
Amendments to the Adult Social Care Charging Policy

Committee considering report: Executive on 21 December 2017

Portfolio Member: Councillor Rick Jones

Date Portfolio Member agreed report: 7 December 2017

Report Author: Jo England

Forward Plan Ref: EX3402

1. Purpose of the Report

1.1 To amend the current Adult Social Care Policy to reflect the Care and Support (Charging and Assessment of Resources) Regulations 2014

2. Recommendations

2.1 The Executive resolves to delegate to the Head of Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care as follows:

- (1) To consider the consultation responses received in respect of the proposal to amend the Adult Social Care Charging Policy.
- (2) If appropriate having regard to the consultation responses, to make the amendments to the Adult Social Care Charging Policy to include the full element of Disability Living Allowance care or Attendance Allowance that is in payment to individuals where the Council are not providing night time care.

2.2 If the proposed amendments to the Scheme are approved, the Council will monitor and review the impact of this proposal on equalities.

3. Implications

3.1 **Financial:** Estimated additional income of £270,00.00 per annum into the Adult Social Care budget

3.2 **Policy:** This proposal seeks to revise the current policy

3.3 **Personnel:** N/A

3.4 **Legal:** The legal implications are set out in the supporting information.

3.5 **Risk Management:** N/A

3.6 **Property:** N/A

3.7 **Other:** The change will affect 216 individuals

4. Other options considered

- 4.1 Leave the Charging Policy as it is. This would mean that there was no additional income into the Adult Social Care budget
- 4.2 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
- 4.3 The Council considered whether funding for long-term support and prevention services could be reduced 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.

Executive Summary

5. Introduction / Background

- 5.1 In the current charging policy the Council does not include the full amount of benefit income in financial assessments, where the Council does not provide an element of night time care.
- 5.2 However, under the relevant legislation and Guidance, it is permissible for the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, to be taken into account when considering what a person can afford to pay towards the cost of their care.

6. Proposal

- 6.1 To amend the Adult Social Care Charging Policy to include the full amount of Attendance Allowance or Disability Living Allowance in financial assessments in accordance with the recommendation.

7. Conclusion

- 7.1 Changing the Adult Social Care Policy will bring it in line with the Care and Support (Charging and Assessment of Resources) Regulations 2014 and will bring in additional income into the Adult Social Care budget.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Care and Support Statutory Guidance
- 8.4 Appendix D - Adult Social Care Charging Policy

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To amend the Adult Social Care Charging Policy to include the full amount of Attendance Allowance or Disability Living Allowance in all financial assessments from 15 January 2018.
Summary of relevant legislation:	<p><u>Attendance Allowance and Disability Allowance:</u></p> <p>Under Care Act 2014, Annex C: Treatment of Income (point 16)ⁱ, the government allows for the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, to be taken into account when considering what a person can afford to pay from their income towards the cost of their care and support in a care home.</p> <p>Currently we do not include the full amount of benefit, where we don't provide an element of night time care. (See page 9, point 5.2.1 of our charging policy).</p>
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Jo England
Date of assessment:	13/11/17

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To bring in additional income into the Adult Social Care budget
Objectives:	
Outcomes:	To bring in additional income of approximately £270,000 per annum
Benefits:	It will mitigate the need to reduce expenditure on some services that are currently funded by Adult Social Care.

2 Note which groups may be affected by the proposed decision. Consider how

<p>they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>		
Group Affected	What might be the effect?	Information to support this
Age	This proposal could affect any client over the age over of 18 who receives a non-residential Adult Social Care service as they may be required to pay more for the service that they currently receive.	
Disability	This proposal could affect any client who receives a non-residential service from Adult Social Care in particular individual who are in receipt of either the high rate care component of Disability Living Allowance or high rate Attendance Allowance where the council does not provide any night time care.	
<p>Further Comments relating to the item:</p>		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
<p>Please provide an explanation for your answer: The change will bring the treatment of Attendance Allowance and Disability Care Allowance (care component) in line with the treatment of Personal Independence Payment</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes
<p>Please provide an explanation for your answer:</p> <p>Individuals who already receive an Adult Social Care service may be required to pay an increased contribution towards the cost of their care. These individuals will not have an increase in their income and will have already have budgeted for how they use their limited income.</p> <p>Some individuals may choose to reduce or cancel their care due to financial hardship. This may lead to hospital admissions.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Jo England
Timescale for Stage Two assessment:	Before the 10 th January 2018

Name: Jo England

Date: 13/11/17

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

ⁱ Annex C: Treatment of Income: <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#AnnexC>