

ADULT SOCIAL CARE & HEALTH CABINET MEMBER MEETING

Agenda Item 37

Brighton & Hove City Council

Subject:	Adult Social Care Charging Policy (Non Residential Services)		
Date of Meeting:	16th January 2011		
Report of:	Director of Adult Social Services/Lead Commissioner People		
Contact Officer:	Name:	Angie Emerson	Tel: 29-5666
	Email:	Angie.emerson@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: ASC 25966	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Most Adult Social Care services are chargeable subject to a means test. Most people use services provided by the independent sector and maximum charges to service users are subject to the fees charged by those organisations. However, the charging policy for Non-Residential Care includes maximum charges and fixed rate charges for in-house services. These rates are usually reviewed in April of each year. This year the recommended charges are increased by approximately 2% and are listed in the next section.
- 1.2 The charging policy takes account of regulations and relevant Government Guidance.

2. RECOMMENDATIONS:

- 2.1 The following table of charge increases be agreed with effect from 9th April 2012

Means-tested	From	To:	No. Affected £	Extra Income Estimate
In-house home care	£21 per hour	£21.50 per hour }		Full year
In-house Community Support	£21 per hour	£21.50 per hour }	100	£7,800
In-house Day care	£23 per day	£23.50 per day }		
Max Weekly charge	£900 per week	£920 per week }		
Direct Payments	100% Actual cost	max £920 pw }		
Independent Home Care	100% Actual Cost	max £920 pw }		
Social Care services				
Fixed Rate Transport	£2.10 per return	£2.15 per return	280	£2,200
Fixed Meals charge at DC	£3.00 per meal	£3.10 per meal	170	£2,700
Open Services				
Fixed Meals charge at Home	£3.00 per meal	£3.10 per meal	300	£4,700
Fixed Carelink charge	£14 per month	£14.50 per month	1470	£8,800

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Charges for Adult Social Services are discretionary under Section 17 of HASSASSA 1983 (Health and Social Services and Social Security Adjudication Act). This policy is compliant with the requirements of that Act and the Department of Health's "Fairer Charging" and "Fairer Contributions" Guidance.
- 3.2 A package of non-residential care can include home care, day care, community support, adaptations and direct payment services. One financial assessment covers all services and the amount a person must pay will depend upon their income, savings and expenditure, (except for the fixed charges for meals, transport and carelink which are additional to the means tested charge)
- 3.3 This report recommends that the maximum charge for in-house home care is increased to £21.50 per hour but most people have a home care service from the independent sector where fees are generally lower.
- 3.4 There are approximately 1900 service users with non-residential care services. Around 43% of those people have minimal savings and very limited income from state benefits and they are not required to pay anything for care services. This proposal will not affect this group.
- 3.5 Around 49% of service users are assessed to contribute an average £25 to £55 per week, usually based on their entitlement to extra disability benefits. The proposed new maximum charges will not generally affect this group of service users unless they have a very small care package.
- 3.6 The remaining 8% of service users currently pay the maximum charge and around 100 of those people who use in-house home care and day care provision will be affected by the increases. These maximum charges apply mainly to 2 groups of people :
- a) People with savings over the capital/savings threshold **of £23,250 (£46,500 for couples)***
 - b) People with higher private incomes who are required pay the full hourly or daily maximum charges.
- * We are awaiting updated government guidance on the savings threshold for 2012/13
- 3.7 Compared to the 60% of Local Authorities who apply a weekly maximum charge for a package of non-residential care services, Brighton and Hove's maximum weekly charge is the highest. This has attracted comment in the press. However, 40% of Local Authorities do not apply any maximum weekly charge and therefore service users with high cost services in their areas would have to pay the actual full cost of all services with no cap. Only one or two people will actually be affected by the proposed increase from £900 to £920 per week.
- 3.8 Although charges are means tested under the "Fairer Charging" Guidance, they are also subject to an appeals procedure for exceptional circumstances.

- 3.9 The proposed increases for means tested charges have been increased by around 2%. However, most people affected by charges are in receipt of state benefits and disability benefits which will increase by CPI (Consumer Price Index) at 5.2%.
- 3.10 The increases for fixed rate charges have also been set at approximately 2%, including the transport contribution though fuel costs have risen by a much higher percentage.
- 3.11 The council's income from charging for these services is estimated for this financial year at around £3.5 million. This revised charging policy is estimated to increase this income by around £26,000 for the financial year 2012 – 2013. Overall this is well below 2%.
- 3.12 It should be noted that there will be a scrutiny and re-commissioning process for community meals commencing in January 2012 which could have an effect on charges later in the financial year.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 When the Department of Health first issued the "Fairer Charging" Guidance in 2002, the council carried out public consultation as required in that guidance. Further public consultation took place several years later relating specifically to charges for Learning Disability services.
- 4.2 This report is not recommending any fundamental changes to the current means test but only seeks to update the maximum charge rates, it is, therefore, not considered to be necessary to consult further with the public on this occasion.
- 4.3 Consultation with members relevant officers and service managers has taken place.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Charges for Adult Social Care non residential services are reviewed annually in line with the Corporate Fees and Charges policy. The annual income from charging for these services is approximately £3.5 million, out of the estimated fees across Adult Social Care of £17.8 million. The proposed increases are in line with the inflation assumption within the 2012/13 Council budget proposals but only apply to those who are assessed as having the income to cover the charges and are expected to generate additional income of £26,000.

The draft budget savings proposals for 2012/13 and 2013/14 presented to Cabinet on 8 December include the proposal to review and respecify Community Meals, options being considered by Scrutiny include the level of subsidy and current cost recovery through charges as identified in paragraph 3.12 of the main report. Council will consider the budget on 23 February 2012 and the impact on charges of any changes in the savings requirement will be reflected.

Finance Officer Consulted: Anne Silley

Date: 15/12/11

5.2 Legal Implications:

As described in the body of this report charges for Adult Social Care Services are discretionary under Section 17 of HASSASSA 1983. This policy is compliant with the requirements of that Act and the Department of Health's "Fairer Charging" Guidance. In the interests of transparency and fairness the Report further describes how discretion has been exercised.

There are no specific Human Rights Act 1998 implications arising from this Report.

Lawyer Consulted: Nicole Mouton

Date: 15/12/11

Equalities Implications:

- 5.3 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. An updated EIA will be available shortly.

Sustainability Implications:

- 5.4 There are no sustainability issues

Crime & Disorder Implications:

- 5.5 There are no identified implications

Risk and Opportunity Management Implications:

- 5.6 No implications have been identified

Public Health Implications:

- 5.7 No implications have been identified

Corporate / Citywide Implications:

- 5.8 This policy will take effect across the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The option of making no increases to maximum charges was considered but this would lead to a loss of income which would effectively result in a reduced budget to spend on social services.
- 6.2 The option of making higher increases was considered but these would be difficult to justify with regard to the current level of inflation and the general economic downturn that our service users are experiencing.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Charges for non-residential services are usually increased in April of each year in line with the general increase in state benefits.

- 7.2 Those who are unable to pay the maximum charge rates are means tested and will only be required to pay in relation to the outcome of their financial assessment.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None

