

CABINET

2 FEBRUARY 2023

REQUEST TO CONSULT IN RELATION TO CHARGING FOR CARE & SUPPORT

Relevant Cabinet Member
Councillor Adrian Hardman

Relevant Chief Officer
Mark Fitton, Strategic Director for People

Local Member(s)
N/A

Recommendations

- 1. The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet:**
 - a) Considers the proposed amendments to the County Council's current charging policy for Adult Social Care Services in the following areas:**
 - i) Changes the financial assessment criteria for Replacement Care from a residential service to a non-residential service and makes the distinction clearer for service users, and**
 - ii) Implements charges for both carers when two carers are required to attend a home care visit (double handed care), and**
 - b) Authorises the Strategic Director for People to carry out a public consultation on the proposals, to bring a further paper to Cabinet reporting on the outcome of the consultation and outline his final recommendation for Cabinet approval once the consultation is completed.**

Charging for Replacement Care

2. Replacement care is defined as short term care to replace care that is usually provided by informal carers and due to either an emergency situation or a planned break from their caring role, where the adult may require additional care and support at home, a day service or a temporary placement in a residential/nursing setting. It can also be paid via a Direct Payment. It has been formerly referred to as 'respite care'.

3. The County Council's local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act Regulations, to ensure continuity for our adult service users.

4. The Council has, for a long time, had challenges with how the Council purchases and assesses charges for replacement care, especially in relation to Direct Payments. This is because service users in receipt of a Direct Payment exercise choice and control to decide on the timing and frequency of the replacement care according to their support plan and there is no onus on the service user to let the Council know when this is arranged.

5. It is recommended that the Council's financial assessment is changed to assess all service users in receipt of replacement care under the Non-Residential provisions of the policy.

Replacement Care

6. Replacement care for a Direct Payment client is purchased as a one-off direct payment to be used to pay for care, when needed. Replacement care is considered as a service delivered to the cared-for person and is therefore a chargeable service. As the Direct Payment is purchased as a payment to be provided to the service user to meet a variety of services identified within their support plan, the council's computerised system does not know whether this has been used for replacement care or other services to meet the service user's eligible needs. Therefore, the financial systems will only apply a non-residential charge for all services purchased via a Direct Payment and not the replacement care/residential charge. Where the service user has services arranged directly by the Council, the charges are applied based on the types of services purchased. This means a different charging policy is being applied to Direct Payment users and non-Direct Payment users who are in receipt of replacement care.

7. To ensure that the Council is fair and consistent in its approach and in line with the majority of other local authorities, it is proposed that all clients in receipt of replacement care services are assessed under the non-residential provisions of the Council's charging policy.

8. No current service users will be financially impacted by this proposed change as they are all currently on maximum assessed charge.

9. If this change was to be agreed and implemented the following benefits would be realised:

- Continuity of assessments as Direct Payment and Non-direct payment clients in receipt of replacement care will be assessed in the same way
- Online Financial Assessments (OFA) will be able to be used for all assessments giving the option for service users to be able to understand their charges earlier in the process
- Reduction in assessments being carried out by the Care Contribution Assessment team generating efficiencies

- Simplifying the process for service users who will have one uplift letter (at present they receive two uplift letters if they have non-residential and replacement care)
- Social workers will not have to request a financial assessment when a client who is already having a non-residential service requires replacement care which again leads to process efficiencies

Charging for Double Handed Care Calls

10. Current custom and practice is that the Council only charge a service user for one care caller, even if two carers were required from a service delivery requirement.

11. The recommendation is to change this approach in the Council's charging policy to enable charging for both carers. This will have a minimal impact on those service users currently assessed for financial assistance towards the cost of their care as most service users are already paying the maximum assessed charge permitted under the Regulations. However, the Council has a number of clients who self-fund their care which the Council has arranged on their behalf, but the full cost to the Council of that care is not being recovered from the self-funder. The proposal would mean that those self-funders who are financially assessed as being able to afford the cost of the double handed care and would be required to pay for it. Those affected fall in to two categories, self-funders with capital on the upper threshold, currently standing at £23,250 and those who have high income and lower packages of care.

12. Based on current data, 20 self-funding service users, who choose to use the Council to broker their care, would be required to pay more for their care. Self-funders would only pay the higher amount if they were assessed to have the financial means to pay, and they would be paying the higher amount if they sourced the care themselves which is shown in the **Table 1**.

Table 1 - No of Cases where 2 carers have been required by self-funders and could have been charged for

Charging Band	No of people affected	Weekly increase in charge
Band 2 - variable	1	£26.01
Band 3 – Full Charge	16	£4,589.22
Band 21 – Non-Disclosure	3	£397.60
TOTAL	20	£5,012.83

13. Other councils have been canvassed and out of the responses received, all charge the double handed care costs to the service user, again, subject to the means tested financial assessment. Details of the Councils who responded are at **Appendix 1** to this report.

Consultation

14. The consultation is proposed to start following the Cabinet decision and will last for 90 days. Once the results of the consultation have been considered a paper will draft final recommendations and be presented to Cabinet. This is likely to be June 2023 although will depend on the feedback to the consultation.

Legal, Financial and HR Implications

15. Section 14 of the Care Act 2014 gives Local Authorities a discretionary power to charge for meeting an adult's needs under Section 18 of the Act. An adult may be charged for both residential and non-residential services unless it is prohibited by Regulations from doing so. The amount an adult is required to pay is subject to a means test. The Local Authority may make a charge for care and support in accordance with the Care and Support (Assessment of Resources) Regulations 2014 and the Care and Support Statutory Guidance.

16. In terms of whether non-residential financial assessments should be applied to Direct Payment clients only, the Care Support Statutory Guidance provide principles that local authorities should consider when making decisions on charging. One of those principles is to apply the charging rules equally so those with similar needs or services are treated the same. Councils should also minimise anomalies between different care settings (paragraph 8.2 of the Care and Support Statutory Guidance). The proposal to charge all services users in receipt of replacement care, whether they are in receipt of a Direct Payment or not, under the non-residential charging regime will ensure continuity in approach and minimise any potential anomalies.

17. Under s14(4) of the Care Act 2014 "the charge may only cover.... the cost that the local authority incurs in meeting the needs to which the charge applies". If two carers are required to provide double handed care, and the Council is required to pay for two carers, then that would equate to the cost to the Council in meeting the needs, and the cost for two carers could be recovered from the adult, subject to means testing.

18. The implementation of the change in charging policy will have no direct financial implications, however efficiencies in staff time will be generated. With regard to charging for double handed care, additional cost recovery of c£0.2 million is forecast to be achieved.

Risk Implications

19. Should the recommendations not be accepted then:

- There is likely to be a further pressure on Adults Services budgets
- There is an inherent risk in the way the Council currently assesses charges for replacement care and there is a risk of possible challenge as the Council assesses differently for Direct Payment recipients and those not in receipt of a Direct Payment. The proposal addresses this anomaly.
- When the Care Cap comes in to effect, the Council will need to be ready with streamlined processes to minimise the costs and complexity for the Council, Service Users and Carers. Implementing these actions will support efficiencies and more effective use of online assessments.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

20. A joint impact assessment (JIA) screening has been completed which identified the need for a full impact analysis relating to Equality and Public Health, Data Protection Impact Assessment. These have been carried out and are attached at Appendix 2

Supporting Information

- Appendix 1 - Response from National Association of Finance Officers (NAFAO) regarding double up carer calls
- Appendix 2 - Joint Impact Assessment; Equality and Public Health and Data Protection Impact Assessments.

Contact Points

Specific Contact Points for this report

Charles Huntington
Head of Finance Operational Services

Tel: 01905 843564

Email: chuntington@worcestershire.gov.uk

Appendix 1

Response from National Association of Finance Officers (NAFAO) – response to query regarding cost for Double Up Carer Calls

Name of LA	Double costs charged?
Buckinghamshire	Yes
Knowsley	Yes
Wokingham	Yes
Nottinghamshire	Yes
Sandwell	Yes
Bristol	Yes
South Tyneside	Yes
Bury	Yes
Somerset	Yes
York	Yes
Norfolk	Yes
Isle of Wight	Yes
Redcar & Cleveland	Yes
Brighton & Hove	Yes
Thurrock	Yes
Milton Keynes	Yes
Cheshire West & Chester	Yes