

Adult Social Care Fees and Charges 2023/24

Purpose

- 1.1 Under the Care Act 2014, Councils have a duty to ensure that there is a sustainable and affordable social care market locally. This includes establishing fee levels that providers will expect to receive for commissioned care that is delivered to meet a person's needs. To ensure that the Council is aware of and taking account of the cost pressures affecting local providers of care, engagement and consultation with independent sector providers has been undertaken in recent months. This has been focused on those providers operating "standard" care i.e. not those dealing with more complex levels of care. This report summarises the engagement findings, the reported cost pressures and feedback from providers. In addition, the Council has also drawn on the intelligence gleaned from those providers who took part in the national Fair Cost of Care exercise as part of the government's Adult Social Care reforms agenda. Whilst the charging elements of this have been deferred, the Council has used some of the information gathered from care providers to inform its approach to setting fee rates for 23/24.
- 1.2 The report sets out details of the funding model itself and the proposed rates for 2023/24 for standard residential / nursing care and domiciliary care.
- 1.3 This report also sets out the proposed charges for Council-provided adult social care services for 2023/24, which forms the annual review referred to in the Council's Adult Social Care Charging Policy. It should be noted that the full cost of care is only paid by around a tenth of customers, the majority are subsidised following the outcome of a Financial Assessment.

Recommendations

- 2.1 To approve a **7.1%** increase for standard residential care and nursing care weekly fee rates (net of the Registered Nursing Care contribution) from April 2023.
- 2.2 To approve a **6.5%** increase for domiciliary care service fees from April 2023.
- 2.3 To approve an increase to the charging rates for Council-provided services of **3.0%** with the exception of the Shared Lives Carer service which it is proposed will be increased by **6.5%** from April 2023 to match the home care increase.

- 2.4 To approve an increase in existing Direct Payments, where an inflationary uplift is requested and evidenced, *of up to 6.5%*, which mirrors the proposed uplift for homecare/care at home providers.
- 2.5 To approve that all the new rates will apply from the date of the rise in benefits for 2023/24, which is expected to be 10th April 2023.
- 2.6 To delegate authority to the Strategic Director of People Services in consultation with the Cabinet Member for Adults, Health and Housing to agree fee levels on an individual basis for complex customers placed with specialist providers and subject to non standard contracts, within the overall budget of Adult Social Care Services.
- 2.7 To note the Council's intentions with regard the outcome of the national Fair Cost of Care exercise in light of the deferment of the charging reforms.

Reasons

- 3.1 The Council must publish its intended fees for care taking into account market conditions and cost pressures. The Care Act 2014 requires this as part of Council's "market shaping" duties which also require Councils to hold sufficient intelligence about their local care market. General information and consultation feedback from independent sector care providers has therefore been gathered, analysed, largely focusing on specific inflationary and cost pressures affecting care businesses.
- 3.2 Maintaining income levels for Council-provided services is crucial to the management of the overall budget for the Council. This includes considering whether care services that are directly provided need to have their charges increased in line with inflation.
- 3.3 The proposed start date for all 2023/24 fees and charges aligns with the date that the Department of Work and Pensions (DWP) benefit rates are expected to change.
- 3.4 Specialist fee levels for people with more complex needs do not fit into the standard fee frameworks. Instead, these are individually set and agreed with providers at the point at which a contract for care is entered into. These do not lend themselves to be considered for a standard approach given they are bespoke to each individual.

Supporting information

4.1 Supporting the care market and the national Fair Cost of Care exercise

Under the Care Act, Councils have a duty to ensure that the fee paid to providers of care is able to create stability and sustainability within the local market. Councils are expected to engage with care providers and use market intelligence before setting fee levels. In 2022, the Department of Health and Social Care also introduced a one off exercise called the Fair Cost of Care that was designed to capture data from care providers to help Councils prepare their social care markets for the wider nationally led charging reforms as set out in white paper - ***People at the Heart of Care: adult social care reform***. The Fair Cost of Care exercise was aimed at gathering cost information from providers who run nursing and care homes for older people and also providers delivering domiciliary care (all ages).

4.2 Approach to the Fair Cost of Care exercise in Derby - Derby City Council, alongside a number of East Midlands local authorities, commissioned the services of Care Analytics, a specialist in the financial analysis of care markets and the cost of care, to undertake the Fair Cost of Care exercise. All providers in scope were sent a detailed survey designed by Care Analytics to capture the necessary operational and contextual detail to draw out the inherent costs of delivering care in the local market. Responses were received directly by Care Analytics and have been reviewed and analysed, with an extensive query process for responses where clarification was needed. The Fair Cost of Care review received completed surveys from 21 of the 44 local older adult care homes and 15 responses home care providers. This process has helped inform our understanding of the cost pressures being faced by those providers who took part in the survey and has informed the fee setting process for 2023/24.

4.3 Whilst the Fair Cost of Care exercise is now concluded, the wider charging reforms have been delayed. However, Councils are still expected to set out in a **market sustainability plan**, drawing on the intelligence of the Fair Cost of Care exercise alongside local knowledge and insight into their social care market. The work Care Analytics have been completing in Derby in addition to the Fair Cost of Care exercise, has included a detailed analysis of our commissioning and market context and will be used to inform our future approaches to care market sustainability and fees in the future. The Council has already published the first iteration of the market sustainability plan and will be refining this in the coming months to inform our approach to sustaining social care providers from 2024/25 and beyond.

The outcome of the Fair Cost of Care exercise for Derby and the draft Market Sustainability Plan have been published and are available at the weblink below:

[Market Sustainability and Fair Cost of Care - Derby City Council](#)

4.4 Process to determine fee rates for 2023/24

An engagement exercise has taken place whereby providers were encouraged to provide details of their cost pressures, especially if they had not participated in the Fair Cost of Care exercise. This took the form of issuing a survey so providers could share information as to where their projected increases and cost pressures were likely to be

for 2023/24. This information was analysed so that it could be taken into consideration in the fee models, using the methodology that has been the base for setting fees for the past few years.

4.5 Cost pressures reported by nursing and residential care homes

Engagement with homes over recent months has taken a variety of formats:

- Information has been gathered from the surveys submitted as part of the Fair Cost of Care review
- Further questionnaires have been received separately from homes in relation to cost pressures
- Discussions have taken place via the regular Care Home Forums
- Individual providers have contacted the commissioning team (in person and in writing) to discuss financial viability issues.

Key employee related cost pressures that have been identified are:

- increases in pay because of the increase to national living wage and the subsequent impact on more senior role salaries
- increased recruitment costs
- increased costs relation to CQC regulation requirements
- increased employee costs to cover training and the apprenticeship levy
- employee pension contributions and insurance.

In relation to non staffing costs, the pressures identified by homes are increasing costs of food and utilities. Heating and lighting costs have been particularly cited by some homes as being a significant proportion of their increased costs over the past 6 months. This has been widely reported nationally with increases in price inflation confirmed by the Office for National Statistics as coming from housing and household services (principally from electricity, gas, and other fuels), and food and non-alcoholic beverages. The Consumer Prices Index (CPI) rose by 10.5% in the 12 months to December 2022.

4.6 Cost pressures reported by independent sector home care agencies

Similar to care homes, engagement with home care providers has taken a variety of formats:

- Information has been gathered from the surveys submitted as part of the Fair Cost of Care review
- Further questionnaires have been received separately home care providers in relation to cost pressures
- Discussions have taken place via provider forums
- Individual providers working with the commissioning team to discuss financial viability issues.

Key employee related cost pressures that have been identified are:

- increases in pay because of the increase to national living wage and the subsequent impact on more senior role salaries
- increased recruitment costs, especially during winter/ Christmas where competition is high from retail and hospitality

- increased costs relation to CQC regulation requirements
- increased employee costs to cover training and the apprenticeship levy
- employee pension contributions and insurance

Home care providers have also reported additional costs due to fuel price increases for staff who need to drive, and also for Personal Protective Equipment (PPE).

4.7 Proposed inflationary uplift

Inflationary uplifts for specific cost elements have been adjusted for 2023/24 to compromise an overall weekly individual fee for care homes and for home care. The factors that have been taken into account when setting the overall fee for 23/24 are:

- The change to the National Living Wage (NLW) for 2023/24 is accurately reflected for staffing costs in the model. This is increasing by £0.92 for 2023/24 meaning the hourly living wage rate will now be £10.42 per hour. It is therefore proposed that a composite inflationary figure of 8% is applied to the workforce, representing the fact that not all staff will be employed at national living wage levels. The assumption is that 75% will be.
- Uplifts have also been applied to a range of staffing and non staffing costs, taking into consideration key feedback from providers where fuel (electric and gas), mileage costs and food allowances have been increased to reflect higher levels of inflation compared to other areas.

4.8 Proposed inflationary increase for residential care and nursing homes

An overall inflationary increase of **7.1%** is proposed based on the above. The table below compares 2022/23 and proposed 2023/24 fee rates for standard residential and nursing home placements.

| Placement type | Current rate 2022/23 per week | Proposed rate 2023/24 per week (7.1%) |
|--------------------------------|----------------------------------|---|
| Standard Residential | £567.76 | £608.07 |
| Standard Nursing (net of RNCC) | £583.03 | £624.42 |

4.9 Proposed inflationary increase for home care

An inflationary increase of **6.5%** is proposed based on allowances for staff costs and percentage increases being applied across a number of non-staffing elements and responds to key feedback back from providers. The new home care procurement framework that commenced operation in September 2021 simplified the pricing model, reducing tendered rates down to four. The table below shows proposed rates for the new framework providers, comparing them to those payable in 2022/23.

| Description | Current Rate 2022/23 | Proposed rate 2023/24 6.5% increase |
|--|----------------------|-------------------------------------|
| Weekday hourly rate (07:00-20:00hrs) | £16.92 | £18.04 |
| Weekday 15-minute call rate (07:00-20:00hrs) | £5.48 | £5.84 |
| Evening/Weekend hourly rate | £18.76 | £20.00 |
| Evening/Weekend 15-minute call rate | £8.16 | £8.72 |

Lengths of call that are over 15 minutes will be paid at a pro rata amount of the relevant hourly rate. If calls overlap times for two different rates, they will be allocated the rate that applies at the start of the call.

4.10 Proposed inflationary uplift - Direct Payments

The Council previously decided to introduce the option to apply an annual inflationary uplift for Direct Payments to address a legacy systemic inequity whereby people electing to receive their funding by Direct Payment could be disadvantaged compared to those whose services are commissioned by the Council. This approach helps to ensure that Direct Payment arrangements are sustainable.

Following requests received from Direct Payment holders and in consideration of any information they are furnished with from their care provider or employees such as Personal Assistants, where appropriate, it is proposed that existing individual Direct Payments may be uplifted in 2023/24 to **a maximum of 6.5%**, which is the proposed rate for homecare providers. Any proposed uplift will need to be evidenced as linked to inflationary pressures associated with the specific cost of care for each individual, rather than increasing levels of individual need which would be dealt with via a social work review.

The rationale for aligning the potential uplift to that proposed for home care is that this will harmonise discussions with those care organisations who may operate a mixed economy of both commissioned services (using a contract) and those delivered using a Direct Payment. Inflationary care cost increases for Direct Payments will still need to be explored separately as there may be different pressures depending on how the care is delivered and configured.

4.11 Charging for Social Care Services

Charges for customers receiving community-based support or residential and nursing care support are governed by the Council's *Adult Social Care Charging Policy* underpinned by the Care Act 2014 and supporting statutory guidance.

In line with the *Adult Social Care Charging Policy*, customers receiving community-based support will be charged for the full cost of their social care support, subject to the limit of their assessable income and except where the Council has to provide the service free of charge. With the exception of some fixed-charge services, all people who are asked to make a contribution towards their care undergo a Financial Assessment to

determine the amount that they can afford to contribute. Most people receive a subsidy and are not asked to pay the full cost of their care.

4.12 **Maximum contribution for community-based services**

The Council has discretion under the Care Act 2014 to set a maximum contribution that a customer would be expected to pay towards the cost of their non-residential care. The Council has previously decided not to apply a cap, as set out in the *Adult Social Care Charging Policy*. No change is proposed.

| Charges for Social Care Services | Limit 2022/23 | Proposed Limit 2023/24 |
|---|----------------------|-------------------------------|
| Maximum Contribution | No cap | No cap |

4.13 **Charges for independent sector/ commissioned services**

In accordance with the *Adult Social Care Charging Policy*, the new proposed costs for independent sector provision described above will be passed on in full to customers for whom the Council arranges support, subject to the outcome of their Financial Assessment.

4.14 **Short-term residential care charges**

The Council has previously chosen to set the charge for *Short Breaks in a Registered Care Home* for up to four weeks based on the minimum amount of benefit entitlement for the age of the customer less the statutory residential personal expenses allowance. This is currently £25.65 weekly for 2022/23 and a new weekly rate for 2023/24 is £28.25. The proposal is to continue to this approach and reflect the 2023/24 rates in the table below.

| Service Unit | Rate 2022/23 | Proposed Rate 2023/24 |
|--|---------------------|------------------------------|
| Short term residential care of up to four weeks | | |
| - under Pension Credit Age | £87.55 weekly | £96.40 weekly |
| - over Pension Credit Age | £156.95 weekly | £172.80 weekly |

4.15 **Inflationary charges increase for Council provided services – 2023/24**

It is proposed that the amount charged for care and administrative services provided directly by the Council should be increased by **3.0%** in line with the current growth in inflation.

4.16 **Bonsall View Short Breaks Service**

The Council provides a Short Breaks residential care based service at Bonsall View for customers with complex needs. It is also proposed that the current Bonsall View charges are increased therefore by **3.0%**

| Bonsall View | 2022/23 rate | Proposed 2023/24 rate |
|---------------------|---------------------|------------------------------|
| Short Breaks | £377.54 per night | £388.87 |

4.17 Carelink

The current weekly fee for Carelink is £6.25 per week. It is proposed that the current Carelink charges (which are weekly for individuals and where service level agreements exist these are annual charges with Housing Associations) are also increased April by **3.0%**.

4.18 Shared Lives

It is proposed that the current Shared Lives fees and charges are increased by **6.5%** to match the uplift being applied for home care services, reflecting the overall cost pressures affecting the cost of carer.

4.19 Administration Charges - Deferred Payment Agreements

The Care Act 2014 introduced a new duty for every local authority to offer a deferred payment scheme, meaning that no one should be forced to sell their home during their lifetime in order to pay for their residential care. Derby City Council already operated such a scheme. The Care Act guidance and regulations set out what local authorities can charge in interest on any amount deferred and the administrative charges which may be recovered in relation to deferred payment arrangements.

4.20 Deferred Payment Agreement Set-up Charge

In the Care Act 2014 impact assessment, the Department of Health estimated that the cost to Councils of administering a Deferred Payment Agreement was £750. Local estimates of the costs incurred were in line with this, so for 2016/17, the Council set the charge for setting up a Deferred Payment Agreement at £750, and this has since been increased in line with the budgeted inflationary increase in income.

It is proposed to increase the set-up charge by **3.0%**.

The Council has previously chosen not to charge an annual administration charge for managing a Deferred Payment Agreement as set out in the *Adult Social Care Charging Policy*. No change is proposed.

| Deferred Payment Agreement | 2022/23 rate | Proposed 2023/24 rate |
|-----------------------------------|---------------------|------------------------------|
| Set-up charge | £895.52 | £922.39 |
| Annual administration charge | None | None |

4.21 Deferred Payment interest rate

The Care Act 2014 regulations state that the interest rate applied to Deferred Payment Loans must be based on the cost of government borrowing - specifically, the 15-year average gilt yield - as set out by the Office for Budget Responsibility twice a year in their Economic and Fiscal Outlook report. The Care Act allows discretion for

Councils to apply up to an additional 0.15% to this rate. Interest rates are based on the average gilt rates which are only published six monthly, and in line with a number of other Councils in the region, Derby City Council has previously decided to charge the maximum interest rate for deferred payments allowed under the Care Act 2014. No change is proposed to this for 23/24 i.e it is proposed that the Council will apply 0.15% additionally to the base rate for the specified time period. In the event that the 15-year average gilt yield value is not available for a specific period, then the previous rate will continue to be applied until a new rate becomes available. Interest will be compounded daily.

| Deferred Payment Agreement | 2022/23 rate | Proposed 2023/24 rate |
|-----------------------------------|---------------------|------------------------------|
| Interest rate premium | 0.15% | 0.15% |

4.22 **Self-funder community care administration charge**

As laid out in the *Adult Social Care Charging Policy*, Derby City Council applies charges to cover the administrative costs incurred when it organises community-based services on behalf of people who are able to pay for the full cost of their care (except where the local authority is required to arrange care and support free of charge).

- 4.23 It is proposed to increase the self-funder set-up and maintenance charges by **3.0%**. The proposed rates for 2023/24 are as follows:

| Service | Rate 2022/23 | Proposed Rate 2023/24 |
|---|---------------------|------------------------------|
| Setting up a community care package | £108.64 | £111.90 |
| Annual maintenance for a community care package | £100.28 | £103.29 |
| Setting up a residential care package | Deferred | Deferred |
| Annual maintenance for a residential care package | | |

4.24 **Community Deputyship and Appointeeship service**

Where people do not have capacity to manage their own money (as evidenced by a Mental Capacity Assessment), they need someone to act on their behalf. Typically, a family member or close friend will take on this role, but some people living in the community do not have anyone in their circle of support willing to take on the role. A number of independent sector organisations offer this service for a fee, and social workers will normally seek to signpost customers and their families to these services. As a last resort, the Council is able to act as a Deputy or Appointee.

- 4.25 The basic Appointeeship service for someone living in the community involves receiving benefits on behalf of the customer, paying out a regular personal allowance and providing support to customers to pay their own bills. The enhanced Appointeeship service additionally includes debt management and paying utility bills on behalf of the

customer. These additional tasks take more time and therefore the enhanced service has a higher charge.

- 4.26 Deputyship involves making decisions on behalf of the customer rather than just managing their money for them. The Court of Protection sets out the charges for Deputyship. On the rare occasions when we agree to apply for Deputyship on behalf of a customer, the charges from the court will be passed on to the customer, in addition to the enhanced Appointeeship service charge.
- 4.27 It is proposed to increase the community Appointeeship service charges by **3.0%**. The proposed charges, which are subject to a Financial Assessment as described under the Care Act 2014, are:

| Appointeeship Service | Rate 2022/23 | Proposed Rate 2023/24 |
|------------------------------|---------------------|------------------------------|
| basic service (per month) | £29.83 | £30.72 |
| enhanced service (per month) | £53.71 | £55.32 |

Public/stakeholder engagement

- 5.1 Providers, as in the financial year of 2022/23, were invited prior to any fee increases being proposed to identify their key business-related cost pressures by completing a short survey. This was in addition to information the Council has already gathered as a result of the Fair Cost of Care exercise. In total 24 Care Homes, 15 Homecare agencies and 6 providers delivering care at home organised as “Supported Living” responded via the Fair Cost of Care Surveys or by separately contacting the Council’s Adult Social Care Commissioning and Market Management Team. More regular and informal conversations have also taken place with care providers on an ongoing basis and this has also been used to inform the proposals.

Other options

- 6.1 The Council could determine not to award any inflationary increase to the fees it pays for in-house and independent sector care. This is not being recommended as having a sustainable and viable social care market is vital to ensuring that the Council can discharge its statutory duties in relation to vulnerable adults.
- 6.2 The Council could decide not to increase the charges it levies for in-house and independent sector care. This is not being recommended as it would create an unmanageable pressure in the adult social care budget.
- 6.3 The Council could decide not to exercise the powers granted in the Care Act 2014 to levy administrative charges for certain activities. This is not being recommended as it would create an unmanageable pressure in the adult social care budget.

Financial and value for money issues

- 7.1 The proposals in this report will help the Council to provide its statutory services within the available budget. The proposed fee increases for external care providers has taken into account inflationary pressures, specifically in relation to the ongoing National Living Wage rises. Other measures such as demand management activity, diverting people into alternative low-cost services, and using preventative approaches

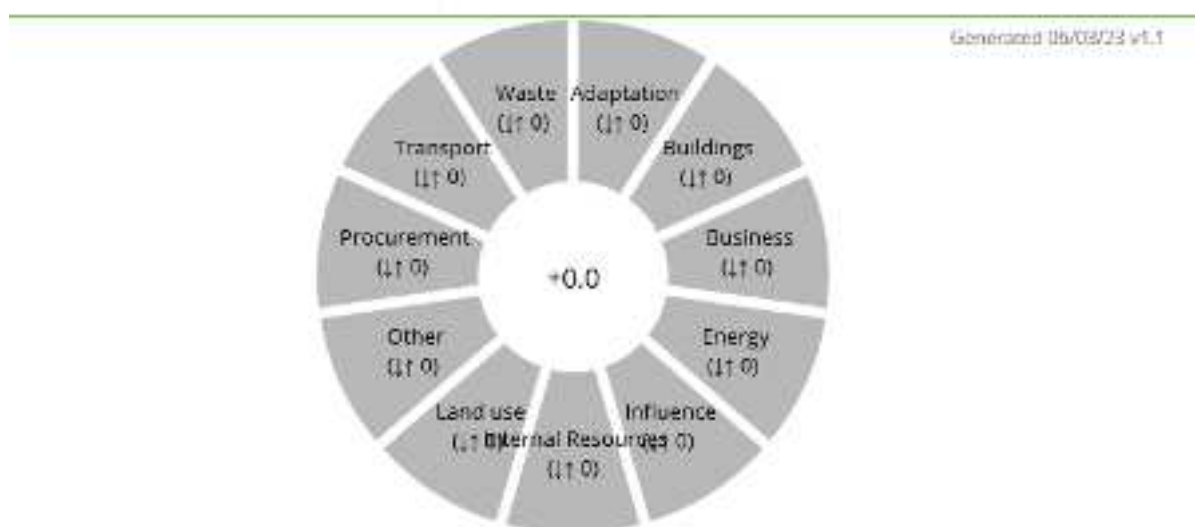
such as Local Area Coordination and technology enabled care will also be utilised to help manage cost pressures.

Legal implications

- 8.1 The public sector equality duty, under 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 groups including disabled and older people. By ensuring that a fair price for care is paid and charged for, the Council will fulfil its duty by ensuring that older or disabled people are able to access care locally and from a viable, sustainable and high-quality care sector.
- 8.2 Consultation on the Adult Social Care Charging Policy took place in 2020 the outcome of which has informed the content of this report; similarly, an equality impact assessment (EIA) of the impact of the Adult Social Care Charging Policy has been carried out. The EIA and a summary of its findings can be found on the Council website here:
<https://www.derby.gov.uk/community-and-living/equality-diversity/equality-impact-assessments/>

Climate implications

- 9.1 None arising from this report.



Other significant implications

10.1 Equalities Impact

The people affected by these charges have protected characteristics under the Equality Act – however, everyone making a contribution towards the cost of their support undergoes a Financial Assessment to determine how much they can afford to contribute. Very few people pay the full rate for these services.

This report has been approved by the following people:

| Role | Name | Date of sign-off |
|----------------------------|--|-------------------------|
| Legal | Olu Idowu, Head of Legal Services | 21/2/23 |
| Finance | Janice Hadfield, Head of Finance | 28/2/23 |
| Service Director(s) | Kirsty McMillan, Director of Integration and Direct Services | 28/2/23 |
| Report sponsor | Andy Smith, Strategic Director for People Services | 28/2/23 |
| Other(s) | | |

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| List of appendices: | n/a |
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