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# Amendments to the ASC Charging Policy – Supporting Information

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### 1. Introduction/Background

- 1.1 In our current Adult Social Care Charging Policy we don't include the full amount of benefit income in financial assessments, where we don't provide an element of night time care.
- 1.2 However, under the Care and Support Statutory Guidance, Annex C, point 16, the government allows for the full amount of Attendance Allowance and Disability Living Allowance (care component) to be taken into account when considering what a person can afford to pay towards the cost of their care.
- 1.3 There is a national shortfall in the funding of Adult Social Care. The Council has previously included the Adult Social Care Council Tax precept in our annual budget, but there is still a significant gap between the available budget and our expenditure on Adult Social Care provision. This proposal will assist in reducing that gap by an estimated £270,000 per annum.

### **Equality Act 2010**

- 1.4 In considering any proposals that would result in changes to the existing Policy, the Council must additionally consider the public sector equality duty in accordance with section 149 of the Equality Act 2010.
- 1.5 The fundamental requirement on the Council imposed by s.149 is to take reasonable steps to inquire into the issues before it and to understand the impact, or likely impact of the decision it is being asked to make on those on the protected characteristics list who are potentially affected by the decision.
- 1.6 This proposal will directly affect over 200 clients of Adult Social Care. Some individuals will have to contribute more to their care costs, whilst others, who currently pay nothing, will now contribute towards the cost of their care.
- 1.7 Members will note that a Stage 2 Equalities Impact Assessment will be required in respect of this proposal and that will be completed once the consultation exercise has been completed.
- 1.8 It is necessary for the Council to be satisfied that the decision to discontinue with discretionary relief and the potential effects of that decision are proportionate and justified in the circumstances. In considering these issues, the Council can have regard to the steps which are being taken to mitigate the impact of the recommended proposals.
- 1.9 Members will also need to instruct and be satisfied that officers will properly monitor the impact of the proposals if implemented and report back, in particular if any unforeseen risks materialise. This is reflected in the recommendations.

## 2. Supporting Information

- 2.1 Under the Care Act 2014, a local authority is permitted to levy charges in specified circumstances for the care that it provides to meet an individual's eligible care needs. Further details about the circumstances in which charges can be applied is contained within the Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Care and Support Statutory Guidance.
- 2.2 The Guidance at Annex A, point 16 states what benefits should be taken into account when undertaking a financial assessment. This states that the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, can be taken into account when considering what a person can afford to pay towards the cost of their care, including support in a care home.
- 2.3 A local authority also has some discretion as to whether to include certain benefits when assessing how much an individual should contribute financially to the cost of their eligible care needs.
- 2.4 The Council's policy at present is not to include the full amount of benefit income in financial assessments, where it does not provide an element of night time care.
- 2.5 It is no longer considered appropriate for the Council to exercise its discretion routinely in this manner as it is no longer financially sustainable for it to do so.

## 3. Options for Consideration

- 3.1 Amend the charging policy to no longer disregard an element of Attendance Allowance or Disability Living Allowance (care component).
- 3.2 Leave the Adult Social Care Charging Policy as it is. This would mean that there would be no additional income into the Adult Social Care budget.
- 3.3 Implement the change for new clients only. There would be a small amount of additional income but it is hard to quantify as we don't know who the new clients will be.
- 3.4 The Council did consider as an alternative whether it would be possible to reduce funding for long-term support and prevention services as an alternative to this proposal. However, such a proposal would impact on a greater number of individuals and may further increase demand on Adult Social Care services.

## 4. Proposals

- 4.1 Subject to the results of the consultation and the stage 2 Equality Impact Assessment, to amend the Adult Social Care Charging Policy to include the full amount of Attendance Allowance and Disability Living Allowance.

## 5. Conclusion

- 5.1 By amending the Adult Social Care Charging Policy we will bring treatment of clients in receipt of Attendance allowance and Disability Living Allowance (care

component) into line with the treatment of clients in receipt of Personal Independence Payments.

5.2 We will also bring in additional income into the Adult Social Care budget.

## 6. Consultation and Engagement

6.1 We have written to each of the individuals who currently receive an adult social care service, who would be affected by the change to advise them how they personally would be affected by the change.

6.2 Information about the proposal is on the Council’s consultation portal.

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### Background Papers:

Care and Support Statutory Guidance, Annex C  
Adult Social Care Charging Policy

### Subject to Call-In:

Yes:  No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input checked="" type="checkbox"/>
Delays in implementation could compromise the Council’s position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All wards

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