

Report sponsor: Strategic Director for People
Services

Report author: Head of Business Intelligence

Updating the Adult Social Care Charging Policy

Purpose

- 1.1 Adult Social Care is governed by the Care Act 2014 and the supporting statutory guidance. This legal framework allows some discretion for the Council in the way that it charges for services. The Adult Social Care Charging Policy lays out how that discretion will be exercised.
- 1.2 It is normal practice to review the Adult Social Care Charging Policy every two years. This year, a public consultation on proposed changes to the Adult Social Care Charging Policy was conducted as part of the regular review. The consultation process included an Equality Impact Assessment.
- 1.3 A new Adult Social Care Charging Policy has been drawn up incorporating the proposed changes and taking into account the feedback from the consultation and the Equality Impact Assessment. This paper seeks approval for its adoption and implementation.

Recommendations

- 2.1 To note the content of the Equality Impact Assessment and the positive outcome of the public consultation carried out on the proposed changes to the Adult Social Care Charging Policy.
- 2.2 To adopt the revised Adult Social Care Charging Policy and to agree that this will be implemented from 1 January 2021.

Reasons

- 3.1 It is normal practice to review and update the Adult Social Care Charging Policy every two years. A public consultation and EIA were conducted this year because it is five years since a similar exercise had been undertaken.
- 3.2 The revised Policy will provide an improved framework for charging customers appropriately and equitably for the services that they receive.

Supporting information

- 4.1 The Care Act 2014 and the related Statutory Guidance provide a single legal framework for charging for care and support by local authorities. This legislation covers charging for care and support provided in both community-based and residential settings. Under the Act, the Council has a duty to develop, maintain and make available a policy setting out how it will charge people in settings other than care homes.
- 4.2 As part of the publicity for the public consultation, the Council emailed all 406 customers for whom it holds email addresses to explain about the survey and the impact of the coronavirus pandemic on social care services in Derby. It also wrote to 5532 more customers and carers with the same information.
- 4.3 The public consultation received 49 online responses within the published timeframe and two further paper responses were received after the results had been processed. The respondents expressed broad agreement with all of the proposed changes. The consultation report is attached in Appendix 1.
- 4.4 The proposed changes to the Policy are listed in Appendix 2, together with the tabulated responses from the Public Consultation.

In summary, the main changes are:

Inclusion of some “common practice” or statutory items that had not been mentioned in the previous version of the Policy:

- The Independent Advocacy service is free.
- Any services that should be delivered by the NHS are free.
- Customers are encouraged to seek independent financial advice.
- The Council will assume that customers have the capacity to make their own decisions.
- The Council will take Disability-Related expenditure into account in the Financial Assessment.
- Part-owned property is taken into account in the Financial Assessment.
- When someone’s financial circumstances change, the Council will backdate any charges to the date of the change in financial circumstances.

The wording has been strengthened in some places, for example:

- 6.15: changed the Council “can” to “will” (apply notional income to savings and unclaimed pensions)
- 6.18: changed the customer “should” to “MUST” (inform the Council promptly when circumstances change)

The section on Direct Services has been amended because the Council is no longer a provider of residential or day care services.

- 4.5 The EIA Report is attached as Appendix 3.
- 4.6 The Safeguarding Impact Assessment Report is attached as Appendix 4.
- 4.7 The proposed Adult Social Care Charging Policy is attached as Appendix 5

Public/stakeholder engagement

- 5.1 A public consultation was carried out on the proposed changes to the policy. The results indicate broad agreement with the proposed changes.
- 5.2 An EIA was carried out on the proposed policy. The report shows that the policy avoids any inequity in its treatment of customers with protected characteristics.

Other options

- 6.1 The option of doing nothing, and not reviewing and/or updating the Adult Social Care Charging Policy was discounted as the Council would be failing in its duty to maintain the policy.

Financial and value for money issues

- 7.1 Maintaining an Adult Social Care Charging Policy enables the Council to collect contributions from customers who receive social care services, subject to the outcome of a financial assessment (means test).

Legal implications

- 8.1 The public sector equality duty set out in section 149 of the Equality Act 2010, requires public bodies to have due regard to the need to eliminate discrimination and promote equality of opportunity for statutorily defined groups which include disabled and older people. An up-to-date and relevant equality impact assessment addresses this requirement and should help inform the policy upon which it is based.

Climate implications

- 9.1 None arising from this report.

Other significant implications

- 10.1 None arising from this report.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	3 Nov 2020
Finance	Janice Hadfield, Acting Head of Finance (People Services)	4 Nov 2020
Service Director(s)	Perveez Sadiq, Director of Adult Social Care	4 Nov 2020
Report sponsor	Kirsty McMillan, Director of Integration and Direct Services	3 Nov 2020
Other(s)	Andy Hills, Environment and Business Energy Efficiency Group Manager	2 Nov 2020

Background papers:

List of appendices:

Appendix 1: public consultation report
Appendix 2: proposed changes to the policy
Appendix 3: Equality Impact Assessment
Appendix 4: Safeguarding Impact Assessment
Appendix 5: proposed Adult Social Care Charging Policy 2021

Appendix 1
public consultation report



Appendix 1 - v1.2
Summary of results at

Appendix 2
proposed changes to the policy



Appendix 2 - 2020 10
05 RPT ASC Charging

Appendix 3
Equality Impact Assessment



Appendix 3 - 2020 10
07 RPT ASC Charging

Appendix 4
Safeguarding Impact Assessment



Appendix 4 - 2020 11
12 ASC Charging Poli

Appendix 5
proposed Adult Social Care Charging Policy



Appendix 5 -
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