



*Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.*

Title:	Annual Review of Adult Social Care Charging Policy 2020		
Date of Meeting:	26 <sup>th</sup> January 2021		
Report of:	Executive Director of Health & Adult Social Care		
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Wards Affected:	All		
<b>FOR GENERAL RELEASE</b>			



## Executive Summary

People eligible for adult social care services are means tested to establish whether they must contribute towards the cost. There are around 2350 service users with non-residential care and approximately 1150 in residential care homes. This includes older people, working age adults with physical disabilities, mental health difficulties and **learning disabilities**.

The Care Act 2014 provides a power to charge for eligible care and support services and is subject to government regulations and limitations. This report seeks approval for the Council's charging policy which is compliant with the Care Act.

Most care services, funded by the council, are provided by private organisations and the maximum charge depends upon the fees charged by them. **There are very few chargeable in-house services but where these services are provided by the council there are maximum charges which are reviewed in April every year.**

Most charges are subject to a financial assessment to determine affordability but the charging policy also includes several, low cost, fixed rate charges and several additional one-off fees.

This report recommends uprating these charges by 2% (rounded to the nearest pound or 10p if below £5) with effect from **12<sup>th</sup> April 2021**.

### Decisions, recommendations and any options (with effect from 12<sup>th</sup> April 2021)

- 1.1 To agree that the council continues with the current charging policy for care and support services which includes an individual financial assessment to determine affordability and complies with the requirements of Section 17 of the Care Act 2014. The charging policy is attached at Appendix 1.
- 1.2 To agree to a 2% increase on current charges or to agree to a higher increase as shown in tables of charges with effect from **12<sup>th</sup> April 2021**

<b>Maximum Charges</b>	2020-2021	2021-2022
<b>Means Tested Charges</b>	Current maximum	New Maximum
In-house home care/support	£26 per hour	£27
In-house day care	£40 per day	£41
In-House Residential Care	£126 per night	£129
<b>Fixed Rate Charges</b>		
Fixed Rate Transport	£4.10 per return	£4.20
Fixed Meal Charge /Day Care	£4.90 per meal	£5.00

### 1.3 To agree an increase to Carelink charges as follows:

	2020-21	2021-22
Standard Carelink Plus service	£19.30 per month	£19.70 pm
Enhanced Carelink Service	£23.15 per month	£23.60 pm
Exclusive Mobile Phone Service	£25.00 per month	£25.50 pm

### 1.4 To agree an increase to miscellaneous fees as follows:

	2020-21	2021-22
Deferred Payment set up fee (see 2.13)	£533 one-off	£544
Initial fee for contracting non-residential care for self-funders	£281 one-off	£287
Ongoing fee for contracting for non-residential care for self-funders	£87 per year	£89 per year

1.5 To continue with the existing policy not to charge carers for any direct provision of support to carers.

## 2. Relevant information

- 2.1 Where a person is assessed as eligible for care and support under sections 18 to 20 of the Care Act, the Council may charge the service user subject to the financial assessment set out in Section 17 of that Act. (see exceptions in para 2.2)
- 2.2 The council must provide intermediate care, Discharge to Assess and reablement services (either at home or in residential care) free of charge for up to 6 weeks and the provision of eligible services to people who are under the auspices of Section 117 of the Mental Health Act 1983 must be free of charge.
- 2.3 Financial assessments determine a fair contribution towards care costs and are subject to appeal in exceptional circumstances. People with limited income from state benefits are usually charged a contribution towards the cost of their care service according to their personal financial circumstances. People with savings over £23,250 are liable to pay the full cost of services.
- 2.4 **Most people have care provided by an external provider** where fee rates are mainly set and agreed under the council's contracted terms and conditions. People with savings over £23,250 or high incomes will be assessed to pay the full fees charged by the care provider. The contract fee for standard home care with an approved agency is recommended to be £18.74 per hour from April 2022 but rates can

vary depending upon individual needs and availability of carers. The maximum charge for specialist in-house home care is recommended to increase to £27 per hour. People who have savings of less than £23,250 will usually pay less than the full cost of care, in line with their financial assessment.

## 2.5 Charging for care services for people living at home

2.5.1 Services include personal care, community support, support costs in extra care housing, day activities, direct payments, adaptations, money management and other support and there are around 2350 service users living at home. About 36% of these, who have minimal savings and limited income from state benefits, will continue to receive free means tested care services. They will only be affected by the increases in this report if their service includes transport or meals at a day centre.

2.5.2 Around 56% of service users are assessed to contribute an average of around £50-£70 per week, usually based upon their entitlement to additional disability benefits and premiums paid by the Department for Work and Pensions.

2.5.3 Around 8% of service users are assessed to pay the full cost or maximum charge for care where they have savings over the threshold of £23,250 or very high incomes, or low cost care packages.

2.8.2 The maximum charge for in-house Day Care attendance is recommended to increase by 2% to £41 per day. There are no service users affected by this increase at present as one day centre is closed due to Coronavirus issues and the others are for people with learning disability who are already assessed to pay for other residential services.

### 2.9 Fixed Rate Charges – (not means tested)

Where the council provides or funds transport to and from day services or other services it is recommended to increase the fixed contribution by 2% to £4.20 per return journey from April 2021. This increase will affect around 40 people who currently receive this service.

There is only one in-house day centre that provides a cooked meal and that is currently closed due to Coronavirus issues.

### 2.10 CareLink Plus Services:

2.10.1 The Council's Carelink Plus service is well-used and welcomed by vulnerable people in the city. This preventive service can often reduce the need for additional care services. Most people pay the fixed charges listed in the table above. An increase of 2% is recommended and around 600 people would be affected by this increase.

2.10.2 If anyone feels they need to cancel the service for financial reasons, the Carelink team will assist people with claiming any eligible benefits. They will also consider whether a free service may be available through additional needs and financial assessments.

### **2.11 Charging for Carers' services**

2.11.1 The Care Act empowers councils to charge for the direct provision of care and support to carers. The recommendation is to continue with the current policy not to charge carers in recognition of the significant value they provide to vulnerable people. (note that where the service is provided direct to the service user in order to give the carer a break, then the service user is means tested and charged in the usual way).

### **2.13 Residential Care**

2.13.1 There are specific government regulations for the residential care means test. People with over £23,250 in savings pay the full cost and all others contribute towards the care home fees from their income. The majority of residential care is provided by the independent sector and fees for self funders can vary significantly. The council has limited provision of inhouse residential care and it is mainly used as a respite service, hospital discharges, or an emergency service and for people with mental health issues. Most people are resident for short term purposes and are not charged for the first 6 weeks. However, where charging is applicable, it is proposed to increase the maximum charge to £129 per night (£903 per week). There are currently 6 people who would be affected by this increase.

### **2.14 Deferred Payment Agreements: (DPA)**

2.14.1 The Care Act requires council's, in specified circumstances, to "loan fund" care home fees where the resident is assessed to pay the full fees because they own a property but they are not immediately able or willing to sell it. Council's may charge for this service and it is proposed to increase the setup fee for DPAs from £533 to £544. This is based on the estimated average administrative cost for a DPA during the lifetime of the agreement including a legal charge on property, ongoing invoicing costs and termination costs.

### **2.15 Fee for contracting care services on behalf of self-funding service users**

Where people have savings over £23,250 and ask the council to contract with a non-residential service provider on their behalf, the council charges a fee for this service. This covers the additional work to procure care and set up the contract with the care provider, to set up financial arrangements and provide contract monitoring and amendments on an ongoing basis.

## **3. Important considerations and implications**

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#### 3.1 Legal:

It is a function of the Health and Wellbeing Board to oversee and make decisions concerning Adult Social Care. The proposals in the report are consistent with the Council's responsibilities under the Care Act 2014 and the associated Regulations in relation to charging for care services, in particular the Care and Support (Charging and Assessment of Resources) Regulations 2014.

Lawyer consulted Nicole Mouton      Date: 13/1/21

#### 3.2 Finance:

Charges for Adult Social Care services within this report have been reviewed in line with the Corporate Fees & Charges Policy and budget assumptions which specified the assumed corporate rate of inflation to be applied to fees and charges income budgets of 1.0%. This is to ensure that fees and charges are appropriately benchmarked to comparative services and recover the full cost of service wherever possible.

It is anticipated that the proposed charges will deliver the level of income assumed in the 2021/22 budget strategy including an inflationary increase. However, the level of income is variable as all service users are subject to a means test.

The Adult Social Care in-house council services are significantly subsidised through Council funding.

Where any change (or rejection of proposals in whole or in part) is likely to have a negative impact on the service's budget and/or will affect a budget saving proposal negatively, and is approved by the Board (either via amendment or by voting against the recommendations), the Board must refer its decision to the Policy and Resources Committee in one of two ways:

- 1) Either, to make a recommendation to Policy and Resources Committee to change the fees and charges proposals as amended by the Board;
- 2) Or, if the Board reject the report's recommendations entirely, note that the whole report will need to be passported to Policy and Resources Committee to re-consider the fees & charges proposals having noted (from the minutes of the Board, that it rejected them).

Policy and Resources members will need to be briefed as to the reason for the change or rejection made by the Board.

Finance Officer consulted: Sophie Warburton      Date: 08/01/2021



### 3.3 Equalities:

All service users are subject to the same means test and will only be affected by this revised policy if they are able to pay. People will not be treated in any way less favourably on the grounds of personal differences.

#### **Supporting documents and information**

Appendix 1: Brighton and Hove City Council Charges Policy 20/21

