

12 November 2013		ITEM: 6
Health and Well-being Overview and Scrutiny Committee		
Review of Non-Residential Adult Social Care Charges		
Report of: Roger Harris – Director of Adults, Health and Commissioning		
Wards and communities affected: All	Key Decision: Key	
Accountable Head of Service: N/A		
Accountable Director: Roger Harris – Director of Adults, Health and Commissioning		
This report is Public		
Purpose of Report: For the Health Overview and Scrutiny Committee to receive the results of the consultation exercise over proposed new charges in Adult Social Care and agree recommendations for 2014/2015 budget.		

EXECUTIVE SUMMARY

Between 29th July 2013 and 21st September 2013, Thurrock Councils Adult Social Care Department consulted on the proposal to introduce a new charge for double handed care as part of its budget plan for 2014/15. This report examines the outcome of the consultation, and recommends that the charge should be implemented

1. RECOMMENDATIONS:

That Health Overview and Scrutiny Committee approves:

- 1.1 HOSC is asked to note the results of the consultation and comment upon the proposed charge prior to a final decision being put to Cabinet**

2. INTRODUCTION AND BACKGROUND:

- 2.1** Thurrock Council has a duty to facilitate the provision of social care services to those individuals who qualify under its eligibility criteria (currently substantial and critical). The Council has the discretion to charge service users for those services. If the Council decides to exercise its discretion and impose charges they must be reasonable and fair. Changes in policy must be the subject of consultation and take into account the Council's duties under the Equality Act.

- 2.2 The Council's Non Residential Adult Social Care Charging Policy must accord with the guidance of the Secretary of State, ***Fairer Charging Policies for Home Care and other non-residential Social Services***, which is Guidance for Councils with Social Services Responsibilities, updated in June 2013 ("the Guidance").

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

- 3.1 In the budget report that was considered by Health Overview and Security Committee (HOSC) in February 2013 it was noted that the Medium Term Financial Strategy (MTFS) included a figure of £75,000 to be achieved through a review of Adult Social Care (ASC) charges in 2014/15.
- 3.2 In July 2013 the review was presented to HOSC with agreement for consultation on the proposed change to double handed care charges.

4. REASONS FOR RECOMMENDATION:

- 4.1.1 It is recommended that the charge for the 2nd carer is approved by members for the following reasons;
- Charges will be applied in accordance with Thurrock Councils Fairer charging policy; this in turn is in accordance with the guidance of the Secretary of State, ***Fairer Charging Policies for Home Care and other non-residential Social Services***, Guidance for Councils with Social Services.
 - Charges are only applied on ability to pay. This is determined following a financial assessment (net income is not reduced below defined basic levels of Income Support or the Guaranteed Credit of Pension Credit, plus 25%)
 - There is a cost to the authority for the provision of 2 carers from homecare providers. Service users who require 2 carers are currently being charged by Thurrock Council for 1 carer.
 - The proposed charge for double handed care is consistent with other local authorities. (should there be something here about comparable LA's ie within LA's who have a similar population etc.)
 - If the recommendation is not approved then alternative efficiencies/funding would need to be sought and may have a financial impact on other areas of the Council

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 A consultation process was undertaken during August and September 2013 to gain public, service user, carer and stakeholder views on the proposed change to double handed care charges

The process was as follows;

- An individual letter was sent to all service users who currently receive a double handed care package

- All service users who fully fund their own care packages were contacted by telephone to enquire if they wanted a review of their financial assessment in view of the proposal
- Questionnaires were made available on Thurrock Councils website for individual completion
- Thurrock Councils User Led Organisation, Thurrock Coalition, were contacted to seek the views of the public
- Easy read versions of the consultation documents made available

Of the 122 questionnaires that were sent out, 55 were returned, (out of 100%, this represents a 45% response) 48 by post and 7 via the councils web portal.

The question asked of respondents was 'Do you agree with Thurrock Council introducing this charge?'

Responses are reflected as follows

- 40 people disagreed with the introduction of the charge (75% of respondents)
- 6 people agreed with the introduction of the charge (11% of respondents)
- 7 people said that they did not know (13% of respondents)

At the time of preparing this report there are currently 117 service users who are in receipt of a double handed care package. The impact of proposed increases to charges for those service users are as follows:

- For 95 service users there will be no change to their charges due to their current income levels (81% of total)
- 5 service users currently make a financial contribution to their care, there will be an increase in their charges made in accordance with the Councils Fairer Charging Policy (4% of total)
- Currently 17 service users pay the full cost of their care and therefore will see their charges increase to the full cost of double handed care (15% of total)

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 These have been considered in the body of the report; however this will have a direct impact on the one of the council five strategic priorities of improving Health and Well-Being.

7. IMPLICATIONS

7.1 Financial

Implications verified by:
Telephone and email:

Mike Jones
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There may be a reduction in the demand in the short term as a result of increases in charges. Those that have an increased contribution or have to pay full cost may also no longer choose to purchase services from the Council, and means testing needs to be taken into consideration.

The proposals for increases in charges are consistent with the Council's fees and charges policy. This states, inter alia, that "in determining an appropriate charging policy, proper consideration should be given to the wider equalities implications which may be involved affecting full accessibility of all groups to Council services". In the case of ASC, the policy objective is to make the service widely accessible, but accepting that users of the service should make some contribution from their own resources. It also reflects the possible adverse impact a full cost recovery or commercial charging policy would have on other council services.

7.2 **Legal**

Implications verified by: **Dawn Pelle**
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The Council is able to impose charges for services if empowered to do so by law.

Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives councils a discretionary power to charge adult recipients of non-residential services.

Section 17 of the HASSASSA Act 1983 provides that councils may recover such charges as they consider reasonable in respect of relevant services. Annex A of the Guidance sets out the provisions of HASSASSA on services in respect of which charges may be levied.

The Local Authority and Social Services Act 1970 s7 requires the Council to exercise social services functions under guidance of the Secretary of State. The Guidance referred to in this report is issued under s7.

S149 of the Equality Act 2010 requires the Council, as a public authority, to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

Other legal points have been included in the body of the report.

7.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
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Attached **appendix 1** is a full and detailed Equality Impact Assessment (EIA), which has been refreshed following the consultation process

7.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

Considered within the body of the report.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

APPENDICES TO THIS REPORT:

- Appendix 1 – Equality Impact Assessment

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