

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 (People)
to Cabinet

(26th July 2017)

Review Of The Financial Contributions Policy For Adult Social Care Services

1.0 Purpose of the Report

- 1.1 To inform the Cabinet of the findings of a recent public/stakeholder consultation about proposed changes to the Council's policy concerning financial contributions for Adult Social Care Services.

2.0 Recommendations

2.1 Cabinet is recommended to:

- **Approve the changes outlined in the proposed policy (please see Appendix 1) for adoption by Full Council.**
- **Agree that the proposed changes are implemented with effect from Monday, 2nd October 2017.**

3.0 Introduction

- 3.1 The Council's medium term financial strategy includes a requirement for £400K additional income from changes to the Financial Contributions Policy.
- 3.2 The Fairer Contributions Policy for Adult Social Care Services has been written to comply with the Department of Health (DH) Care Act 2014 statutory guidance. The Policy explains the Council's approach to determining how much each service user should contribute towards the cost of their adult social care services. It outlines the Council's aims and principles on how we ensure a fair approach to setting the level on contributions to be made by eligible service users in receipt of social care and support.
- 3.3 The overriding principle behind the proposed changes is that charges will be based on the full cost of the provision (which aligns with the Council's Fees and Charges Policy) and that service users will pay the amount that they can reasonably afford to pay towards the full cost of their care. Individual financial assessments would be undertaken, which will ensure that contributions are based on a person's ability to pay calculated using national guidelines and the Council's financial assessment framework.

4.0 Proposal and Justification

4.1 The proposed changes in the revised policy are:

- Removal of the current £150 weekly cap on contributions towards care and support in the community.
- The introduction of a one off charge for people who are not eligible for financial support but still wish the Council to make their care arrangements for them, to cover the cost of making those arrangements.
- A change to the policy in relation to Disability Related Expenditure (DRE) to make clear any financial disregard would only apply to the **additional** costs incurred as a result of the disability, not all of the costs.
- To address the current disparate in charging between residential and community based services.

4.2 The justification for these proposals can be summarised as follows:

- To ensure compliance with Care and Support Statutory Guidance (2014) concerning fairer charging for adult social care.
- To bring the policy in line with the Council's charging principles
- Supporting the Council to continue delivering adult social care support to an increasing number of people.

4.3 In addition, the majority of other local authorities have already removed any cap on financial contributions and therefore, these proposed changes would bring us in line with this. Within the Region, Wakefield and Kirklees Councils have no cap whilst Sheffield, Rotherham and Doncaster Councils have caps which have been set in line with the cost of residential care.

5.0 Consideration of Alternative Approaches

5.1 The changes are necessary to ensure that our Financial Contributions Policy complies with the requirements of the above named statutory guidance which was published in pursuance of the Care Act (2014) together with the Council's charging principles and maximises income to enable the Council to support as many residents in need of care, as possible. The changes also support the Council's Medium Term Financial Strategy.

5.2 An alternative approach would be to not implement these changes and continue with the current Policy. However this would not bring us into line with how the majority of other local authorities have reviewed and changed their Financial Contribution Policies to ensure they are adhering to the Care Act and to help them respond to the increasing demand for social care by targeting resources to those most in need.

6.0 Implications for Local People and Service Users

6.1 Removal Of The £150 Weekly Cap

6.2 The £150 weekly cap only applies to those receiving support in the community, not those in residential or nursing care homes. At present, people residing in care homes can be required to pay the full cost of their care and support.

6.3 All service users would be offered the opportunity to have a full financial assessment to calculate their contribution. This will consider a person's income and any savings they may have as a basis for deciding how much, if anything, they can afford to pay as a fair contribution towards the cost of their services. Any charges would be calculated against the full cost of the care/support a person receives.

6.4 Introduction Of Support Planning Charge For Self-Funders

6.5 For people who are not eligible for financial support but still wish the Council to make their care arrangements for them, we are proposing to introduce a one-off fee to cover the costs of making these arrangements. This would only apply to new service users and therefore existing service users would be unaffected.

6.6 Disregard Of Disability Related Expenditure

6.7 The final proposed change to the policy is in relation to Disability Related Expenditure (DRE). The policy allows for expenditure incurred in relation to a person's disability to be disregarded from their financial assessment. We are proposing that the policy is amended to make clear that, in future, this only applies to any **additional** expenditure incurred in relation to a person's disability and not all expenditure. Currently, 688 service users have DRE disregarded from their financial assessments but not all would be affected by the change as most will already only be claiming additional expenditure.

6.8 Mitigating Actions To Support Those Who Will Be Affected By The Proposals

6.9 The following mitigating actions would hopefully support those who will be affected by the proposed changes:

- All service users will be offered the opportunity to have a full financial assessment to calculate their contribution. This will consider a person's income and any savings they may have as a basis for deciding how much, if anything, they can afford to pay as a fair contribution towards the cost of their services
- All service users will be offered the opportunity to have a full review of their social care support. This will be an asset and strength based review and will consider a range of different ways in which support for eligible needs can be delivered that may help to reduce costs.
- Many care providers charge higher rates for self funding clients. In order to mitigate for this, if as a result of the proposed policy changes, a service user

becomes self funding and their current provider would be charging them a higher hourly rate, providing they request for BMBC to continue to oversee their care arrangements BMBC could agree to continue to contract on their behalf, thereby ensuring the service user continues to benefit from our rates.

- 6.10 It is anticipated that the proposed changes could affect up to 6% of service users, currently receiving community based care and support (approximately 97 people) Of the remaining 94% of service users, 22% do not make a financial contribution at all and 72% are currently paying their maximum assessed contribution.

7.0 Financial Implications

- 7.1 It is expected the proposals will generate in excess of £400K additional income for the Council.

8.0 Employee Implications

- 8.1 There are no implications for council employees associated with this report. There will not be a need to engage additional staff to process financial contribution assessments arising from changes to this policy.

9.0 Communications Implications

- 9.1 Subject to approving the recommendations in this report, service users who will be affected by the changes will receive further correspondence, detailing their revised social care charge and offering a new financial assessment to clarify their accessible income. Those who currently choose not to disclose their financial information will be encouraged to do so, ensuring they are not paying more than they can reasonably afford to pay.
- 9.2 If approved and adopted, the changes within the revised Fairer Contributions Policy will be the subject of a communications and marketing plan, in preparation for the implementation date.

10.0 Consultations

- 10.1 The proposed changes to the policy were the subject of a recent public/stakeholder consultation. The consultation consisted of the following activities which are detailed in a communication and engagement plan:
- Briefing note for staff and stakeholders
 - The policy and an accompanying survey was available via the council's consultation page, <http://consult.barnsley.gov.uk/portal> from Monday, 3 April 2017 to Friday, 26 May 2017 so that people were able to make themselves familiar with the changes and give their views
 - Media release , all local media, BMBC website
 - Posts on internal Facebook channels
 - In excess of 1300 letters and FAQ leaflets posted out to existing service users
 - Appearance in the council's 'Open Mail' weekly e-bulletin
 - Member briefing

- Cabinet Spokespersons briefing
- DMT and SMT briefings
- Message to employees via Straight Talk
- Agenda item on all staff team meetings
- Meeting with Barnsley Service User and Carers Forum

10.2 Outcome Of The Public/Stakeholder Consultation

- 10.3 By 5th June, a total of 8 written responses had been received to the consultation. Of these, almost all concerned requests for clarification over whether or not the subject would be required to pay more towards his or her care package and on which clarity was, subsequently provided.
- 10.4 On the 11th April, a meeting of the Adult Social Care Service Users and Carers Board took place to discuss the proposed changes. Fifteen people attended this meeting and the discussion was well received and understood. There were no concerns or objections raised at the meeting, on the proposed changes in the revised policy.
- 10.5 Two respondents completed the online survey, one of whom was in receipt of an adult social care package provided in the community. This respondent declared that they already made a financial contribution to their care package but that the current £150 weekly cap should not be removed nor should a one-off arrangement fee be introduced for people wanting the Council to make the necessary arrangements. The respondent added that this should be in recognition of older people having paid taxes all their working lives.
- 10.6 The second response, made on behalf of a service user, suggested that they would consider paying an amount over the current £150 weekly cap but did not agree with having to pay a one –off fee to the Council for arranging care.
- 10.7 In addition, the ‘My Barnsley Too’ Disability Forum wrote to request a meeting to further consider the impact of the proposed changes upon disabled service users, many of whom were already only claiming for additional disability related expenditure.
- 10.8 No responses have been received, to date, from local MPs or elected members on behalf of constituents and no comments were recorded in social media on the proposals in the revised, draft policy.
- 10.9 In the absence of any evidence or data, it is difficult to pinpoint why there has been such a low response to this consultation except to speculate that a combination of, firstly, other major Council consultations which did more to occupy local people’s thoughts and, secondly, the announcement of a snap General Election and, in particular, the media coverage given to the future funding of social care, following the launch of the Conservative Party’s manifesto, may have been significant factors.
- 10.10 Based upon the existing response to the public consultation and the findings of the initial equality impact assessment, Cabinet is recommended to approve the proposed

changes to the revised, draft Financial Charging Policy for Adult Social Care, in order to ensure the Authority is compliant with statutory guidance concerning fairer charging and is able to provide support to a greater range of services whilst targeting greater support to those most in need, based on a financial assessment.

11.0 The Corporate Plan and the Council's Performance Management Framework

- 11.1 The revised proposals, as outlined in Paragraph 4.1, will continue to ensure older, vulnerable people in need of care and support, remain safe from harm and are able to lead enriching lives through affording greater personalisation, independence and choice.

12.0 Promoting Equality, Diversity and Inclusion

- 12.1 The proposals have been subject to an initial Equality Impact Assessment, details of which are in Appendix 2.
- 12.2 A review of the impact of the proposals will be carried out in 12 months time and any implications will be noted as part of the future development of the policy and reported as part of the quarterly monitoring of the Council's equality priorities.

13.0 Tackling the Impact of Poverty

- 13.1 The objective of the proposals is to ensure that only those who can afford to pay a greater contribution towards their adult social care package will be asked to do so, based upon a financial assessment. In terms of disability related expenditure and the disregard element, many service users are already claiming for any additional expenditure incurred.
- 13.2 However, in considering the above, Cabinet will be mindful that, at the time of drafting this report, a proposed Adult Social Care Green Paper, announced in the Spring Budget (2017) will have the purpose of outlining options for the future funding of adult social care and which, in terms of the final outcome, may or may not have implications for tackling poverty, during the next Parliament.

14.0 Tackling Health Inequalities

- 14.1 The proposals are not expected to affect the closing of any gaps in health equality as all service users will continue to receive a care package, based upon an assessment of their needs, including complex needs and only those service users who can afford to make a greater contribution towards their care package will be required to do so under these proposals.

15.0 Reduction of Crime and Disorder

- 15.1 There are no implications for tackling crime, disorder and antisocial behaviour arising directly from this report.

16.0 Risk Management Issues

- 16.1 No unfunded or unanticipated risks are envisaged as a result of implementing the proposed changes. No service user will be left without a care package, thereby ensuring that no older, vulnerable adult is exposed to any risk of harm, including neglect.

17.0 Health, Safety and Emergency Resilience Issues

- 17.1 There are no implications arising directly from this report.

18.0 Compatibility with the European Convention on Human Rights

- 18.1 The proposed changes in the draft policy do not contravene any of the Articles or Protocols in the Convention.

19.0 Conservation of Biodiversity

- 19.1 There are no implications for the local environment or the conservation of biodiversity emerging through this report.

20.0 Glossary of Terms and Abbreviations

- 20.1 Not applicable.

21.0 List of Appendices

- 21.1 Appendix 'A': Financial implications of the report
Appendix 1- Revised, draft Financial Contributions Policy for Adult Social Care
Appendix 2 – Consultation Questionnaire
Appendix 3 – Equality Impact Assessment

22.0 Details of Background Papers

- 22.1 Background papers used in the compilation of this report are available to view by contacting Julie Moore, tel. 01226 772396 or email juliemoore@barnsley.gov.uk

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Financial Implications/
Consultation (to be signed by senior Financial Services Officer where no financial implications