



CABINET

11 FEBRUARY 2020

**DIRECTOR OF NORTHAMPTONSHIRE ADULT SOCIAL SERVICES:
ANNA EARNSHAW**

**CABINET MEMBER WITH RESPONSIBILITY FOR ADULT SOCIAL CARE AND
PUBLIC HEALTH: COUNCILLOR IAN MORRIS**

Subject:	Fees and Charges Policy for Adult Social Care
Recommendations:	<p>Cabinet is asked to:</p> <ol style="list-style-type: none">1. Consider the notes and feedback analysis from the consultation process (report and analysis)2. Note the content of this report3. Note the content of the Equality Impact Assessments4. Agree to implement the charging proposals which were the subject of a recent consultation5. Agree the new Fees and Charges Policy for Adult Social Care incorporating the changes following consultation (effective 1st April 2020) and delegate authority to the Director of Adult Social Services to take any actions necessary to bring the new Policy into effect

1. Purpose of report

1.1 This report seeks approval from Cabinet to implement the charging proposals which were the subject of a recent consultation.

1.2 The major changes which Cabinet are being asked for agreement are:-

1.2.1 To introduce a single standard rate of DRE. It is recommended that the single standard rate of DRE would be set at £23 per week which is between the two current rates of disability benefits (lower/middle £18, higher £28). A personalised DRE assessment will be provided to any affected customers upon request.

1.2.2 To implement an older persons standard income disregard of £189.50 (the minimum amount set by the Department of Health, a deduction of £5.50 per week to the current standard rate)

1.2.3 To update the model for residential college charges, so all customers will be charged as if they are in the community, rather than a residential care home

1.2.4 Note the new Fees and Charges Policy for Adult Social Care which also incorporates the changes, above, following consultation (effective 1st April 2020)

2. How this decision contributes to the Council plan

The Council's vision is for Northamptonshire to be a county where everyone looks after each other and takes responsibility, where the vulnerable are protected and supported and where the people who can help themselves receive the assistance they need to stay independent and healthy.

This initiative helps the Council to deliver this vision through the following strategic priorities outlined in the Council Plan
--

- | |
|---|
| <ul style="list-style-type: none">• Utilising the Council's assets effectively.• Reducing inequalities and disparity of opportunities. |
|---|

3. Background

3.1 The ASC Fair Contributions Policy sets out the current policy and guidance on how the Council calculates a person's contribution towards their care and support. It was created in 2014. The Council last changed the policy in April 2018, where approximately 2,250 people were impacted by a policy change. This was implemented after a 3 month consultation period.

3.2 The policy is due for review and therefore provides the opportunity to update and incorporate new elements and bring it in line with national guidance and wider practice.

3.3 The policy details how contributions towards community based care are calculated, the charging rules for residential care contributions, third party top-ups, standard rate charges, and deferred payment agreements are not currently covered. We have now addressed these gaps in a revised policy, entitled "Fees and Charges Policy for Adult Social Care" ("the Policy") which will provide openness and transparency as well as set out processes for the assessment and management of people's finances. The processes themselves did not form part of the consultation. A Plain English version will be developed and published alongside The Policy. Draft version 0.6 of the Policy accompanies this Cabinet report. Cabinet are asked to note the content. The intention is to publish the Policy on the 1st April 2020 and whilst it is possible that there may be some minor updates to the format and layout of the document, the content will remain the same.

3.4 Given that the proposals set out in paragraph 1 above will have a direct impact on current service users, as well as the potential to affect future service users, it was important that the Council sought their views and provide the opportunity for them to feedback on how the proposals would affect them. A report detailing the consultation feedback is attached as Appendices 4 and 5, and this should be taken into consideration before making final decisions on the proposals.

3.5 Legal advice recommended that a consultation process on proposed changes take place and that the results and alternative proposals are taken into account in any final decision making process by Cabinet.

3.6 Consultation has also re-informed the final Equality Impact Analyses of the proposals which ensures that the Council actively seeks the views of people who share protected characteristics, as set out in the requirements of the Equality Act 2010.

4. Consultation and Scrutiny

- 4.1 Northamptonshire Adult Social Services consulted on the proposed changes to the Council's Fair Contributions Policy for 12 weeks between 11th September 2019 and 3rd December 2019. This consultation was conducted by the Northamptonshire Adult Social Services (NASS) and the Consultation, Equalities & Accessibility Team based within Business Intelligence within Northamptonshire County Council (NCC), and was carried out in compliance with the Council's Consultation and Engagement Policy and Statement of Required Practice.
- 4.2 There are 803 people who receive the lower standard rate of DRE of £18 per week and 2298 who receive the higher rate of DRE of £28 per week all of whom could be affected by the proposed changes.
- 4.3 There are currently 2091 older persons who have been afforded a standard income disregard allowance of £194.50 per week. Of these, 644 are currently not required to make a contribution towards their care and support. There will be 1447 people affected by the proposed change which will allow them an amount of £189.00 per week.
- 4.4 There were 10 people at residential colleges in 2018/19 who were assessed under residential charging rules.
- 4.5 Due to the breadth of potential stakeholders, a base questionnaire was devised. An easy read version of the questionnaire was also devised for those that required it. The questionnaire was designed to:
- Inform stakeholders of the consultation proposals and what may change
 - Gain an understanding of stakeholders' views of the proposals, and their perceived impact
 - Give stakeholders an opportunity to provide comment, including alternative suggestions to that proposed
 - Gain an understanding of the demographics of respondents
- 4.6 The questionnaires were supported by several supporting documents, including the September Cabinet paper, equality impact assessments for each proposed change, frequently asked questions and the current policy.
- 4.7 A number of qualitative and quantitative questions were asked to gain an understanding of respondents' views. Respondents were asked to read the supporting documentation prior to completing the questionnaire.
- 4.8 Both versions of the questionnaires and all of the above supporting documentation were made available on the Council's consultation hub, <https://northamptonshire.citizenspace.com>, which is where all of the Council's consultations are published. Paper copies of the consultation documents were available upon request.

- 4.9 In addition to the questionnaires, three public consultation events were held at accessible NASS venues across the county. These events were open to the public and provided an opportunity for attendees to ask questions and to provide feedback to officers including the Assistant Director of Adults Finance Operations and also the Portfolio Holder for Adult Social Care & Public Health.
- 4.10 All potentially affected customers and/or their families and carers were written to and advised of the proposals and invited to participate in the consultation. They were also offered an individual meeting with NASS officers if they wished, to allow them the opportunity to respond to the consultation directly with an officer and to discuss any concerns or questions which they might have.
- 4.11 Details of the consultation and a web link to the online questionnaire was also circulated electronically to the individuals and organisations signed up to receive notification of the Council's consultations, which includes County Councillors and local MPs, and to all of the 1,000+ members of the county's Residents' Panel. The consultation was also promoted to third sector organisations, health partners, and other identified stakeholders.
- 4.12 This consultation was publicised via Northamptonshire County Council's Facebook, Twitter and other social media accounts. Respondents were given the opportunity to participate through these social media sites, although no direct responses were received or could be attributed to this method.
- 4.13 An email and telephone number was published to help respond to queries or receive feedback. Unfortunately there was a technical fault with the telephone number initially published, however this was identified within the first 48 hours of the consultation period. The telephone number was subsequently amended and a new number was published. All customers who were originally written to were sent a further letter with the revised telephone number.
- 4.15 A total of 193 questionnaire responses were received, generating a wealth of feedback that included some 248 comments from the different groups of respondents.
- 4.16 In addition to the questionnaire feedback, a total of 24 people attended the three consultation events, and three written submissions were received. Eighty-six stakeholders also contacted the Council via the telephone number and email address provided, either for themselves or on behalf of service users. In most cases, this was to seek clarification about the letter they had received informing them of the consultation, or to discuss their personal circumstances rather than the proposals themselves. Service users were able to request a visit or support to complete the questionnaire if required, or could give their feedback via telephone or email. This was recorded where received to be included in the consultation feedback.

- 4.17 All of the feedback received has been shared with NASS so all of the responses received can be considered in their entirety.
- 4.18 The Consultation Analysis Report in the Appendix provides more detailed analysis of the feedback received. However, there are some key points to note and these are set out below.
- 4.19 Respondents were asked to what extent they agreed or disagreed with the proposal to introduce a single standard rate of Disability Related Expenditure. A higher proportion of respondents were not in favour of the proposal put forward. A total of 95 respondents answered this question, with a total of 37.9% agreeing and 47.4% disagreeing.
- 4.20 Respondents were asked to what extent they agreed or disagreed with the proposal to reduce the Older Person's Standard Income Disregard. A higher proportion of respondents were not in favour of the proposal put forward. A total of 94 respondents answered this question, with a total of 39.4% agreeing and 52.1% disagreeing.
- 4.21 Respondents were then asked to what extent they agreed or disagreed with the proposal to change the charging model for service users living in residential colleges. Respondents were mostly favourable towards the proposal put forward. A total of 45 respondents answered this question, with a total of 44.4% agreeing and 20% disagreeing.
- 4.22 Respondents were also asked if they wanted to comment on why they had answered the questions in the way that they did, and if they thought there would be any negative impacts, what these would be and how they could be mitigated.
- 4.23 In general, respondents who agreed with the proposals thought the changes would be fairer and simpler. However, most respondents were concerned that the proposals would negatively affect people who are already vulnerable and less likely to be able to increase their income to make up for any reductions as a result of the proposed changes. There was some concern that some people would be affected by both the changes to DRE and the Older People's Standard Income Disregard. There was also some concern that DRE was being reduced for people whose disabilities are greater.
- 4.24 The increased cost of living was mentioned by several respondents, stating that any increases to benefits or income have been consumed by adult social care fee increases, meaning that people have not benefited from any increase to their total income.
- 4.25 More detail about the consultation feedback can be found at Appendix 4 in the Consultation Analysis Report and the full results, including verbatim comments (with identifiable information redacted) can be found at Appendix 5.

5. Equality Screening

- 5.1 The draft Equality Impact Assessments for each proposed change have been updated following conclusion of the consultation and can be accessed via the link below.
- 5.2 Any change to fees relating to adult social care will by default disproportionately affect people with disabilities and health conditions which require them to seek support from Adult Social Care due to their eligibility for support by nature of that disability or health condition. The implications for these individuals are set out in more detail in the Equality Impact Assessment.
- 5.3 It is acknowledged that the potential impact upon customers in relation to the proposed changes to the current policy is significant. By its nature, this proposal affects people already in receipt of state benefits however while some people may see a decrease in their income as a result of these changes, the protected income amount set by Government remains in place to ensure that people are not charged more than they can afford.
- 5.4 If customers feel that the Council is not taking their needs into account in the financial assessment, they can ask for a personalised DRE assessment and provide evidence of the costs they have associated to their needs so that this is duly considered.

<https://www3.northamptonshire.gov.uk/councilservices/adult-social-care/policies/Pages/EqIAs.aspx>

6. Alternative Options Considered

- 6.1 **Please describe the alternative options considered and the reasons why they have been rejected.**
- 6.1.1 There is one alternative option and that is to do nothing.
- 6.1.1.1 If no further action is taken the policy would remain unchanged.
- 6.1.1.2 The advantage of this option is that there would be no change for the customers.
- 6.1.1.3 The disadvantage is that the Council would not be able to align the Policy with neighbouring local authorities, and would not receive additional funding which would ease funding pressures in Adult Social Care, and provide the opportunity to reinvest to provide services for other people. Analysis of the EQIA's reflect that whilst this proposal affects people already in receipt of state benefits, the protected income amount set by Government remains in place to ensure that people are not charged more than they can afford.

7. Financial Implications

An initial indicative estimate was prepared to scope the financial implications for each element of the proposals (see table 2 below). A range of assumptions were made to arrive at these indicative figures, including:

- The existing client levels remain consistent for each cohort
- The current individuals are typical of future clients both in terms of care needs, care costs, incomes and statutory allowances
- There are no changes to national allowances

Taking the above points into account, the proposals result in additional client contributions of £792,542. Changes in the make-up of future clients will also affect the actual figure.

1. Cashable Benefits Analysis (estimate per annum)	
Review of current DRE model	£388,700
Review of the older persons standard income disregard	£413,842
Review of the current model for residential college charges	-£10,000
TOTAL	£792,542

What benefits will the proposal deliver?	<p>Please explain and quantify expected benefits arising from the proposal. Areas for inclusion...</p> <ul style="list-style-type: none"> • Cost effectiveness • Efficiency savings (cashable and non-cashable)
--	---

8. Risk and Business Continuity Management

a) Risk(s) associated with the proposal

Risk	Mitigation	Residual Risk
Review of current DRE model	Active engagement with customers and all stakeholders People can request a personalised DRE Assessment if they feel that their needs are not being met	Amber

	Protected income amount remains in place to ensure that people are not charged more than they can afford	
Review of the older persons standard income disregard	Active engagement with customers and all stakeholders Reinvesting income to improve quality and level of service to more customers Protected income amount remains in place to ensure that people are not charged more than they can afford	Amber
Review of the current model of residential college charges	No risks	Green

b) Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
Opportunities to increase potential income will not be realised	Red

9. List of Appendices

- Appendix 1: EQIA - Disability Related Expenditure
- Appendix 2: EQIA - Older Persons Standard Income Disregard
- Appendix 3: EQIA - Residential College Charges
- Appendix 4: Consultation Analysis
- Appendix 5: Consultation Report

Author:	Name: Ashley Leduc Team: NASS
Contact details:	Tel: 01604 364707 Email: ALeduc@northamptonshire.gov.uk
Background Papers:	September 2019 Cabinet Paper - Adult Social Care (ASC) Fair Contributions Policy
Does the report propose a key decision is taken?	YES
If yes, is the decision in the Forward Plan?	YES
Will further decisions be required? If so please outline the timetable here	NO
Does the report include delegated decisions? If so, please outline the timetable here	NO

Is this report proposing an amendment to the budget and/or policy framework?	YES
Have the financial implications been cleared by the Strategic Finance Manager (SFM)? Have any capital spend implications passed through Capital Programme governance procedures?	YES Name of SFM: Mark Walker YES
Has the report been cleared by the relevant Director?	YES Name of Director: Anna Earnshaw
Has the relevant Cabinet Member been consulted?	YES Cabinet Member: Cllr Ian Morris
Has the relevant scrutiny committee been consulted?	NO Scrutiny Committee:
Has the report been cleared by Legal Services?	YES Name of solicitor: Salma Kantharia
Have any communications issues been cleared by Communications and Marketing?	YES Name of officer: Annalee Bougourd
Have any property Issues been cleared by Property and Asset Management?	N/A
Have the Procurement Implications below been referenced in the Paper:	N/A
Are there any community safety implications?	NO
Are there any environmental implications:	NO
Are there any Health and Safety Implications:	NO
Are there any Human Resources Implications:	NO
Are there any human rights implications:	NO
Constituency Interest:	N/A

