

## RECORD OF EXECUTIVE DECISION

Tuesday, 29 January 2013

**Decision No:** (CAB 12/13 9136)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	CABINET MEMBER FOR ADULT SERVICES
SUBJECT:	REVISIONS TO THE ADULT SOCIAL CARE NON-RESIDENTIAL SERVICES POLICY
AUTHOR:	Carol Valentine

### THE DECISION

- (i) To approve changes to the non residential care contributions policy for adult social care as set out in Appendix 1.
- (ii) To delegate authority to the Senior Manager: Safeguarding Adults, following consultation with the Cabinet Member for Adult Care and the Head of Legal, HR and Democratic Services to review the format and content of the current non-residential care contributions policy for adult social care, to make any textual, formatting or administrative or other minor changes required to update the policy, give effect to recommendation 1 above and ensure it is fit for purpose for 2013 and beyond.
- (iii) To delegate authority to the Executive Director for Adult Social Care to determine which 'one off' services should be included within the Policy as chargeable services and to determine the scale of fees and charges to be applied for these services (Proposal 10 in Appendix 1 – changes to Policy).
- (iv) To note that recommendation 2 above does not extend to making any major or substantive changes to either the services to be provided under the policy or the charges to be applied to any such service, Such matters would require reference to Cabinet for determination following appropriate public consultation.

### REASONS FOR THE DECISION

The changes will

- Ensure the policy meets national guidance.
- Support the development of personalisation in adult social care.
- Ensure equity and fairness in the application of the policy.
- Maximise income from those who can afford it to support the Council to meet the costs of providing for increased demand due to demographic changes.

### DETAILS OF ANY ALTERNATIVE OPTIONS

1. To take no action would mean the policy was unable to meet national guidance, would not be applied equitably and would not support the development of personalised social care.
2. Respondents to the consultation asked the City Council to consider the long term impact of the proposed changes. They suggested that if individuals felt they could not afford services they would wait till crisis point and require higher cost services such as residential care. They felt this was counter intuitive to prevention and health and well-being agendas and therefore the changes should not be taken forward.  
This proposal was rejected since;
  - The Council as a whole is addressing the prevention and health and well being agendas, this is not solely the role of social care.
  - No one will ever be asked to contribute more than they can afford
  - Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances.
  - If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.
3. Respondents to the consultation asked that the Council consider leaving the maximum contribution level at 95% of the figure the individual is assessed as being able to afford rather than the proposed 100% since this was felt to negatively impact on service users quality of life.  
This proposal was rejected since;
  - To take 100% of the contribution which the individual is assessed as being able to contribute leaves service users with 25% above nationally set minimum income levels.
  - A 100% contribution meets national guidance, which was set in recognition of the fact that social care users are likely to have additional expenditure related to their needs.
  - Individual circumstances can be taken into account in assessing contributions and in particular any disability related expenditure must be considered.
  - If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.
4. Respondents suggested that the specific rent allowance that the Council is proposing to end funds additional daily living expenses for people with severe learning disabilities. It was thought that stopping this payment will have a significant impact on these service users' quality of life.  
This proposal was rejected since;
  - To treat a specific customer group differently would be inequitable, would not meet national guidance and could lead to judicial challenge.
  - There is no rationale for the rent allowance since the policy takes account of day to day living expenses. In addition householders who qualify for housing benefit have this reduced when there is a non dependant living in the home and this is taken account of as rent

when calculating social care contributions.

- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

5. The proposal to change the policy so that users with more than £23,250 would organise their own care raised concern that this placed an inappropriate burden on carers. There was also concern raised about the need to handle any changes to individual arrangements sensitively.

The removal of the proposal was rejected since;

- Setting this limit brings the NRC policy in line with the national residential care charging policy and is felt to be fair and equitable.
- A range of support will be offered to those requiring to commission their own arrangements including; continued right to social care assessment; support with care planning both from the Council and via services set up by the Council; those who do not have capacity and do not have family carer support will continue to have their arrangements managed by the Council; work will be undertaken throughout the year to support those already receiving services to set up their own arrangements.

6. The results from the telephone helpline showed that paying full cost for care was a key concern. Callers expressed the opinion they are already “charged a lot” for services and contributions should not be raised.

This proposal was rejected since;

- No one will ever pay more than they are assessed as being able to afford.
- Individual circumstances can be taken into account and charges waived or reduced for welfare reasons.
- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

7. The proposal to ask for contributions toward the cost of two carers raised concerns that this might increase the burden on service users and family carers who might try to cope without a second carer on the basis of cost. There was also a concern that this might be inequitable.

To remove this proposal was rejected since;

- No one will ever pay more than they are assessed as being able to afford.
- Carers needs are assessed as part of the assessment process and Individual circumstances can be taken into account and charges waived or reduced for welfare reasons.
- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.
- Legal advice suggests that since the policy is based on ability to contribute and takes individual circumstances into account it is equitable.

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8. Tenants of Extra Care Housing were concerned that they would be charged for overnight care services which they currently did not need and suggested only charging those who used night time care.  
This proposal was rejected since;
- Individuals make the decision to move to extra care to ensure access to immediate support should they need it. It would therefore be inequitable to charge only those who receive hands on care when all tenants are benefitting from the service.
  - If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

#### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None.

#### **CONFLICTS OF INTEREST**

None.

#### **CONFIRMED AS A TRUE RECORD**

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 29<sup>th</sup> January 2013

Decision Maker: The Cabinet

Proper Officer: Ed Grimshaw

#### **SCRUTINY**

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

6<sup>th</sup> February 2013

Date of Call-in (*if applicable*) (*this suspends implementation*)

19<sup>th</sup> February 2013

Call-in Procedure completed (*if applicable*)

23<sup>rd</sup> April 2013 – see Reconsidered decision CAB 12/13 10493

Call-in heard by *(if applicable)*

Overview and Scrutiny Management Committee.

Results of Call-in *(if applicable)*

- (i) that the decision be referred back to Cabinet for further consideration; and
- (ii) the Overview and Scrutiny Management Committee recommended that Cabinet:-
- defers the decision to enable further consideration and thorough consultation with all parties affected. Should this impact on the Council's Budget, funding should be drawn from reserves;
  - ensures, if the proposals are implemented, that by 31<sup>st</sup> December 2013 every carer and service user that requires a one to one assessment will receive one, and provides assurance that one to one advice will not be just through telephone advice;
  - evaluates the effectiveness of the People's Panel in this process from the Council's, facilitators' and participants' perspective;
  - explores ways to improve information provision for service users and carers on issues such as assessment of need and financial assessment;
  - have worked examples of the impact of the proposals on individuals in advance of the Cabinet meeting to ensure the decision is informed;
  - ensures future communications are sent to both service users and carers;
  - monitors the impact of the proposals, if implemented, on admissions to Accident and Emergency within the City;
  - ensures that the advocacy groups are involved and fully engaged throughout the process;
  - Identifies how, if changes proceed, the service will improve and how the future model will ensure rising standards and evidence improvements; and
  - monitor and review the impact of the charging proposals, if implemented, and report them to the Overview and Scrutiny Management Committee within the first year of implementation.