
Meeting: Executive
Date: 28 September 2010
Subject: Policy on charging for Non-Residential Social Care Services
Report of: Cllr Carole Hegley , Portfolio Holder for Social Care and Health
Summary: The report proposes the adoption of a revised charging policy for non-residential care services

Advising Officer: Julie Ogle, Director of Social Care Health and Housing
Contact Officer: Tim Hoyle, Head of Business Systems
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) not applicable

CORPORATE IMPLICATIONS

Council Priorities:

The policy contributes to the Central Bedfordshire Council priority of "Supporting and caring for an ageing population" by seeking to ensure that the charging for non-residential social care services is delivered in the most equitable way whilst delivering additional income where appropriate.

Financial:

It is estimated that the full year effect of adopting the revised policy will be a net additional income to the council of £194,000 annually from 2011-12 onwards and additional income in the current year of £63,000. This is to be compared with an agreed Efficiency target of £250,000 for both current and future years.

Legal:

The proposals have been reviewed and they present no risk to the council

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The equalities aspects of the proposed policy changes have been the subject of a full Equalities Impact Assessment (EIA) its recommendations have been incorporated into the proposals in this report.

Community Safety:

Charging policies take into account the needs of the most vulnerable members of the community and safeguarding measures are taken where appropriate.

Sustainability:

None

Summary of Overview and Scrutiny Comments:

- A scrutiny Task Force considered the proposed amendments and received information about the options being considered and the feedback from the consultation activities
- At its meeting on 13 September 2010 the Social Care, Health and Housing OSC considered the recommendations of the Task Force Review of the Charging Policy for Non-Residential Social Care Services. The Committee approved the recommendations of the Task Force (contained at pages 6 to 7 of the Task Force report [Appendix F]) and recommended that they be supported by the Executive.

RECOMMENDATION(S):

- 1. To approve the revised charging policy for non-residential care services as set out in Appendix A.**
- 2. That implementation of the policy will commence with effect from 1 October 2010.**
- 3. To note that a report will be provided to a future meeting setting out the outcomes of Phase 2 of the policy revision.**

Reason for Recommendation(s): There is a need for an up to date policy on charging for non-residential social care services so that decisions are based on legal requirements, the principles agreed by the council in light of the transformation of social care services.

Executive Summary

This report proposes changes to the charging policy for non-residential social care services.

Background

1. Legislation provides that councils may charge for non-residential social care services. These rules are set out in the document "Fairer charging policies for home care and other non-residential social services..." (Department of Health 2003). The current policy was inherited from Bedfordshire County Council. Since that time the council has changed and the delivery of social care services **and** is in the process of changing to a model that offers a greater degree of autonomy and personalisation under the Transforming People's Lives programme.
2. The proposed policy set out at Appendix A covers charging for the following services:
 - care delivered in the customer's own home - such as home care or the services of a Personal Assistant
 - care delivered away from the customer's own home (except where it is provided in a registered residential or nursing home)
 - attendance at Day Care or Day Opportunities
 - transport to and from Day Centres or Day Opportunities
 - Adult Placement Schemes
 - services provided under the Supporting People arrangements
 - Reablement Services
 - Carers' Services
 - Telecare Services
 - meals provided in Day Centres
 - Meals on Wheels
 - any services not in one of the other categories that are accessed as part of a customer's support plan.
3. The same policy applies whether the service is purchased by the council on the customer's behalf or they purchase it themselves using a Direct Payment.
4. The drivers for a review of this policy are:
 - (a) to ensure that the policy is consistent with the overall charging policy of the council agreed in December 2009
 - (b) to ensure that the charging policy encompasses the changes to services and service delivery associated with the Transforming Peoples Lives programme.
 - (c) to resolve a number of minor operational matters which have arisen from the operation of the existing policy.
5. The principles of 'Fairer Charging' are that customers pay a contribution to the cost of their service if they can afford it. Under these principles the charge can be anything from zero to the full cost of providing the service. The customer contribution is based on a means test known as a Financial Assessment. Financial Assessments are usually conducted with the customer by Community Finance Advisors (CFA's) who at the same time check that the customer is claiming all of the welfare benefits to which they are entitled. Details of the method of calculation of the contribution and the scale of charges are set out in the Policy.

6. Under 'Fairer Charging' approximately 50% of customers pay no charge, 40% pay a proportion and 10% pay the full cost. Under the new Policy this proportion will not change.
7. The only services currently delivered outside the Fairer Charging regime are Meals on Wheels, Meals at Day Centres and Telecare. All meals are charged for at a flat rate and are not means tested. There is currently no charge for Telecare services.
8. The Council's income under the present policy is in the region of £1.0m in the current year.

Process

9. Officers developed policy proposals based on the drivers set out in paragraph 2. An Equalities Impact Analysis (EIA) of these proposals was undertaken alongside a comparison of practice in neighbouring and comparator authorities and a public consultation process. The results of these appear in Appendices C, D and E.
10. Information from these activities was incorporated into an overall analysis which also includes an estimation of the financial impact of the proposed changes. This analysis is set out in paragraphs 15 and 16. Full details of the analysis appear in Appendix B. The policy document incorporating the proposed changes is Appendix A.
11. In addition an Overview and Scrutiny Task Force consisting of three council members was formed and met to consider the proposals and discuss their likely impact. In addition to the report produced by the Task Force at the conclusion of their work many suggestions which were made by Task Force members were incorporated into the proposed policy and the recommendations. The Task Force Report appears as Appendix F.

Equalities

12. Central Bedfordshire Council has a statutory duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. The Council must ensure that decisions minimise unfairness and do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women. The Disability Equality Duty requires local authorities to:
 - Promote equality of opportunity between disabled people and other persons
 - Eliminate discrimination that is unlawful under the Act
 - Eliminate harassment of disabled persons that is related to their disability
 - Promote positive attitudes towards disabled people
 - Encourage participation by disabled people in public life
 - Take steps to take account of disabled person's disabilities, even where that involves treating disabled people more favourably than others
13. In reviewing the Council's Charging Policy a detailed Equality Impact Assessment has been undertaken to identify and understand the impacts on different groups of people (Appendix E). This has highlighted that:

- (a) The principle of charging for non-residential care services is fair as it ensures that those who cannot afford care get the help they need to access the service.
 - (b) Consultees were in favour of many of the proposed changes to close loop holes to make the policy consistent for all. However there was concern over the timescale of 28 days before full charges are applied and back dating benefits as delays in processing could affect people's ability to pay their contributions.
 - (c) As Meals on Wheels are charged at a flat rate, a significant increase in this charge would have had a detrimental impact on vulnerable customers. However there is scope a limited increase to bring the Council in line with neighbouring authorities' charges.
 - (d) There needs to be better awareness of what the Fairer Charging policy is and how affects current service users and future service users.
14. The Equality Impact Assessment has identified that the following actions could help to reduce any adverse impacts:
- (a) The charge to customers for Meals on Wheels should increase in line with the charge in neighbouring authorities to avoid the 'post code lottery'.
 - (b) Existing services provided to Carers should not be means tested.
 - (c) Staff should be made aware of the need for discretion when implementing the 28 day rule when there has been a delay in a financial assessment and advised to make allowances and provide extra assistance where there is a legitimate reason for the delay.
 - (d) Clear, easy to understand information should be made widely available so that all residents have a reasonable opportunity of understanding the policy and the impact it could have on them now or in the future.

Proposals

15. The proposals for change contained in the recommended revised policy are set out below:
- (a) **Charging for transport to Day Centres:** It is proposed to introduce a charge of £1.50 per journey for transport to and from day centres. This charge would be part of the overall care package for the customer. Under these proposals it is estimated that around 30 customers would pay an additional charge.
 - (b) **Decrease subsidy for Meals on Wheels:** It is proposed that the charge for Meals on Wheels and meals taken in Day Centres is increased from £3.25 to £3.50 per meal. This would apply to all customers. At present there are around 100 Meals on Wheels customers and 200 customers who attend Day Centres.

- (c) **Charging for carers where two carers are providing care at the same time ('double-ups')**: It is proposed that the charge that customers pay would be based on the total carer hours received not the periods of time during which care is delivered. This change would affect around 10 current customers of the 150 currently having 'double-ups'.
 - (d) **Charging for Telecare**: It is proposed to retain the charge for the Community Alarm service and to introduce charges on a similar basis for Telecare system monitoring. At present there are 700 Telecare customers but further work needs to be done on the charging options to analyse the number of people who would be affected.
 - (e) **Backdate welfare benefits to date of award**: It is proposed that where a customer claims a welfare benefit as a result of a Community Finance Adviser (CFA) visit then when this benefit is awarded its value would be taken into account from the date of the award when calculating the customer's contribution. The current policy is only to backdate for six weeks. This change would affect around 100 customers each year.
 - (f) **Annual Re-assessment**: It is proposed that each customer would have an annual re-assessment of their finances and their contribution. This would be done as a 'desktop' exercise and no customer visit would be required.
 - (g) **Charge full cost where customer does not co-operate with the Financial Assessment process**: It is proposed that the full cost charge will be payable by any customer who does not co-operate with the Financial Assessment process. (As noted in the EIA staff operating the arrangements would be made aware of the need to apply discretion in some circumstances).
 - (h) **Disallow payment to close relatives as Disability Related Expenditure (DRE)**: It is proposed that that only where specifically stated in the customer's support plan would payment to a close relative be allowable as DRE. This would affect around 50 customers.
 - (i) **£15 threshold for DRE without receipts**: It is proposed that the threshold of allowable DRE without receipts will be lowered from £20 to £15. This would affect around 170 customers.
16. Additional proposals were included in the consultation process but the conclusion was drawn that these should **not** be adopted. These proposals are set out at (a) – (c) below.
- (a) **Charging for services to carers**: It was proposed that carers would be assessed under the Fairer Charging rules to pay a contribution to the carer's direct payment they receive.
 - (b) **Charging for Reablement Services**: It was proposed that reablement services would be charged for on the same basis as home care.

- (c) **Direct Payments not made until Financial Assessment completed:** It was proposed that Direct Payments would not be paid until the Financial Assessment is completed

17. The full analysis of all proposals along with the reasons for the recommendations is set out in Appendix B
18. The estimated financial impact of the proposals recommended for adoption is an additional £63,000 in the current year and an additional £194,000 income to the council in 2011-12 (and thereafter). Both figures are compared to the baseline for the current year. This area was identified as an Efficiency for 2010-11 and the sum of £250,000 was estimated in the Council's budget so adoption of the proposals creates a gap of £187,000 for 2010-11 and £56,000 for 2011-12.

The additional income is broken down in the table below:

Proposal	Would Additional Financial Assessments be required?	Would there be an additional cost of collection?	Full year financial impact if final recommendations adopted	In year financial impact if final recommendations adopted
Day Centre Transport	No	No	£6,000	£2,000
Meals of Wheels and Meals at Day Centres	No	No	£14,000	£4,000
Integrate Financial Assessment with Reablement	No	No	£5,000	£2,000
Double-Ups	No	No	£75,000	£20,000
Telecare	No	No	£TBA	£0
Benefits Backdate	No	No	£23,000	£11,000
Annual Reassessment	Yes	No	£1000	Nil
Non-cooperation	No	No	£10,000	£4,000
Disallow DRE for payment to relatives	No	No	£20,000	£5,000
£15 DRE threshold without receipts	No	No	£40,000	£15,000
Total			£194,000	£63,000

19. Although it is recommended that the start date for the new policy is 1st October 2010 the implementation of some aspects of the revised policy will need to be phased in for existing customers in order to give them reasonable notice of a change to their charge. This requirement is factored into the estimates for the impact in the current financial year set out in the table above.
20. As part of the implementation process information for customers about the charging policy will be updated and improved as recommended in the EIA.

21. As part of the review the cost of financial assessment and collection of policy changes under consideration has been considered and factored into income estimates. At the same time work has also been undertaken to ensure that the processes for assessing means and raising charges is as efficient as possible. Some progress has been made in this area and further work is planned. Part of this process has been to join the CIPFA Benchmarking Club for this area of operations and as a result we now have a clear understanding of the areas in which efficiencies can be sought.

Phase 2

22. In addition to the primary recommendations it has also been identified that further work needs to be undertaken in the following areas:
- (a) analysis of the options for charging for Telecare Services with the objective of introducing a charge from 1st April 2011.
 - (b) analysis of the options for charging for equipment and adaptations in excess of £1000 with the objective of introducing a charge from 1st April 2011.
 - (c) continue with work to integrate Financial Assessment with Reablement and to deliver other reductions in the costs of assessment and collection of charges.
 - (d) identify process efficiencies in determining the customer's charge.

Appendices:

Appendix A – Charging for Non-Residential Social Care Services
Appendix B – Analysis of Proposed Policy Changes
Appendix C – Benchmarking Comparison with other Local Authorities
Appendix D – Summary of Consultation Activity and Responses
Appendix E – Equalities Impact Assessment
Appendix F – Task Force Review of the Charging Policy for Non-Residential Social Care Services

Background Papers: (open to public inspection)

“Fairer charging policies for home care and other non-residential social services: guidance for Councils with Social Services Responsibilities” (Department of Health September 2003)

Location of papers: Available at Department of Health website.