestcare, or any other willing provider that may choose to offer this service.
- 5.11 The consultation showed that people were not in favour of this proposal – 19.5% of people agree with it, against 58.5% of people who disagreed, with the remainder, 22%, neither agreeing nor disagreeing. The table below gives the full results

	COUNT			PERCENTAGE		
	Postal	On Line	Total	Postal	On Line	Total
To what extent do you agree or disagree that the Council when financially assessing someone in receipt of Adult Social Care, fully takes into account the income received by people receiving the higher rate of benefit from Attendance Allowance, Disability Living Allowance (care component), and Personal Independence Payments (daily living component).						
Strongly agree	3	0	3	4.0%	0.0%	3.9%
Agree	12	0	12	16.0%	0.0%	15.6%
Neither agree nor disagree	17	0	17	22.7%	0.0%	22.1%
Disagree	9	1	10	12.0%	50.0%	13.0%
Strong Disagree	34	1	35	45.3%	50.0%	45.5%
Total	75	2	77	100.0%	100.0%	100.0%

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5.12 The impact on individuals of this proposal is as follows:

	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
<b>Total</b>	<b>188</b>	<b>4</b>	<b>155</b>	<b>347</b>

Assuming no change in behaviour, 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. The introduction of the night time support offer may lead to people taking up that service, and therefore their social care charge would not increase.

5.13 A survey of the policy applied by authorities around the country has been undertaken to support the decision making process. The table below splits the responses between the other Berkshire Authorities that responded, and authorities around the country. The table shows a variety of policies

<b>Council</b>	<b>Current Policy</b>
<b>RBW&amp;M</b>	<b>Considering taking into account</b>
<b>West Berkshire</b>	<b>Disregard</b>
<b>Reading</b>	<b>Take into account</b>
Suffolk	Disregard
Rotherham	Disregard
Hull	Disregard
Knowsley	Disregard
Hounslow	Disregard
Derbyshire	Disregard
Warwickshire	Disregard AA/DLA not for PIP
West Sussex	Disregard AA/DLA not for PIP
Manchester	Disregard AA/DLA not for PIP
Richmond	Disregard AA/DLA not for PIP
Buckinghamshire	Disregard AA/DLA not for PIP
Dudley	Disregard AA/DLA not for PIP
North East Lincolnshire	Disregard AA/DLA unless night care is being received but take it all into account for PIP
Hampshire	Disregard AA/DLA unless night care is being received but take it all into account for PIP
Southwark	NNC Dis-regard applied for all benefits.
East Sussex	Take into account
Peterborough	Take into account
York	Take into account
Brighton & Hove	Take into account

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In addition, 4 authorities (comprising one County Council, one London Borough, one unitary authority and one Metropolitan Borough) indicated that they currently disregard, but may change.

**It is recommended that the Council changes the charging policy such that when financially assessing someone in receipt of Adult Social Care it 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.**

- 5.14 On previous occasions when the Council has changed the charging policy, it has had a protection period in place, to allow people to adapt to the changes being implemented. It is recommended that this practice continues, and that the Council implements the policy from the 1<sup>st</sup> September 2017, taking into account half of the value of the additional income it will be assessing against for existing people, and fully implements the policy for those people with effect from 1<sup>st</sup> April 2018. New people would be assessed in line with the new policy from its date of implementation.

**It is recommended that the Council approves the protection periods outlined above for people impacted on by the proposal.**

- 5.15 The financial implications of this proposal depend on the extent to which people take up night time support. If no-one affected did take up any night-time support, and therefore the income from these benefits were not disregarded, then the increased income to the Council would be £230,000 once the policy is fully implemented. It is assumed that 50% of people will purchase some form of night time support, and that therefore the increase in income will be approximately £115,000. The financial benefits arising from the preventative impact on health of people taking up some form of night time support has not been modelled.

## 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 proposals, if all accepted, are estimated to lead to increased income of approximately £115,000, once all protection periods have come to an end. In the current financial year, the revised policy is anticipated to lead to increased income of £30,000.

### Equalities Impact Assessment

- 6.3 An equalities impact screening has been undertaken, and is attached as Annex 1.

## 7 CONSULTATION

### Principal Groups Consulted

- 7.1 People who receive services and Adult Social Care and Housing Overview and Scrutiny Panel (ASCHOP).

Method of Consultation

- 7.2 On line and posted surveys. ASCHOP at its meeting of the 28<sup>th</sup> March reviewed the report recommending consultation, and endorsed the recommendations.

Representations Received

- 7.3 A summary of responses is given in the main body of the report. Annex 1 lists all the narrative comments that were received.

Contact for further information

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## Equalities Screening Record Form

<b>Date of Screening:</b>	<b>Directorate: ASCH&amp;H</b>	<b>Section: Commissioning &amp; Resources</b>
<b>1. Activity to be assessed</b>	To amend the Adult Social Care charging policies to take account of new powers given to Local Authorities by the Care Act, and take account of new duties imposed on Local Authorities by the Care Act. To set charges for services to people not entitled to funding from the Council that ensures the Council does not subsidise those services.	
<b>2. What is the activity?</b>	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	
<b>3. Is it a new or existing activity?</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
<b>4. Officer responsible for the screening</b>	Neil Haddock	
<b>5. Who are the members of the EIA team?</b>		
<b>6. What is the purpose of the activity?</b>	To amend the charging policy in respect of the assessment of income for those people receiving the higher rate of Attendance Allowance, Disability Living Allowance and Personal independence Payments.	
<b>7. Who is the activity designed to benefit/target?</b>	People who are assessed as needing social care support	
<b>8. a Racial equality - Is there an impact?</b> 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	
<b>8. b What evidence do you have to support this?</b> 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.	
<b>9. a Gender equality - Is there an impact?</b> 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 continuing charging regime would apply to.
<b>9. b What evidence do you have to support this?</b>	Statistics on the numbers of people supported by the Council indicate that a majority of people supported by Adult Social Care are women.	
<b>10. a Disability equality - Is there an impact?</b> 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. .
<b>10. b What evidence do you have to support this?</b>	By definition, people who need Adult Social Care support have some form of disability.	
<b>11. a Age equality - Is there an impact?</b> 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
<b>11. b What evidence do you have to support this?</b>	The majority of people who are eligible for adult social care support are older people, as per the department's own statistics..	

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<p><b>12. a Religion and belief equality - Is there an impact?</b>          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.</p>		N	<p>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.</p>
<p><b>12. b What evidence do you have to support this?</b></p>			
<p><b>13. a Sexual orientation equality - Is there an impact?</b>          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.</p>		N	<p>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.</p>
<p><b>13. b What evidence do you have to support this?</b></p>			
<p><b>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.</b></p>	<p>The proposal would negatively impact on the income levels of people who receive the higher rate benefits from Attendance Allowance, Disability Living Allowance, and Personal Independence Payments</p>		
<p><b>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?</b></p>	<p>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. Higher rate benefit income is the only form of income, excluding proscribed income, not taken into account in the financial assessment</p>		
<p><b>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?</b></p>	<p>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.</p>		
<p><b>17. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?</b></p>		N	<p>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.</p>
<p><b>18. What further information or data is required to better understand the impact? Where and how can that information be obtained?</b></p>			
<p><b>19. On the basis of sections 7 – 17 above is a full impact assessment required?</b></p>		N	<p>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.</p>
<p><b>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?</b> Please complete the action plan in full, adding more rows as needed.</p>			
<p><b>Action</b></p>	<p><b>Timescale</b></p>	<p><b>Person Responsible</b></p>	<p><b>Milestone/Success Criteria</b></p>
<p><b>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.</b></p>	<p>Ongoing</p>	<p>Neil Haddock</p>	
<p><b>21. Which service, business or work plan will these actions be included in?</b></p>	<p>Performance &amp; resources team plan.</p>		

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<b>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?</b>	No
<b>23. Chief Officers signature.</b>	Signature:  Date: 28/4/2017
<b>24. Which PMR will this screening be reported in?</b>	