

CABINET

29 JUNE 2023

CONSULTATION OUTCOME 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:

- **Considers the proposed amendments to the County Council's current charging policy for Adult Social Care Services in respect of the following:**
 - 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),**

Background

2. On 2 February 2023, Cabinet authorised the Strategic Director for People to carry out a public consultation on the proposals. This further paper is to report on the outcome of the consultation and outline the final recommendations for Cabinet consideration and approval following the conclusion to the public consultation.

Consultation outcomes

Changes to the Assessment for Replacement Care

3. 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'. Further detail relating to this can be found in the 2 February 2023 Cabinet Report which can be found at the following link [5. CABINET REPORT - Request to consult in relation to charging for care and support](#).

4. The consultation commenced on 23 February 2023, following the Cabinet decision to proceed, and lasted for 90 days, and ended on 24 May 2023. A total of 205 letters were sent to recipients of replacement care, or their carers; in addition to key stakeholder organisations such as Worcestershire Association of Carers, Onside Advocacy, and Age UK (Herefordshire and Worcestershire).

5. 33 responses were received to the consultation and the outcome demonstrated that 24 of the responses (73%) were in favour of the proposals with 5 being against it and 4 not indicating a preference.

6. Therefore, the Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet approve the changes to the charging policy for replacement care, which will realise the following benefits:

- 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

7. Double handed care is where two carers are required at the same time to effectively deliver a Home Care visit.

8. The consultation commenced 23 February 2023, following the Cabinet decision to proceed, and lasted for 90 days ending on 24 May 2023. A total of 638 letters were sent to recipients of domiciliary care including those currently in receipt of double handed care, or their carers; in addition to key stakeholder organisations such as Worcestershire Association of Carers, Onside Advocacy, and Age UK (Herefordshire and Worcestershire). The outcome of the consultation was as follows:

- We have received 126 responses, of which 48 are in favour of the proposals. This figure rose to 64 following once those requesting additional information were contacted via phone (51%) and 56 (44%) are against it. The additional 6 responses failed to indicate a preference.

- Those not in favour of the policy were concerned that this would lead to higher charges and impact the affordability of their care. Further investigation of those respondents indicates that the majority will not be impacted as they are already above the maximum assessed charge. This means that no matter how much more the care package would cost, they would still only pay their maximum assessed rate i.e. no financial impact for them.

9. Therefore, the Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet approve the changes to the charging policy for double handed care with the following action following consultation. All current users in receipt of double handed care will be written to indicating any changes to the current charges. There are likely to be c20 service users who fully fund their care who will be required to make additional contributions. These users will be given time to make changes to their care package or provider should they wish to do so, prior to the policy change implementation. These service users will also be offered support relating to claiming benefits where applicable.

The proposal will realise the following benefits:

- Additional cost recovery of c£0.2 million is forecast to be achieved through the cost for two carers which could be recovered, subject to means testing.
- The change will bring us in line with the majority of authorities who currently charge for both carers.

Legal, Financial and HR Implications

10. 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

11. 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 service 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.

12. 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.

13. An additional £0.2 million of income should be generated from the proposals within this report.

14. There are no additional HR implications from the proposals within this report.

Risk Implications

15. 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

16. 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 in Appendix 2

Supporting Information

- Appendix 1 – Joint Impact Assessment; Equality and Public Health and Data Protection Impact Assessments – Available online

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the Proper Officer (in this case the Strategic Director for People), the following are the background papers relating to the subject matter of this report;

Agenda item and minutes of [Cabinet](#) 2 February 2023, [Item 5 Request to consult in relation to charging for care and support.](#)