

## Appendix 3

### Non Residential Care Charging Policy Consultation 22nd February 2013 to 2<sup>nd</sup> April 2013 – Consultation Responses

#### Letters, website responses and emails

Issue	Response
Clarify if it is proposed those with over £23,250 will be required to arrange their own services in future	This is correct. The proposal mirrors the current national policy for residential care.
Clarify what is meant by Care Management support for those with over £23,250	<p>Care Managers will continue to offer assessment of social care needs and advice and information to allow an individual to make decisions on the support arrangements they require should the proposals be accepted.</p> <p>In addition the Council is working to broaden the range of information and support available to those who are developing their own care arrangements. This will not only support those who would be affected by the proposals but also the increasing numbers who are receiving their social care support in the form of a Direct Payment, which allows them to set up and contract their own individualised care arrangements.</p>
Clarify whether those with over £23,250 already receiving services will continue to have these arranged by the Council	<p>Should the proposals be accepted Care Managers will review the needs and care arrangements of all those with over £23,250 already receiving services over the coming year and work with individuals and their families to commission their own care. This will offer the opportunity to develop individualised care packages.</p> <p>However it is recognised that it may be inappropriate for some of those currently receiving services to arrange their own care (e.g. when an individual has very little funding over the proposed limit and is likely to require</p>

	social care arranged services in the near future or when there are family circumstances such as no readily available support). As appropriate individuals who are already in receipt of services could continue to have these arranged via the Council.
Clarify who will coordinate services for those with over £23,250 where no family member can do this	This will be considered on a case by case basis as support plans are developed, e.g. a provider could be asked to take on the coordination role for the whole service.
Clarify who will be responsible for handling complaints about service quality for those with over £23,250	The individual or their family should, as now, discuss complaints with the provider. The more direct relationship with the provider and the potential to remove business will it is believed promote effective response by the provider. As stated above, the Council is further developing the range of support and advice available to those who are arranging their own care, and this will include support to consider how quality monitoring and complaints can be managed when individuals commission their own services.
Clarify the maximum contribution for those receiving a domiciliary care service	In 2012/2013 the maximum contribution was £13.69 per hour. This has increased for the financial year 2013/2014 to £13.96 to take account of increased payments to providers.
Clarify who will be responsible for getting quotes and for ensuring prices and terms and conditions are reasonable for those with over £23,250	This will be the responsibility of the individual or their family carers. As stated above the Council is further developing the range of support and advice available to those who are arranging their own care, not only to meet the needs of those who would be affected by the proposed policy change but the increasing numbers who have Direct Payments.
Concern about having to find more money for care and that individuals who need care will not be able to get it	Everyone is individually assessed based on their income and expenditure and must be left with 25% above Government set minimum income levels.

	No one will ever be left without services due to inability to pay as there is discretion to waive or reduce charges in exceptional circumstances.
What would happen under the proposals if an individual's assets fall below £23,250	As is the case currently for those entering residential care with assets of over £23,250 individuals would be advised to contact the Council before their assets fall below the limit. At this point an assessment would be carried out and eligible needs would be funded by the Council and subject to a financial contribution from the individual.
Fully understand the need to increase costs for day services but find a 58% increase shocking	The reason for asking those who can afford to do so to pay up to the full costs of their day care is that currently if an individual has their service arranged directly by the Council they pay against a cost of £13.96 and if they arrange their own services via a Direct Payment (when the Council gives the individual the money for their care and they arrange their own services) they are charged against the full cost. National projects have shown that the use of Direct Payments increases choice and control, allowing individualised support arrangements to be developed which have better outcomes. The current approach is a disincentive to people taking control of their own care arrangements.
Do not believe it is fair to charge for day services when the service is closed	Contributions towards the costs of day services are annualised (costs for the year are worked out and divided into 52 equal payments) and costs are calculated taking account of holiday closures. This approach was adopted due to the confusion caused to customers and the administrative burden of having to adjust charges each time there was a holiday.
Is £22 is going to be the cost of day services?	The proposal is to increase the maximum contribution for day services over a 2 year period. The proposed maximum contribution for 2013/2014 is £22 rising to the full (current) cost of £42.57 in 2014/2015. However work is

	underway to review day services and it is expected this will reduce costs in the longer term.
Will the cost to the individual still be set according to their financial assessment	Yes. All customers are asked to contribute based on their ability to pay.
Will those with assets over £23,250 have to pay the full cost of day service	Yes individuals will pay the full cost for which ever service they choose and will negotiate this directly with the provider.
Will those with over £23,250 be able to arrange care in the same way (e.g. 15 minute slots) and at the same costs the Council can arrange this	As stated above, the Council is working to meet the national agenda to give more choice and control over their support arrangements to our service users. As part of this we now offer a sum of money (called an Individual Budget) to all those who are assessed as needing support and are working to encourage as many people as possible to take this as Direct Payment. This gives the money to the person and allows them to make their own arrangements. As more people arrange their own services the agencies will need to respond and change the way they provide services to gain business. In addition, the Council is developing advice and information to help individuals to set up their support arrangements e.g. a website called 'Care with Confidence' which is similar to a rated tradesmen site can help individuals to find out which providers are available to allow cost comparison.
The threshold of £23,250 is very low	The proposed threshold was set using the current national threshold for residential care. This was felt to offer equity between those who are considering residential care and those considering community based services.
Take issue with the statement that the £40 allowance given to a small group of individuals was being given for rent that is not actually paid	To clarify the statement; current allowances take account of daily living costs such as food and utilities which individuals living with their family can use to pay board and lodging costs. The group currently receiving the rent allowance are effectively being given a further allowance to meet these costs.

	<p>If the individual is paying rent over and above this and has a formal rental agreement, then the cost of rent is taken into account as a separate expenditure.</p>
<p>Whilst appreciating that the “applicable amount” rates calculated by DWP should represent living costs and an additional allowance of 25% is then added, we would question whether the resultant amount is reasonable for those people living with relatives in Southampton, and unable to claim any form of housing benefit or rent allowance.</p>	<p>The allowance given for daily living costs are set nationally based on age and disability. If individuals have expenses over and above this related to their needs which mean they need to contribute more to the family expenses these can be considered. Those who are receiving an allowance for housing costs receive this because they are paying these costs.</p>
<p>Removal of the rent allowance will force relatives to further subsidise the care of their family members. This strain is likely to cause the family financial hardship, making their only alternative to place their relation in supported housing, which will result in an increased cost to the council.</p>	<p>The proposal to end the rent allowance for a group of individuals with a learning disability is put forward for reasons of equity. Legal advice is clear that having regard to the national charging guidance and the various groups of persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need. Everyone is left with 25% above the nationally set minimum income related to their age and disability. It is only the income of the individual receiving care which is taken into account. If there are additional daily living costs which the individual needs to meet to ensure they contribute equitably to the family costs these can be considered. Carers assessments are offered to any carer who wishes this. It is however recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based of the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of its removal on care choices. In addition all those affected will be</p>

	<p>offered a financial re-assessment to take account of wider range of expense factors they may not have informed the Council of to date. If the proposed change is agreed the Council will work with Advocacy Groups to ensure that assessments take all relevant information into account and to assist individuals and their carers to maximise personal budgets and choice based care provision to ensure that the impact of the removal of the allowance can be minimised.</p>
<p>Immediately withdrawing the rent allowance in total is failing the Public sector Equality Duty. Other proposed changes, which are deemed to have a high increase in costs for clients, such as the proposed changes to day care charges, are being introduced in stages over two years to reduce the immediate financial impact., A phased reduction for the withdrawal of the rent allowance should be considered for this group</p>	<p>The proposals related to day service increases are made to support Personalisation and to increase the use of Direct Payments. This is because currently if individuals opt for a Direct Payment their contribution is based on the full cost of day services whilst if the Council arranges the service the contribution is based on a cost of £13.96. The current approach is not inequitable as all service users can opt to ask the Council to arrange their day service.</p> <p>As stated above it is recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based on the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of its removal on care choices.</p> <p>In addition all those affected will be offered a financial re-assessment to take account of wider range of expense factors they may not have informed the Council of to date. If the proposed change is agreed the Council will work with Advocacy Groups to ensure that assessments take all relevant information into account and to assist individuals and their carers to maximise personal budgets and choice based care provision to ensure that the impact of the removal of the allowance can be</p>

	minimised.
<p>From a parent of an individual receiving the rent allowance: Our son will be considerably worse off, to the extent that his care package will no longer be viable, as he will not have the funds available for it to be implemented. We estimate with the withdrawal of the rent allowance, and the increase to 100% net disposable income from 95%, his weekly contribution will increase to £46.27 from an existing £5.95 per week after April 22<sup>nd</sup>. This 777.65% rise in his contributions towards his care is not feasible, especially with the rising costs.</p> <p>The rate of contribution from our son's weekly income will rise from 3.05% at present, to 23.65% after the proposed changes. This represents a net reduction in income for him of over 20%, leaving him £2096.46 per annum worse off than at present. This drop is unsustainable on an annual income of just over £10,000, and will result in him either having to refuse care because he cannot afford the contribution, or our family being forced to subsidise</p>	<p>As stated above the proposal to end the rent allowance for a small group of individuals with a learning disability is put forward for reasons of equity following legal advice..</p> <p>It is however recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based of the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of it's removal on care choices and to re-assess all recipients financial contributions to take into account a wider range of income and expense factors and is needs specific in common with other care recipients. If the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account and to assist individuals and carers in maximising personal budgets and choice based care provision to ensure that the impact of the removal of the allowance can be minimised.</p>
<p>From the parent of an individual with Aspergers and related difficulties: Our son's condition result in increased costs for our family home, particularly in relation to repairs and renewals, as well as increased running costs because he has disturbed sleep patterns. His repetitive rituals also mean we have higher than average daily living expenses for water, soap etc.</p>	<p>Any additional expenditure related to disability can be taken into account in the financial assessment to ensure the individual can contribute fairly to the family expenses.</p>
<p>From the parent of an individual receiving the rent allowance: We fear the increased financial pressure of this unreasonable rise will place an intolerable strain on our already suffering family life, and trust you will consider the points we have raised when making a decision on these proposals.</p>	<p>The financial assessment only takes the income of the individual receiving care into account.</p> <p>Any additional expenditure unique to that individual can be considered.</p> <p>Carers assessments can be offered at any time.</p> <p>No one will ever be refused a service due to inability to pay.</p>

	<p>As stated above it is recognised that a rent allowance has been paid to this group for some time and it is proposed to phase the removal of the allowance over 2 years to ameliorate the impact and to re-assess all recipients financial contributions to take into account a wider range of income and expense factors.</p> <p>If the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account.</p>
<p>When the economy starts to recover most people will be able to take advantage of this but those who will be paying more for their social care under the proposals will permanently have a reduced income.</p>	<p>The Council can review the NRC Contributions policy at a future date should there be circumstances which suggest the need for this.</p>
<p>The Council is not prepared to say the numbers affected by the changes.</p>	<p>The most recent phase of the consultation has detailed the numbers affected by each proposed change which will impact on contributions based on an exercise prior to the consultation commencing.</p>
<p>The removal of the rent allowance will impact on carers as well as those receiving services, e.g. carers will need to explain why the individual no longer has money for other things.</p>	<p>Carers assessments can be offered at any time.</p> <p>As stated above it is recognised that a rent allowance has been paid to this group for some time and it is proposed to phase the removal of the allowance over 2 years to ameliorate the impact and to re-assess all recipients' financial contributions.</p> <p>If the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account and to assist individuals and carers in maximising personal budgets.</p>
<p>The savings could have been made by other means e.g. by not undertaking person centred planning.</p>	<p>The majority of the proposals which affect individual contributions are put forward to ensure equity or to support personalisation.</p> <p>A range of other savings have been made across the Council. If the proposals are not adopted, there will need to be consideration of alternative</p>



	<p>budget reductions which are likely to have a relatively greater negative impact on residents, such as consideration of restricting Social Care to those with critical needs only.</p> <p>Person centred planning is a way of ensuring individuals who are unable to verbalise their needs and wishes are at the centre of the assessment and support planning process. This ensures care and support is tailored to individuals' needs.</p>
<p>From the carers of an individual receiving the rent allowance; there will be a financial impact on the family as we will cover spend she can no longer afford.</p>	<p>The financial assessment only takes the income of the individual receiving care into account.</p> <p>Any additional expenditure can be considered.</p> <p>Carers assessments can be offered at any time.</p> <p>No one will ever be refused a service due to inability to pay.</p> <p>As stated above it is recognised that a rent allowance has been paid to this group for some time and it is proposed to phase the removal of the allowance over 2 years to and to re-assess all recipients financial contributions.</p> <p>If the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account and to assist individuals and carers in maximising personal budgets and choice based.</p>
<p>From the Carer of an individual receiving rent allowance; this is the first step of the Authority taking from easy targets. How soon will the second step be taken –will individuals be required to pay for transport to day services</p>	<p>The authority has no plans to charge those who do not have disability benefits or Motability car for their transport to day services.</p>

#### General Charging Policy Consultation meetings (4)

Comment	Response
<p>People with a learning disability need to be treated differently as they have a life long condition and many will be</p>	<p>Legal advice is clear that having regard to the national charging guidance and the various groups of</p>

<p>unable to earn</p>	<p>persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need on the basis of their specific protected characteristics.</p> <p>The majority of service users of Adult Social Care are not in paid employment.</p>
<p>The impact on quality of life for those who have to pay more has not been considered. The proposal to take 100% of disposable income into account will impact on the quality of life.</p>	<p>It is recognised that some people will have less money to spend on other areas of their life. However the proposal is based on national guidance and leaves people with 25% above the nationally set minimum income related to their age and disability.</p>
<p>Some groups who receive social care need to be treated differently because they will never be able to earn due to their needs and will always in future have less money to live on if the proposals are agreed. Others will be able to earn in the future.</p>	<p>The majority of people who receive social care support are not in employment and the majority of these will not be employed in the future. It is not appropriate to treat only selected groups differently when the majority of those who receive social care support are not in employment. National benefits are in place to address some of the impact of disability.</p>
<p>The impact of the rent allowance proposal on family carers needs to be considered</p>	<p>The financial assessment for social care only takes account of the income of the individual receiving care. This includes a sum of money to meet board and lodgings costs if the individual lives with their family. If the family has additional expenses due to the needs of the service user this can be taken into account in the financial assessment e.g. additional wear and tear, and the individual can then contribute more to the family expenditure.</p> <p>At any time a Carers Assessment can be offered to family carers.</p> <p>The Council provides a range of services and support for family carers, largely through contracts with voluntary sector providers.</p>
<p>The cumulative impact of benefit</p>	<p>This has been considered and the</p>

changes needs to be considered alongside this proposal.	financial assessment process currently can accommodate any changes to benefits.
Rent allowance change should be phased to allow time for adjustment.	As stated above, it is recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based of the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of it's removal on care choices.
It is unfair to penalise those who cannot speak for themselves.	The consultation has tried to engage the full range of service user groups and where this has not been possible has sought comments via carers and advocacy organisations to ensure the decision making is informed by those it could impact upon.
What is covered in the expenditure allowance for daily living costs should be broken down.	The sum allowed for daily living covers costs such as the amount of money needed to meet food, utilities, travel, clothing etc. The Council will revise its guidance to provide more information about this.

#### Extra Care meetings (4)

Comment	Response
2 individuals at 1 meeting had no issues with proposals as long as care provided meets standards expected.	Separate meeting to be set up with the resident group of this establishment to review quality and consistency of care arrangements.
Ceiling limits - £23,250 is not high and it is likely people may have to come back to the Council for funding.	A process is in place for those individuals who are in residential care whose capital has depleted and this will be used for non residential care should the process be agreed. As stated above if there are those who currently receive services who have over £23,250 in capital but are likely to require social care support in the near future consideration can be given to continuing the current arrangements
How will current customers who have over £23,250 be supported?	Anyone whose capital is likely to reduce below £23,250 in the near future will not be asked to set up their own care. Anyone who does not have family

	<p>support and who has capacity no capacity to manage their services will be supported until Court of Protection can be involved.</p> <p>Care Managers will contact all those who are affected to support then to set up new arrangements if this is appropriate</p>
<p>A number of residents felt that whilst the maximum charge for overnight care was not excessive, there was concern about the impact of additional changes on residents who were on fixed incomes.</p>	<p>All contributions are based on a financial assessment taking account of individual circumstances.</p> <p>No one will be left with less than 25% above nationally set minimum income.</p>
<p>Concern was expressed about the 'notional interest' for those with more than £14,250</p>	<p>This is a nationally set approach.</p>
<p>The Day Care proposal may mean people cannot afford to attend</p>	<p>All contributions are based on a financial assessment taking account of individual circumstance.</p> <p>No one will be left with less than 25% above the nationally set minimum income.</p>
<p>Overnight care is currently sleepover. Can this change if people need their care at night</p>	<p>Yes.</p>

#### Advocacy Meetings

<i>Mencap meeting</i>	
<p>Rent allowance should be taken into account for people with learning disability because their situations are different.</p>	<p>The proposal to end the rent allowance for a small group of individuals with a learning disability is put forward for reasons of equity. Legal advice is clear that having regard to the national charging guidance and the various groups of persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need.</p>
<p>Treating people equitably doesn't mean treating people the same. Carers of people with learning disability make a life long commitment and have to put their own ability to earn on hold – this is different to situations where families care for</p>	<p>Contributions towards the cost of social care are based on the individual's income not on the income of the carer.</p> <p>The financial assessment allows for the costs of contributing towards household expenses and can take</p>

<p>relatives who are older who provide care in their own homes for a more limited period usually at the end of their life</p>	<p>account of additional expenses which are related to the individual's needs. The Council offers a carers assessment and carers support to anyone who requests this. The Council has commissioned a range of services to support carers. It is proposed services provided directly to Carers are non chargeable.</p>
<p>The council is attacking the most vulnerable people who can't defend themselves</p>	<p>The reductions in the Adult Social Care budget has been proportionately lower than that of other services. The Council has made significant provision for consultation with advocacy groups, parents, carers and other who can represent the views of these vulnerable people. These views are addressed in this document.</p>
<p>Many carers will give up their own money to replace what will be lost if the rent allowance is not disregarded but not everyone has the funds to do this</p>	<p>The financial assessment only takes the income of the individual receiving care into account. All those receiving social care support will be left with 25% above the minimum income related to their age and level of disability. As stated above, It is recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based of the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of it's removal and to re-assess all recipients financial contributions. If the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account and to assist individuals and carers in maximising personal budgets and choice based care provision to ensure that the impact of the removal of the allowance can be minimised.</p>
<p>If this was introduced for a good reason in the past, what is different now?</p>	<p>The reason for the proposal being put forward is that on reviewing the policy it was clear that historic practice has not applied the current policy equitably. As stated above, legal</p>

	advice was clear, there is no justification for giving a rent allowance to this group and not other groups.
Carers have to provide 24/7 care but don't get support themselves and when they do make a request for a carer's assessment they have to wait a long time and nothing is achieved	This will be examined directly with carers groups to allow the service to review its response to carers' needs.
Some of us don't get this rent allowance but have our daughter living at home – why don't we all get it?	As previously stated the allowance has historically been given to a number of individuals. If it was to be given to all those receiving social care the loss of income would be approximately £900,000. The Council would be unlikely to be able to continue to provide social care services at the same level without this income.
If we, as carers, were not doing the job we are doing, the Council would have to pay thousands of pounds to look after the people we care for but still the Council plans to take away this small allowance	It is accepted that locally and nationally the contribution made by families and informal carers to the cost of providing care to people with disabilities is hugely significant. The Council provides support where families and carers can no longer do so or choose not to. Local Authority funding cannot be paid to families to pay for care. The rent allowance is not a carer's allowance.
<i>Day services for people with learning disability</i>	
My son can't be left alone and so I can't work. Without the rent allowance I can't afford the little things that make his life easier.	As stated above, the proposal to end the rent allowance for a small group of individuals with a learning disability is put forward for reasons of equity. All those receiving social care support will be left with 25% above the minimum income related to their age and level of disability. Additional expenses can be considered.
This comes at the same time as the bus pass for carers is being taken away so individuals cannot get out an about	The ability for an individual to travel as part of the means of meeting their critical or substantial needs can be taken into account at an individual level.
Taking away all of the disposable income means that we have no choice about the being able to save	Whilst it is recognised that the proposal will impact on a significant number of individuals, the median

for a later time – the 25% above the income support level is used just to live on	average increase (based on an exercise in August 2012) is £2.03 per week.
People are already not treated fairly – the family of another person who attends this day centre doesn't have to pay for care but my son does but our situations are the same	Upon investigation the circumstances were very different.
This is just a way of saving money for the Council	Whilst the majority of the proposals are put forward for reasons of equity or to support Personalisation it has been made clear that the proposals are also put forward to ensure there is enough money to provide services at the same level in the future.
I'm my relative's sister and took over his care when my parents died so have given up all my own life to look after him. I can't get him the things that he deserves if the rent allowance is not disregarded.	All those receiving social care support will be left with 25% above the minimum income related to their age and level of disability. Any additional expenses can be considered.
I don't get charged anyway as my son is partly paid for by Health and the service is very good	
<i>Spectrum CIL</i>	
Are the Council aware of how difficult it is already to live on the money people with disabilities have available to them?	
The five percent allowance currently given allows people some flexibility to cover emergencies in every day living	Whilst it is recognised that the proposal will impact on a significant number of individuals, the median average increase (based on an exercise in August 2012) is £2.03 per week. The proposal is in line with national guidance and leaves everyone with 25% above the minimum income guarantee related to their age and disability.
It is very difficult to get the Council to agree to any 'disability related expenses' such as the maintenance of a battery for an electric wheel chair – the Council has continually refused to provide any financial support	Individual financial assessments can be reviewed if the person does not feel the Council has treated them fairly.
Is it worth contributing to this consultation? Will the Council listen?	All contributions are heard and will be presented to the Cabinet to inform decision making.
There is less cooperation now from	The Financial Assessment and

<p>the Council regarding 'impairment related expenses' so money is being taken away from several sources</p>	<p>Benefits team are trained to consider expenses related to disability in all financial assessments. The Disability Related Expenses guidance is available to all those wishing to access it. Individual financial assessments can be reviewed if the person does not feel the Council has treated them fairly.</p>
<p>The outcome that is achieved – that is increased independence – is the same for people who need one or two carers. It is not right to charge them differently especially if the two carers are present for health and safety reasons not just because the care needs two people</p>	<p>Legal advice suggests that since the policy is based on ability to pay and individual circumstances can be taken into account in exceptional cases there is unlikely to be an equity issue.</p>
<p>Taking away 100% of income is a disincentive to planning for the future and maximising income</p>	<p>Whilst it is recognised that the proposal will impact on a significant number of individuals, the proposal increases the net disposable income taken into account from 95% to 100%. The median average increase (based on an exercise in August 2012) is £2.03 per week. The proposal is in line with national guidance and leaves everyone with 25% above the minimum income guarantee related to their age and disability.</p>
<p>Individual budgets take disability related expenses into account but a Direct Payment does not</p>	<p>All financial assessments are undertaken in the same way regardless of whether the individual has services directly provided by the Council or arranges their own care via a Direct Payment.</p>
<p>It is wrong to back date contributions if people haven't notified of changes because the money will have been spent – how can people pay with money they haven't got?</p>	<p>Individuals are clearly informed in their financial assessment letter of the need to inform the Council of any changes to benefits. If an individual is unable to meet backdated charges an arrangement can be made to pay this is a staged way. Other respondents have considered the approach to be equitable in that it does not penalise those who do not have any debt.</p>
<p>The main issues we have objections</p>	<p>A cumulative impact assessment</p>



<p>to are those related to the loss of the rent allowance; the 100% disposable income and the two carer contributions.</p> <p>These changes are taking place at a time when other benefits are being reduced – this is likely to drive people into borrowing from costly money lenders</p>	<p>taking account of changes to benefits and the proposed changes to the NRC Contributions policy has been completed. All changes to benefits can be reflected in the individual financial assessment, ensuring no one is inequitably impacted.</p>
<p>It is also happening when the support from City Limits is being reduced so people have less ability to earn.</p>	
<p>There needs to be more advice to support people to plan their care and understand the impact of different contributions.</p>	<p>The Council funds a range of advice and information services which offers this.</p>
<p>There is an issue of equity in that people who have different circumstances should be treated differently in order to increase equity – people with learning disability have life long conditions and many have to live at home. If they were living in supported living they would get housing benefit but their relatives can't claim. The rent allowance recognises this.</p>	<p>Legal advice is clear that having regard to the national charging guidance and the various groups of persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need.</p> <p>Housing Benefit is applicable to anyone who is paying rent.</p>
<p>The FAB team are not independent and only support people to maximise income so that the Council can achieve higher contributions – the Council should either train the FAB officers better or commission independent, flexible advocates to explain the financial impact.</p>	<p>The Financial Assessment and Benefits team are trained to consider expenses related to disability in all financial assessments.</p> <p>The Disability Related Expenses guidance is available to all those wishing to access it.</p> <p>Individual financial assessments can be reviewed if the person does not feel the Council has treated them fairly.</p> <p>The Council commissions advocacy services and advice and information services including those which offer advice regarding finance.</p> <p>Advocates can be present to support an individuals during their financial assessment</p>
<p>If the Council has to take away the rent allowance could this be done only for new people into the service or in stages?</p>	<p>As stated above, the proposal to end the rent allowance for a small group of individuals with a learning disability is put forward for reasons of equity.</p>

	<p>For this reason it would not be possible to only apply the allowance to those coming into the services in the future.</p> <p>It is however recognised that a rent allowance has been paid to this group for some time. It is therefore proposed to phase the removal of the allowance over 2 years.</p>
Why didn't the Council consult about which proposals to put up as service users may have had better ideas?	The consultation process offered the opportunity to put forward alternative suggestions.
<i>Parent Carer meeting with Cabinet member</i>	
I can't claim rent from my daughter but the Council is planning to take away this allowance which will mean that we will lose the whole £40 per week. We used this to enable us to support her to have some of the normal things in life.	<p>Everyone who contributes towards their social care services is left with 25% nationally set minimum income related to their age and level of disability.</p> <p>As stated above, it is recognised that a rent allowance has been paid to this group for some time. It is therefore proposed to phase the removal of the allowance over 2 years.</p> <p>Anyone who is paying rent and has a rental agreement will have this reflected in their financial assessment</p>
I object to the use of the words 'a small number of people are affected' when over 60 are affected.	92 individuals of a total of 108 who currently contribute to their care are affected by the rent allowance proposal. Of these 60 would contribute for the first time.
The Council is hitting the easiest target with people with learning disability.	All service user groups are potentially affected by the proposals.
I have had a carer's assessment but it made no difference. I have to look after my elderly relatives too and have no time off.	<p>The service will discuss the quality of carers assessments with carers organisations and work with them to change practice should this be required.</p> <p>If individuals feel their assessment is not addressing their needs this can be discussed with the manager of the service and a reassessment can be offered at any time.</p>
It was a waste of time trying to introduce person centred planning because people with no money can't have the life they would want to plan.'	Other respondents at the day service meetings disagreed with this.

<p>Meetings with Carers Together Cafés (2 meetings)</p>	
<p>Concern those individuals requiring 2 carers to be present being charged more.</p>	<p>Legal advice suggests that since the policy is based on ability to pay and individual circumstances can be taken into account in exceptional cases there is unlikely to be an equity issue.</p>
<p>Carers felt it was unfair and inequitable to disallow the rent allowance for people living with their families. If it relates to a small number of people why make a change?</p>	<p>As stated above, the proposal to end the rent allowance for a small group of individuals with a learning disability is put forward for reasons of equity. Legal advice is clear that having regard to the national charging guidance and the various groups of persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need.</p>
<p>To disregard debts and take 100% of net disposable income together with the existing decrease in Council Tax benefit will leave more people genuinely struggling to afford to meet their basic needs</p>	<p>Individuals are clearly informed in their financial assessment letter of the need to inform the Council of any changes to benefits. If an individual is unable to meet backdated charges an arrangement can be made to pay this is a staged way. No one will ever be left without essential care due to an inability to pay. The proposal is in line with national guidance and leaves everyone with 25% above the minimum income guarantee related to their age and disability. No one will ever pay more that they are assessed as being able to contribute. A cumulative impact assessment taking account of changes to benefits and the proposed changes to the NRC Contributions policy has been completed. All changes to benefits can be reflected in the individual financial assessment and this would mean individuals with lower disposable incomes would contribute less towards the cost of their</p>

	services.
What is the difference between charging and contributing	The proposals are put forward as part of the national guidance changes. It is felt the language reflects the approach to personalisation.
How much will the Council loose by not collecting £3 per month	It is expected that there will be no real loss as the costs of processing invoices and payments should balance the loss of income.
How can people afford the large increase in the cost of living when their pension and related benefits do not increase in line with other price rises? Charging people for their care will make them even poorer	Everyone is left with 25% above the nationally set minimum income related to age and level of disability.
What is the process of consultation? How will people know their comments will be listened to?	There have been various methods of consultation such as letters, website, helpline, meetings, DVD production. All consultation comments will be collated and given to Councillors to inform their decision making.
Will the decision about bedroom tax affect people's finances even more if the proposals go through	The actual cost of rent is taken into account in the financial assessment so there should not be a cumulative impact.
Will day care charges increase again after 2013/2014	The reason for asking those who can afford to do so to pay up to the full costs of their day care is that currently if an individual has their service arranged directly by the Council they pay against a cost of £13.96 and if they arrange their own services via a Direct Payment (when the Council gives the individual the money for their care and they arrange their own services) they are charged against the full cost. National projects have shown that the use of Direct Payments increases choice and control for individuals allowing individualised support arrangements to be developed which have better outcomes. The current approach is a disincentive to people taking control of their own care arrangements. It is recognised that this proposal is likely to have an impact on numbers attending day services and therefore the viability of care arrangements. The proposal suggests the increasing

	to the real cost of the service over 2 years.
Will people be expected to sell their house to cover non residential care costs	No. However second homes are taken into account as part of the individual's capital at present.
Is the total household income taken into account in deciding care costs for a couple	No. It is usually only the income of the person receiving care which is considered. There are however circumstances when it is more advantageous to consider the couple's income and in these circumstances both calculations are undertaken and the lower contribution applied as to do otherwise would leave the couple with less than 25% above minimum income.
Will charges for overnight care be included in care charges	Overnight care charges are currently applied when individuals live in their own home but no charges have yet been set for overnight care in supported living such as Extra Care Sheltered Housing. It is proposed to introduce a rate of charges for overnight care to ensure equity in approach.
What does NRC mean	Non residential care - that is all care provided apart from care in a residential or nursing home. There is a different national contributions policy for residential care.
Proposed disabled children's rent allowance is appalling	This proposal does not affect children. The proposal to end the rent allowance for a group of adults with a learning disability is put forward for reasons of equity. Legal advice is clear that having regard to the national charging guidance and the various groups of persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need.
What is going to happen to the next generation when these charges have been in place for some time	The Council can review its policy at any time if circumstances change.
What happens if someone having care feels they can no longer afford it	Before anyone ends their care a Care Manager will visit to discuss options

	<p>for change to the care arrangements. In some circumstances consideration can be given to reducing or waiving contributions.</p> <p>No one will ever be left without essential care due to an inability to pay.</p>
Can people take representatives along to Council meetings to ensure their voice is heard?	Yes. They can also approach their Councillor.
Can people go to their church or temple to take any concerns they have forward	Yes. The Consultation will take all comments on board.
The existing policy was reviewed in 2008, why review it now?	<p>There are a number of reasons; Government guidance has changed and the local policy needs to reflect this. The current policy does not support the move to offer more choice and control to individuals receiving social care in that in some cases people arranging their own services using a Direct Payment (when a person receives a sum of money and arranges their own care) will be asked to contribute towards the full cost of services whilst those receiving services directly arranged by the Council will be asked to pay only a part of the service cost.</p> <p>The current policy is not equitable and fair and this means it does not meet national guidance and could lead to legal challenge.</p> <p>There is also a need to consider how the Council can continue to afford the meet the needs of the rising numbers requiring social care support.</p>
Will my finances be affected if I live with a friend	No. it is only the income of the individual receiving care which is financially assessed.
What happens if I overspend my Direct Payment and why do I constantly need to fill in forms	When Direct Payments are set up individuals are given support to ensure they can manage the money. The Council needs to ensure that money given is being used to meet social care needs and this is why individuals are asked to keep records and to tell the Council how they have spent their Direct Payment.

	<p>If your needs change and you feel you need more money to meet them, it is important you contact your Care Manager immediately to allow a reassessment to be undertaken.</p>
<p>Will a couple have to be jointly financially assessed</p>	<p>No it is usually only the income of the person receiving care. There are however circumstances when it is more advantageous to consider the couple's income and half it and in these circumstances both calculations are undertaken and the lower contribution applied as to do otherwise would leave the couple with less than 25% above minimum income.</p>
<p>What is the difference in what is supplied at a day centre between £13 and £22</p>	<p>There is no day service which costs £13 or £22 per day. The average cost of a day of day care is £42.57. The current cost if the individual asks the Council to arrange the service is £13.69 whereas those arranging their own day care are asked to contribute based on the real cost. The proposal is to phase the increase in maximum day care contribution over 2 year with a maximum cost of £22 in 2013/2014.</p>
<p>Why can't people pay by Direct Debit</p>	<p>Direct Debit is available</p>
<p>Will individuals receive a one off bill if it is found they have had an increase in income which is discovered later by the Council</p>	<p>Yes. However the Council can arrange for the payment to be made in a phased way.</p>
<p>People who have over £23,250 will have to contract for their own care. How will problems and complaints be dealt with</p>	<p>The individual should, as now, discuss complaints with the provider. The Council is further developing the range support and advice available to those arranging their own care and this can include support to consider how quality and complaints can be managed.</p>
<p>What will be the impact on CPNs and other staff</p>	<p>It is not felt there will be an impact.</p>
<p>How many people were at the top end of how much they would be affected by the change from 95% to 100% net disposable income being taken into account</p>	<p>703 peoples' contribution would increase by between £0 - £199 per year, 93 by £200 - £399, 1 by £400 - £599 and 1 by over £1,600.</p>
<p>What sort of reaction has there been</p>	<p>Some individuals understand that the</p>

to the proposals	Council needs to consider how it find the money to continue to provide services and are looking to do it in as fair a way as possible. However, there has been concern about the impact of the proposals on individuals both financially and in terms of wellbeing.
How much are you underfunded	The Council needs to reduce its budget in 2013/2014 by 16.5 million.
What about a situation when a carer needs a break but the individual will not pay for his service? How many cases are there like that and how many more people will refuse to pay despite being in need	There are very few cases of this nature now. In extreme situations care fees can be waived or reduced e.g. if someone with dementia does not recognise the need for care the service at times waives charges until the Appointeeship of finances can be sorted out. Care Managers will consider this on a case by case basis.
Who authorises waiving of fees	The Head of Services does this to ensure equity.
MIND written response	
<p>The context of the changes needs to be considered. These include</p> <ul style="list-style-type: none"> <li>• Cuts to mental health day services</li> <li>• Major implementation problems with the administration of personal budgets leaving service users confused and the economic viability of services very fragile</li> <li>• The introduction of NRC charging so funds given under personal budgets are simultaneously taken away</li> </ul> <p>It is therefore of concern that introduction of capital limits and the huge increases in charges in 2014 will make a bad situation worse</p>	<p>The implementation plan, should the proposals be agreed, will include surgeries for specific user groups and individuals visits will be undertaken. Work will be undertaken with Advocacy groups to ensure these are targeted appropriately. Prior to any decision to end care, a Care Manager will visit the individual and review their needs. Separate work has been undertaken about the implementation of service changes and individual budgets and further discussion will take place in light of the comments made.</p>
It would not be right to assume what applies to other groups applies equally to mental health service users. The equality impact assessment should address this	This has been considered in the Equality Impact assessment and will be considered in any implementation plan should the proposal be approved.
Local Authorities which see their role in terms of the “universal offer” continue to make these sort of services (assume mental health day	Southampton City Council has made the decision that all client groups should be treated equitably. We believe that if specific services are



<p>services) free at the point of delivery. Locally this includes Hampshire and Portsmouth</p>	<p>provided without contribution this will discourage individual choice about the use of individual budgets.</p>
<p>Mencap</p>	
<p>Accepts that people with learning disabilities have a responsibility to make a contribution to the national austerity programme. The obvious way of doing this is paying proportionate, reasonable and affordable increases in charges for services they receive</p>	
<p>Mencap argues strongly that the rent disregard for 92 individuals with a learning disability be retained</p>	<p>The financial assessment only takes the income of the individual receiving care into account.  All those receiving social care support will be left with 25% above the minimum income related to their age and level of disability.  It is recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based of the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of it's removal on care choices and to re-assess all recipients financial contributions to take into account a wider range of income and expense factors and is needs specific in common with other care recipients.  If the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account and to assist individuals and carers in maximising personal budgets and choice based care provision to ensure that the impact of the removal of the allowance can be minimised.</p>
<p>We believe the rent disregard should be paid in recognition of the devoted service on lifelong carers (some have been caring for well over 50 years)</p>	<p>It is accepted that locally and nationally the contribution made by families and informal carers to the cost of providing care to people with disabilities is hugely significant.  The Council provides support where families and carers can no longer do so or choose not to.</p>

	<p>Local Authority funding cannot be paid to families to pay for care. The Council has set up a range of services to support family carers in their caring role. This includes commissioning Support Services for Mencap.</p>
<p>It is not equitable that similar people with a learning disability are receiving Housing Benefit of £120 to £300 per week for rent when in a supported tenancy.</p>	<p>Any individual who is paying rent is entitled to Housing Benefit if their income is at a certain level. This money is offered to pay for a specific outgoing.</p>
<p>Shared lives offering a caring environment and accommodation receive a weekly contribution in excess of £200 per week</p>	<p>Shared Lives carers are not providing care to their family members in this respect and, as such, are a service purchased by the Council in a way that can more reasonably be compared to other commissioned provision rather than care provided in the individual's own family home.</p>
<p>We do not believe other care groups are in a similar position</p>	<p>Legal advice is clear that having regard to the national charging guidance and the various groups of persons under the charging policy who have protected characteristics of one category or another, there is no justification for giving a rent allowance to this group and not other groups who have an equal claim to such a need.</p>
<p>A local solution is needed that considers the long term impact on short term recommendations. If all 92 carers decided to relinquish their caring duties the Local Authority would not be able to cope</p>	<p>It is recognised that a rent allowance has been paid to this group for some time and spending and care decisions have been based of the receipt of this allowance. It is therefore proposed to phase the removal of the allowance over 2 years to ameliorate the impact of it's removal on care choices and to re-assess all recipients financial contributions to take into account a wider range of income and expense factors and is needs specific in common with other care recipients. In addition if the proposed change is agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account and to assist individuals and carers in maximising personal</p>

	budgets and choice based care provision to ensure that the impact of the removal of the allowance can be minimised.
We endorse the recommendation of the Scrutiny Committee, including the one which ensures every family carer and service user is offered a full personal assessment before 31 <sup>st</sup> December 2013.	Should the proposals be agreed the Council will work with individuals and Advocacy Groups to ensure that financial assessments take all relevant information into account prior to the implementation of revised charges. Social care and carers assessments will be offered to the group affected by the rent allowance by 31 <sup>st</sup> December 2013.
To achieve this a far better communication strategy is needed for Care Managers, their Senior Managers and their family carers.	If the proposals are agreed the implementation plan will be developed with the involvement of local advocacy groups and will take these comments on board.