

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 19<sup>th</sup> October 2015  
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**PORTFOLIO:** Health and Wellbeing – Cllr Sabia Hussain

### **PART I** **NON-KEY DECISION**

#### **CARE ACT 2014 – ADULT SOCIAL CARE CONTRIBUTIONS POLICY**

##### **1 Purpose of Report**

To make recommendations to Cabinet in respect of charges to self-funders who ask Slough to arrange their non-residential care; and to present to Cabinet a revised Adult Social Care Contributions Policy, which has been updated to reflect the new legal framework established by the Care Act and incorporate decisions agreed by Cabinet in March 2015.

##### **2 Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve:

- (a) That Slough introduces a flat-rate fee charge of £150 per year to self-funders for arranging non-residential care from April 2016.
- (b) That Slough adopts the revised Adult Social Care Contributions Policy (Appendix A).

##### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

###### **3a. Slough Joint Wellbeing Strategy Priorities**

The recommendations in this report follow on from Cabinet decisions in March 2015 and are required to comply with the Care Act.

###### **3b Five Year Plan Outcomes**

The recommendations in this report support the development and implementation of changes to social care processes and pathways, which contribute to the Five Year Plan's outcomes:

- More people will take responsibility and manage their own health, care and support needs

#### 4 **Other Implications**

##### (a) Financial

There is expected to be a small increase in Slough's income from Adult Social Care charges, though less than £10,000 overall.

##### (b) Risk Management

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
Legal	None	
Property	None	
Human Rights	None	
Health and Safety	None	
Employment Issues	None	
Equalities Issues	None	
Community Support	None	
Communications	Consultation on proposals to charge for arranging non-residential care for self-funders would be included in the 2016-17 budget consultation.	
Community Safety	None	
Financial	Contained within this report	
Timetable for delivery	Contained within this report	
Project Capacity	None	
Other	None	

##### (c) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications. The calculation of charges and the revisions to the Adult Social Care Contributions Policy will ensure that Slough is compliant with the relevant responsibilities under the Care Act.

##### (d) Equalities Impact Assessment

The Care Act principally benefits older age groups, who predominantly require both domiciliary and residential care, though disabled adults aged 18-65 will also benefit as a result of the Act. Almost all self-funders in Slough are adults aged 65 or over.

An Equalities Impact Assessment has been prepared, which shows that, by introducing a modest charge to self-funders who ask Slough to arrange their non-residential care, the council will continue to provide a valuable brokerage service to some of the most vulnerable older people in the community who are assessed as having the means to fund their own care and support. Although there is a small risk that some people may decline the service because of the charge, all possible steps have been taken to mitigate this.

## 5 **Supporting Information**

### 5.1 **The Care Act 2014 Overview**

The Care Act received Royal Assent on 14 May 2014. The aim of the Act is to reform and consolidate the law relating to care and support for adults dating back to the National Assistance Act 1948.

The main aspects of the Act are:

- brings care and support law into one statute
- re-focuses care and support by promoting wellbeing and preventing and delaying needs to reduce dependency instead of only intervening at crisis point
- puts carers on the same legal footing as the person they are caring for
- aims to ensure that people do not have to sell their homes in their lifetime to pay for residential care, by providing for a new deferred payments scheme
- provides for a single national threshold for eligibility to care and support
- supports people with information, advice and advocacy to understand their rights and responsibilities, enabling them to access care when they need it, and plan for their future needs
- guarantees continuity of care when people move between areas
- includes new protections to ensure that no one goes without care if their provider fails, regardless of who pays for their care
- is built around people and outcomes that matter to them and promoting personal budgets
- clarifies entitlements to care and support and gives new options in relation to charging
- puts safeguarding adults on a statutory footing
- simplifies the care and support system and processes to provide local authorities and care professionals the freedom and flexibility to integrate with other local services

Proposals to protect people from excessive care costs through a cap on care costs, originally intended to be introduced from April 2016, have been postponed until April 2020.

### 5.2 **Cabinet Decisions March 2015**

The Cabinet meeting on 9<sup>th</sup> March 2015 considered a report on *Care Act 2014 - Implications for Charging Policy*, and resolved:

- (a) That Slough's policy on charging for care in care homes would continue unchanged.
- (b) That Slough would continue not to charge for carers' support, though this would be reviewed by autumn 2016 when a considered view could be taken following implementation of the revised Carers' Strategy during 2015.
- (c) That Slough would review the option to charge self-funders who ask it to arrange their non-residential care by autumn 2015 following changes to social care processes and pathways.
- (d) That Slough adopt the policies on Deferred Payment Agreements and Top-ups in Care Homes appended to the report.

This report:

- (a) Makes recommendations in respect of charges to self-funders who ask Slough to arrange their non-residential care.
- (b) Presents a revised Adult Social Care Contributions Policy, which has been updated to reflect fully the new legal framework established by the Care Act and incorporate the decisions agreed by Cabinet in March 2015.

### 5.3 Charging Self-funders for Arranging Non-Residential Care

The Care Act gives the council the power to charge self-funders who ask it to arrange their care. For technical reasons, this applies only to non-residential settings. It was anticipated this would be extended to residential settings from April 2016, but that proposal has been postponed until April 2020 along with the cap on care costs.

Most people who have the means to fund their own care and support to live independently at home arrange this privately. In a survey of non-residential care providers (August 2014), we identified approximately 150 people who were making private arrangements. However, for some people this can be a burden, for example if they are especially vulnerable or have no family nearby to help manage the arrangements. Slough currently arranges non-residential care for 40 people who have been financially assessed as able to pay the full cost of their care and support. A further 30 people are paying the full cost of their care and support having chosen not to disclose the details of their financial circumstances. No charge is currently made for this service.

Where councils decide to charge for arranging care and support for self-funders, they must not charge more than the cost of providing that service. The annual costs that Slough incurs in setting up and managing care and support for self-funders is approximately £150. This is equivalent to less than one hour of homecare per month.

Neighbouring councils have introduced, or are planning to introduce, charges for arranging care and support for self-funders. The level and structure of these charges varies considerably, a pattern reflected nationally:

Options:

1. No change. Slough would continue to provide a valuable service to some of the most vulnerable older people in the community. If the number of self-funders asking the council to arrange their care increased there might be an additional cost to the council.
2. Introduce charges from April 2016, with a higher fee in the first year to cover set-up and management, and a lower rate for management only in subsequent years. Slough would continue to provide a valuable service to some of the most vulnerable older people in the community. The charge would be sufficient to recover the council's costs in providing a service to people who are assessed as having the means to fund their own care and support. A two-tier charge would reflect the higher costs of setting up the care and support arrangements in the first year. There is a risk that some people may decline the service because of the charge.
3. Introduce charges from April 2016, with a flat-rate fee in all years. Slough would continue to provide a valuable service to some of the most vulnerable older people in the community. The charge would be sufficient to recover the council's costs in providing a service to people who are assessed as having the means to

fund their own care and support. A flat-rate charge would not reflect the initial set-up costs as accurately, but may be simpler to understand and administer. There is a risk that some people may decline the service because of the charge.

It is recommended to introduce a flat-rate charge (option 3). This would be set at £150 per year from April 2016. The charge would apply to new cases only.

#### 5.4 **Revised Adult Social Care Contributions Policy**

The Care Act and its associated Regulations and Statutory Guidance have replaced the previous framework for charging for adult social care. There are some limited changes to the content of the charging framework, which were addressed in the report to March 2015 Cabinet on *Care Act 2014 - Implications for Charging Policy*.

The Act requires local authorities to adopt charging policies for non-residential services. This is because legislation allows them a considerable degree of discretion over what services they will charge for. By contrast, charging for residential care remains tightly prescribed. In May 2015, Wellbeing Senior Management Team under delegated powers agreed a variation to Slough's Adult Social Care (Non-Residential) Contributions Policy to reflect the revised legal framework.

The revised Adult Social Care Contributions Policy (Appendix A):

- (a) Reflects the revised legal framework under the Care Act.
- (b) Brings together policies on charging in non-residential and residential settings, including the decisions agreed at the 9<sup>th</sup> March Cabinet meeting.
- (c) Incorporates the recommendation in this report on charging self-funders for arranging non-residential care.

There are no other substantive changes to existing policy. However, we have taken the opportunity to revise the text to take account of clearer wording in the Statutory Guidance and examples of good practice in other councils' policies.

#### 6 **Comments of Other Committees**

Not applicable

#### 7 **Conclusion**

The Cabinet is requested to approve the recommendations contained in the report.

#### 8 **Appendices Attached**

A – Adult Social Care Contributions Policy October 2015

#### 9 **Background Papers**

None