

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Executive Director - Communities

Consultation Outcome - Proposal to introduce both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements)

1. Purpose of report

The purpose of this report is to inform cabinet of the outcome of the consultation that with Shared Lives service users, Shared Lives Carers and Family carers (CR399 27th July 2016) regarding the proposal to introduce Housing Benefit and Board Payments.

2. Recommendations

- a) That Cabinet approve the introduction of both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements).
- b) That this change is introduced from 3rd April 2017.
- c) That the Council adopts the least impactful approach to the collection of both Housing Benefits and Board payments so that the manner in which the Shared lives cares allowance is currently paid remains unchanged.

This final recommendation is proposed due to the extension of Universal credit due to take place in June 2017 for Barnsley. We are aware that people that are currently in receipt of Housing Benefit (known as legacy claims) will transfer over to universal at credit at some point up to 2020 to be determined by DWP.

This means that all benefits including housing benefit will be paid directly to the claimant (Service user).

In order to minimise the impact upon Shared Lives carers this will require the Council to invoice the service user for both their board and housing benefit, whilst the Shared Lives carer remains as the service users landlord.

The shared lives team will support service users to make housing benefit claims and assessment and care management teams continue to have responsibilities for and that service user statutory reviews, ongoing care co-ordination and reviews including financial reviews to ensure that service users maximise their benefits.

3. Introduction

The Barnsley Shared Lives scheme is a BMBC provider service that supports vulnerable adults within a family based model of support.

The carers attached to the scheme complete a robust assessment process and a training package. All Shared Lives carers are self-employed and provide support in their own homes ensuring that the people they support are part of their family and included in community life.

The scheme currently supports all available options and levels of support including long term placements, respite, day care and sessional support.

Barnsley Shared Lives current allowance rates, paid to carers. (Long term placements) is as follows;

High rate £504.30 per week
Middle rate £416.78 per week
Low rate £361.86 per week

This is wholly funded through Adult Social Care.

If this proposal is introduced it will reduce the allowances to the following rates (Local authority contribution to the allowance) as follows.

High rate £397.72 per week
Middle rate £310.20 per week
Low rate £255.28 per week

Therefore, equalising the approach with regards to other forms of supported housing across the borough and reducing the costs to Adult Social Care.

4. Proposal and justification

It is proposed that the funding of shared lives placements is changed from a wholly social care funded model to the following:

- d) That Cabinet approve the introduction of both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements).
- e) That this change is introduced from 3rd April 2017.
- f) That the Council adopts the least impactful approach to the collection of both Housing Benefits and Board payments so that the manner in which the Shared lives cares allowance is currently paid remains unchanged.

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4.1 Rationale for the change:

The Shared Lives Scheme is currently not fully compliant with Shared Lives Plus national guidance (see Glossary for explanation), and ensuring that individuals have the right to claim housing benefit entitlement.

Shared Lives Plus guidance also states that the monetary payment will come from a number of sources which include housing benefit for the rent of the room, a contribution from the service user towards their board and a contribution from the local authority for the support provided from the Shared Lives Carer. The contribution from the local authority should be uplifted annually and be linked to an accepted annual inflation indicator such as the Retail Price Index (RPI) or Consumer Price Index (CPI).

This option and approach is common practice in all local authorities, and whilst it will not be a popular option it represents a fair and equitable approach and redresses the financial balance with service users who are supported by other forms of support for example people supported in a residential care model will contribute a significant amount of their overall income, and in supported living all will be responsible for all their daily living and household expenditure, such as food and household bills, this is over and above their fairer charge.

4.2 Summary feedback from the consultation:

An analysis of the Shared Lives carer consultation & the outcome of the consultation with Shared lives service users and families are available as background papers.

Carers responses:

Carers had the opportunity to respond to the consultation from the 8th September to the 4th November 2016.

The main concern for carers was the receipt of their allowances in a timely manner, and collection of both Housing benefit and Board payments from service users.

The response rate to the questionnaire was poor reflecting only a 13% response rate. Therefore 87% of carers declined to comment or complete the feedback form.

Attendance at the sessions with managers (18 of the 58 carers) indicates a 31% attendance rate, this session took place prior to the feedback form going out, so a number of carers declined to complete the feedback form following the session.

All carers were given an opportunity to comment and or attend the session with managers; the majority declined following receipt of the information provided by managers therefore the information provided within this compilation report is based upon the views and opinions of a small group of carers (13%)

Service Users and Families responses:

Consultation with service users and their relevant others (families, relatives and carers) was undertaken on an individual bespoke basis, all current service users in long term placements (45) were seen at a venue of their choice, with two representatives from the Shared lives Team and or a representative from Inclusions North, this took place from 3rd October 2016 to 4th November 2016.

All parties involved were provided with an accessible copy of the presentation and a feedback form.

- Most people are happy to claim for housing benefits and pay this to their Shared Lives carers.
- Most people are unhappy about being asked to pay board payments on top of their existing fairer charge rate. They feedback that the extra payment will have detrimental impact on their live and will not leave them with not enough money to spend on the things that keep them active in the week.
- People say they need clear information and support on their individual situations and benefits. For example support with questions like -
 - What is my poverty line?*
 - Will the extra payment push me below this?*
 - How will adult social care make up the shortfall?*
 - How will I spend my time if I cannot afford my weekly activities?*
 - What support can I get to challenge this?*
- *The personal and financial situations of the Shared Lives service users are all very different. The feedback suggests they will need support if the proposed changes are put in place to help support 45 individuals to*
 - Navigate the process,*
 - Apply for the housing benefit application*
 - Support the person and their appointee to understand implications for their future finances.*
 - Support the setting up of direct payments for board to carers.*
 - Signpost to other types of benefits, financial support.*

5. Consideration of alternative approaches

Option one: Do nothing

This is not an option as the scheme will continue to be not compliant with Shared Lives plus national guidance, in that service users are denied the right to claim housing benefit, and service users will not contribute to their daily living costs within the shared lives carers home.

The long term placed service users are at significant financial advantage in relation to their counterparts who may be supported in other models of care such as residential care or supported living, where either a contribution is paid or the daily living costs are met by the service user.

Option two: Introduce housing benefit claims only and not a board payment

This is a possible option and would be preferable to service users. However this will leave service users supported in the Shared lives scheme at a financial advantage over their peers in other forms of support such as residential care and supported living.

6. Implications for local people / service users

There are a number of implications dependent upon the service user's circumstances for example, people who self-fund, young people between the age of 16 to 18 years, and new referrals to the service who may have an income shortfall.

If the service user was not eligible for housing benefit then they may have to self-fund, in these cases ineligibility is usually due to the service user being over the savings threshold and in these cases the service user will be paying the full allowance and the local authority is not responsible for their funding.

In all cases with the exception of those over the savings threshold the local authority will be required to make up the shortfall.

7. Financial implications

The July 2016 Cabinet report *CR399 Proposal to introduce both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements)* outlined the financial implications of the proposal – see appendix A. There are no additional financial implications arising from the outcome of the consultation with service users / carers.

There are currently 46 Long term placements supported by the scheme, therefore provided that all service users are eligible for Housing Benefit and are in a position to pay the £50 Board payment then the net saving is estimated at £255k per annum. This estimation is based upon current activity with constrained future costs year on year provided that Housing benefit rates remain stable.

The identified annual cost savings will contribute towards the achievement of the Council's Future 2020 plan put forward by PEOPLE directorate (see *BU2 E10 Shared Lives* key line of enquiry).

The introduction of HB and board payments will require consideration of the following financial issues / arrangements:

Invoicing

- Services are responsible for the raising of invoices. It is expected that the Shared Lives team will invoice service users for both the rent (housing benefit) and board element.
- Whether service users are invoiced directly would depend on their mental capacity and existing arrangements for managing their financial affairs. Support in this regards would be provided by the SL team;

- The impact (of creating invoices) on the service is considered minimal (given the small cohort of service users) and can be accommodated within existing business support capacity across the wider service area at no additional cost;

Debt management

- There is the financial risk of non-payment by service users and therefore increasing level of debt to the Council. The financial risk will reside in BU2; however it would be managed proactively by the SL team using debt reports provided on a regular basis by Financial Services Income Team.
- Risk of non-payment / increased debt would be minimised through regular engagement by the SL team with service users through the quality audit monitoring visit and possibly with families at reviews.
- It should be emphasised that the Council's debt policy / standard process (i.e. reminders, use of bailiffs, etc.) will apply in the same way as it does for other adult social care service users. However, risk of distress on vulnerable adults or service users would be managed on a case by case basis.
- The debt recovery process would need to make allowance for non-payment of invoices by service users due to delays (or backlogs) in processing HB / Universal Credit claims. As potentially, service users could be billed for periods where they have not yet received the HB income.

8. Employee implications

There are minimal employee implications. Current job profiles allow for officers to work with service users and carers in accordance with the agreed Shared Lives policies and procedures.

There is minimal impact to the current business support function within the service. Current job profile allow for business support officer to undertake the additional duties under the proposed change. The additional duties will be absorbed within the current function for business support; therefore no additional resources will be required.

Current employees will require training to complete housing benefit claims forms and licence agreements with service users and carers.

Time limited additional resource will be required to implement the new charges in due course of £5,035 this will be resourced via the Communities Directorate.

This will be offered as a secondment opportunity to backfill existing officer time.

9. Communications implications

Should the recommended approach be agreed then clearly this will need a clear communications plan recognising the sensitivities involved.

Negative media may arise as a consequence of this decision and the service will work with corporate communications accordingly.

The service will need to take the lead co-ordination role for this change and ensure that families and carers have a point of contact should any points of clarity or challenges with the transition occur.

10. Consultations

The consultation with Shared Lives carers, relevant family members and service users took place between 3rd October and 4th November 2016.

Inclusions North CIC supported the service user consultation and has provided an outcome report.

The following personnel have also had the opportunity to comment on the content of this report, all comments have been acknowledged and amends made to the report as required.

Executive Director, Communities
Service Director Communities
Executive Director People
Equality and Diversity lead
Business Partner HR
Service Manager Shared Lives
Strategic Finance Manager Communities
Strategic Finance Manager, People.
Head of Benefits, Taxation and Income

11. The Corporate Plan and the Council's Performance Management Framework

This proposal supports a number of elements within the Council's corporate plan and performance management framework. For example it supports a thriving and vibrant economy, through the provision of Shared Lives self-employment opportunities for the people of Barnsley. It also allows people to reach their potential by living in a family and community setting, changing the Council's relationship with people, and supporting them to do more for themselves.

Importantly, Shared Lives can help contain and reduce the Council's spend on long term residential placements, and the pressure on the Adult Social Care budget.

12. Promoting equality, diversity, and social inclusion

Shared lives Barnsley use a range of methods to enable people to achieve goals and pursue ordinary lives within their chosen families and relationships, becoming valued members of their communities. This intrinsically increases social inclusion, and reduces the risk of inequality.

An initial equality impact assessment has been carried out for this proposed change to the charging policy. The group of people affected by this policy change

is a clearly defined number of current service users plus another group of potential future service users. All service users are disabled people with varying levels of support needs as this is a key element of the eligibility criteria for the service. The proposed change to the charging policy for Shared Lives equalises the charges for this group of service users with disabled people who use other residential service options.

A Full Equality Impact assessment has been completed following the consultation exercise, Appendix B.

13. Tackling the Impact of Poverty

Shared Lives Plus recently produced a report “A Shared Life is a Healthy Life” which outlines how the Shared Lives model of care can improve health outcomes and support the role of the NHS.

14. Tackling health inequalities

Shared Lives Plus recently produced a report “A Shared Life is a Healthy Life” which outlines how the Shared Lives model of care can improve health outcomes and support the role of the NHS.

15. Reduction of crime and disorder

There are no crime and disorder implications

16. Risk management issues

Shared lives policies and procedures will need to be updated to reflect the change, including the introduction of an accessible licence agreement for people with learning disabilities. Shared Lives carers provide care on behalf of the council, this is a formal agreement (provider contract) that contains details regarding the allowances they are paid; this will need to be revised following approval of the new arrangements.

Housing Benefit is index linked and there is a risk that the amount service users are able to claim will fall therefore this will have an impact upon the Peoples directorate budgets in that the rates paid to carers will need to remain at the agreed level and short falls in Housing benefit will need to be made up.

Likewise if the service user is ineligible for Housing benefit then the full agreed allowance will need to be made up by the Council and Peoples Directorate.

Each case must be assessed individually, but carers must not be penalised for the changed arrangements.

17. Health, safety, and emergency resilience issues

There are no Health, safety, and emergency resilience issues identified, the service currently has an up-to-date Business continuity plan, and Health and a Safety portfolio that has recently been audited by the Head of Service.

18. Compatibility with the European Convention on Human Rights

The proposal does not convene the convention on Human Rights.

The Barnsley Shared Life scheme operates to the following ethos:-

Barnsley Shared lives placements are built around individuals, their strengths and potential;

The scheme promotes equality and value diversity;

The scheme is safe but supports people to take risks in pursuit of their goals;

It is cost-effective, with consistently better outcomes than alternatives.

19. Conservation of biodiversity

There is no conservation of biodiversity issues implications

20. Glossary

Shared Lives Plus - Shared Lives Plus is the UK network for family-based and small-scale ways of supporting adults. Our members are Shared Lives carers and workers, and Homeshare programmes. Shared Lives used to be known as Adult Placement.

21. List of appendices

Appendix A: Finance

Appendix B Equality Impact Assessment

22. Background papers

Appendix C: Analysis of service user & family consultation

Appendix D: Analysis of carer consultation

Appendix E: Carer sessions attendance

Appendix F: Minutes from carer sessions

Appendix G: Presentation from carer sessions

Appendix H: Carer views form

Appendix I: Carer feedback

Appendix J: Service user presentation

Appendix K: Service user feedback form

Appendix L: Service user consultation schedule

Appendix M: Service user & family feedback

Appendix N: Analysis of service user consultation

CR399 Proposal to introduce both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements)

All background papers can be obtained from Sharon Clarke, Head of Service
sharonclarke@barnsley.gov.uk or the Shared Lives Team on (01226) 775023

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