

## About the service or policy development

Name of service or policy	Adults' Care and Support Charging Policy
Lead Officer	Michael Fenn - Senior Commissioning Manager, Adults' Care and Support.
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### Why is this service or policy development/review needed?

The Local Authority's Care and Support Charging Policy has been reviewed to ensure that service users are being fairly assessed to ascertain the amount they should be contributing towards the cost of their care.

The policy follows statutory legislation and guidance as set out in the Care Act 2014. The legislation and guidance require all local authorities who will be applying charges for care and support provided in the community to develop and maintain a charging policy.

Following a review of the policy it has been decided that a number of changes are required to ensure that it is fair and clear for all parties. Due to the complexity of implementing some of the proposed changes some will come into effect in October 2019 while other, which will take longer to roll out, will come into force from the beginning of the 2020/21 financial year. The below table provides an overview of the proposed changes:

### Changes from September 2019

- (1) **Collecting contributions under £5** - The current policy disregards all contributions under £5 a week, due to the fact that at the time it was felt that it would cost more than this to collect. However, the implementation of the new social care database (Liquid Logic) means that this is no longer the case and it is proposed to start collecting these, making the policy fairer for all.
- (2) **Disregarding an additional 25% of chargeable income** - The current policy states that the Council will follow national guidance in applying the Minimum Income Guarantee, leaving all service users with at least an income equivalent to Income Support plus 25%. However, in practice we have been applying a threshold of the Minimum Income Guarantee plus 25%, which is considerably higher. This is not what is stated in the current policy and it is proposed to keep the wording the same but amend the process to reflect this.
- (3) **Disability Related Expenditure Policy** - We recognise that we are not clear with service users on what expenditure we can disregard from their income that relates to their disability. We propose to introduce a clearer policy on this, which will support moves to base disregards more clearly on expenditure that can be demonstrated by the service user
- (4) **Changing when charging begins** – The current policy states that service users begin paying a contribution once they have been financially assessed. It is proposed that this is changed to start contributions at the point at which the service user begins receiving their chargeable service. Our new systems allow us to more quickly give an 'indicative'

**Why is this service or policy development/review needed?**

amount that may be charged following the completion of the Financial Assessment to allow the service user to save the money they owe until once a full financial assessment is undertaken.

- (5) **Removing the additional £10 a week disregard for those aged 85+** - The current policy offers an additional protection of £10 per week for people aged 85 or over. There is little basis for offering this enhanced protection to just this age group therefore it is proposed that this is removed to ensure a fairer policy.
- (6) **The charging of self-funders** - Regulations permit us to charge self-funders for the costs involved in arranging their care and support, should they wish us to do this for them. We set out that we will levy such a charge, but the process and circumstances are unclear, and we will be more definitive on this.
- (7) **Changes in terminology** - The current policy is out of date in describing the various disability-related benefits and Universal Credit, and we propose changing it to reflect the current benefit system.
- (8) **Service users subject to Section 117** - For service users in receipt of aftercare following a stay in hospital (under Section 117 of the Mental Health Act 1983), we currently do not charge for all of the care and support provided. This is not in line with the principles of Section 117, and we should be clearer about not charging for the services being provided under the specific care order and charging for other services provided. For example, this may include accommodation support in supported living, even if elements of care and daily support are to be disregarded.
- (9) **Clear waiver process** - The current policy has a waiver process which is undefined, and which does not assist service users and carers in understanding when and how we will consider a waiver. We propose to revise this approach which will be detailed in the updated policy.

**Changes from April 2020**

- (1) **Disregarding Elements of Disability Related Benefits** - Barking & Dagenham Council is currently providing the following levels of Disability Related Expenditure Disregards depending on the benefit the individual is in receipt of:
  - Disability Living Allowance (DLA) - **£5 disregarded**
  - Attendance Allowance (AA) lower rate and DLA middle rate & Personal Independence Payment (PIP) Lower rate - **£15 disregarded**
  - DLA & AA higher rates & Personal Independence Payment (PIP) Enhanced rate - **£25 disregarded**

It is proposed that these disregards are removed and individuals who are spending money in relation to their disability can request for this to be disregarded via the new Disability Related Expenditure Policy.

**1. Community impact (this can be used to assess impact on staff although a cumulative impact should be considered).**

What impacts will this service or policy development have on communities?  
 Look at what you know? What does your research tell you?

*Consider:*

- National and local data sets
- Complaints
- Consultation and service monitoring information
- Voluntary and Community Organisations
- The Equality Act places a specific duty on people with ‘protected characteristics’. The table below details these groups and helps you to consider the impact on these groups.

**Demographics**

**All service users**

The borough’s Care and Support Charging Policy is designed to ensure that the people of Barking and Dagenham pay a fair contribution towards the costs of their care and support that they are receiving in the community. It does not apply to individuals who are receiving their care in a residential or nursing setting or those receiving the borough’s short-term community-based service, Crisis Intervention.

According to the Local Authority’s end of year statutory returns there were 2,020 people receiving chargeable services from Adults’ Care and Support throughout the 2017/18 financial year. Of these individuals 927 were aged between 18 and 64 years of age and 1,093 were aged 65 or over. All of these individuals would be financially assessed except for those exempt from charging, for example individuals subject to Section 117 of the Mental Health Act and those living with Creutzfeldt Jacob Disease.

Please note - Not all monitoring data is consistently recorded on the client records, however the information below is consistently recorded and can be reliably reported upon

Below is the primary support reason for the 2,020 individuals who accessed chargeable services throughout the financial year:

Physical Support	1416
Sensory Support	11
Memory and cognition	17
Learning Disability	382
Mental Health	194
	2,020

The end of year returns show that on the last day of the financial year, 59.1% of individuals receiving a chargeable service were female.

The below shows the breakdown of all individuals’ reported ethnicities:

White	72.37%
Mixed/ multiple ethnic groups	0.99%
Asian	9.89%
Black/ African/ Caribbean	14.60%
Other	0.99%
Not known	1.16%

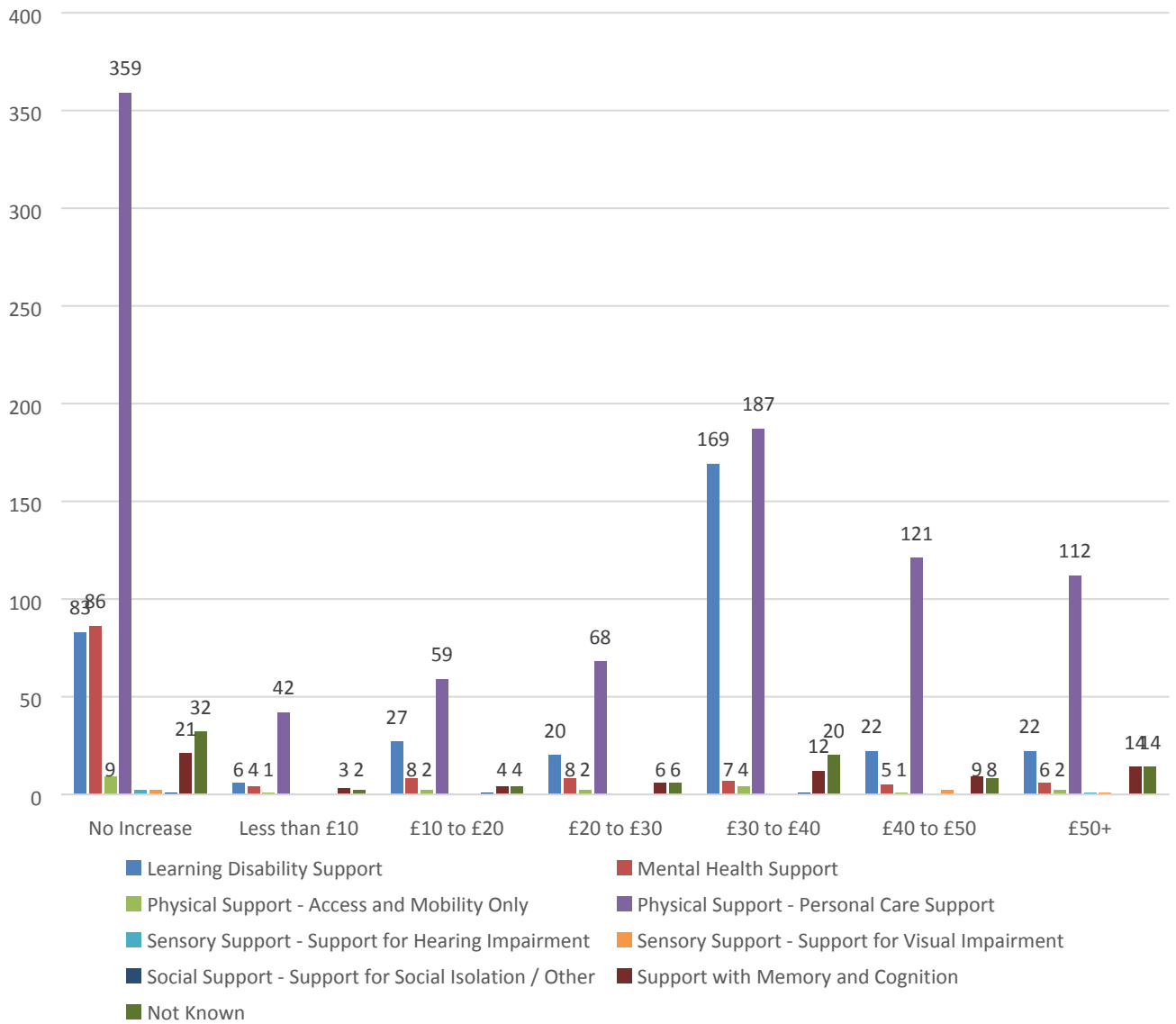
**Service users impacted by the proposals**

Due to the way financial assessments are undertaken each of the proposed changes have an impact on each other, therefore we are unable to show the breakdown of the financial impact per change. Therefore, the financial impact testing undertaken is on the basis that all the proposals are implemented.

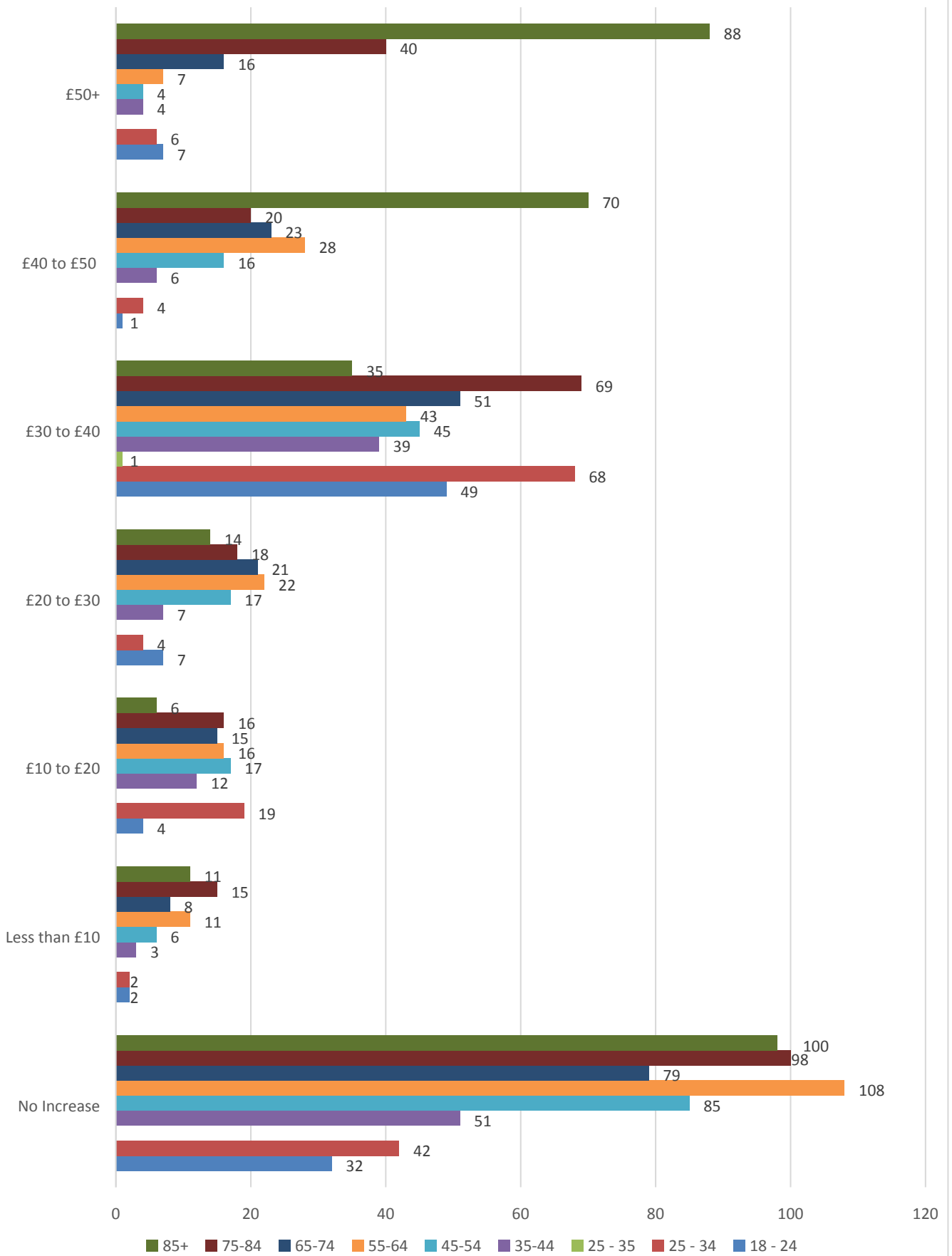
When reviewing the financial impact figures there is an absolutely essential caveat: there are the worst-case scenarios, and assume that there are no claims for disregard of expenditure related to people's disability (because we are unable to predict how people will claim). This is clearly not a realistic likely outcome, and people will continue to have the opportunity to claim for us to set aside those reasonable costs which are incurred through having to manage day-to-day life with a disability.

The below graphs show how the proposals will impact service users based on their age and their primary reason for their care support package:

**Impact by Primary Support Reason**



**Impact By Age Group**



**COMMUNITY AND EQUALITY IMPACT ASSESSMENT**

Potential impacts	Positive	Neutral	Negative	What are the positive and negative impacts?	How will benefits be enhanced and negative impacts minimised or eliminated?
<p><b>Local communities in general</b></p>			<p>X</p>	<p>The changes will help the Council to continue to provide care and support to all who require it.</p> <p>The changes to the Charging Policy will increase the contributions of individuals who have been found, following a financial assessment, to be liable to contribute towards the cost of their care. The changes will also result in some individuals who were previously found not liable to contribute now being found to be so.</p> <p>Below are the estimated effects of the proposed changes to the financial assessment process:</p> <p><b>Please Note: these predicted financial implications do not take into consideration that people can apply for any money they spend due to their disability to be considered for disregarding from their financial assessment which would lower their contribution.</b></p> <ul style="list-style-type: none"> <li>• 536 are currently not contributing towards the cost of their care package and would continue to not be required to.</li> <li>• 62 people are paying but would see no change in their contribution amount.</li> </ul>	<p>In order to minimise the impact of the proposed changes to the Care and Support Charging Policy the local authority will be undertaking the following actions when financially assessing service users:</p> <ul style="list-style-type: none"> <li>• Providing individuals with a benefit check to ensure that they are receiving the income they are entitled to at the point of their financial assessment.</li> <li>• Signposting individuals to local organisations who can support them with their money management and budgeting skills.</li> <li>• For those most greatly affected, offer tailored support from the Homes and Money Hub, within Community Solutions.</li> <li>• The Council will also be developing a Disability Related Expenditure Policy to help service</li> </ul>

**COMMUNITY AND EQUALITY IMPACT ASSESSMENT**

			<ul style="list-style-type: none"> <li>• 107 people would be required to start paying towards their care, the amounts range from 15p to £49.83 a week.</li> <li>• 902 people will see the contribution they are currently paying increase, on average this increase will be £38.15 a week</li> </ul>	users claim for money they are spending due to their disability to be disregarded from their financial assessment. Details on this can be found in the disability section below.
<b>Age</b>		X	<p>Currently the local authority offers an additional protection of £10 per week for people aged 85 or over. There is little basis for offering this enhanced protection to just this age group therefore it is proposed that this is removed.</p> <p>Removing the additional £10 a week protection for this client group will result in their contribution increasing however, it will mean that the policy is fairer for all age groups and removed the inequalities that currently exist dependent on age.</p>	
<b>Disability</b>		X	<p>The current policy disregards relatively generous levels of people’s Disability Related benefits as detailed in the introduction of this assessment. It is proposed that these disregards are removed and included in the financial assessment to determine the amount they contribute towards the cost of their care package.</p>	<p>In order to minimise the impact of this change the local authority are also reviewing the Disability Related Expenditure (DRE) Policy.</p> <p>The Care Act (2014) states that:</p> <p><i>Where disability-related benefits are taken into account, the local authority should make an assessment and allow the person to keep enough benefit to pay for necessary disability related expenditure to meet any needs which are not being met by the local authority.</i></p>



**COMMUNITY AND EQUALITY IMPACT ASSESSMENT**

				<p>By reviewing the DRE policy the local authority will make it clearer and simpler for service users to apply for any money they spend due to their disability for consideration to be disregarded from their financial assessment.</p> <p>Removing the standard disregards will mean that service users will have to request for money they are spending due to their disability to be disregarded from the assessment process. This means that the amount they have disregarded will be tailored to their circumstances.</p> <p>To make this easier/ clearer for Service Users the Council has committed to working with local disability groups to design a DRE policy/ forms which is fit for purpose. The Council's financial assessment form will also be reviewed to make claiming for DRE simpler.</p>
<b>Gender reassignment</b>		X		The changes to the Charging Policy should have no disproportionate impact on this group.
<b>Marriage and civil partnership</b>		X		The changes to the Charging Policy should have no disproportionate impact on this group.
<b>Pregnancy and maternity</b>		X		The changes to the Charging Policy should have no disproportionate impact on this group.
<b>Race (including Gypsies, Roma and Travellers)</b>		X		The changes to the Charging Policy should have no disproportionate impact on this group.
<b>Religion or belief</b>		X		The changes to the Charging Policy should have no

<b>COMMUNITY AND EQUALITY IMPACT ASSESSMENT</b>	
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			disproportionate impact on this group.	
<b>Sex</b>		X	The changes to the financial assessment process do not directly or indirectly discriminate, harass and is not unequal towards any groups of individuals however as can be seen in the demographics section above there are a greater proportion of females accessing services.	
<b>Sexual orientation</b>		X	The changes to the Charging Policy should have no disproportionate impact on this group.	
<b>Any community issues identified for this location?</b>		X	n/a	n/a

**2. Consultation.**

Provide details of what steps you have taken or plan to take to consult the whole community or specific groups affected by the service or policy development e.g. on-line consultation, focus groups, consultation with representative groups?

A full public consultation event was undertaken to establish the views/ thoughts of service users, their informal carers and the general public.

The consultation process consisted of the following:

- The consultation went live on the borough’s Online Consultation Portal on Monday 13 May 2019.
- Letters were sent to all community service users with open financial assessments on Monday 3 June 2019. These letters included an estimate of how the individual would be affected by the proposals for October 2019 and those for April 2020.
- Two Public Consultation Events were held on Wednesday 19 June & Monday 24 June 2019
- The consultation ended on Thursday 27 June 2019

**Monitoring and Review**

How will you review community and equality impact once the service or policy has been implemented?

*These actions should be developed using the information gathered in **Section 1 and 2** and should be picked up in your departmental/service business plans.*

Action	By when?	By who?
The local Authority will monitor any requests to end care packages due to increased contributions	Monitoring will begin in October 2019	Charging Policy Task and Finish Group and Adults’ Improvement Board
The local Authority will monitor the number of service users who are requesting additional Disability Related Expenditure (DRE) disregards which are used when individuals require further disregards from the financial assessment process to enable them to afford expenses they occur due to their disabilities.	Monitoring will begin in October 2019	Charging Policy Task and Finish Group and Adults’ Improvement Board

## COMMUNITY AND EQUALITY IMPACT ASSESSMENT

How will you review community and equality impact once the service or policy has been implemented?

*These actions should be developed using the information gathered in **Section 1 and 2** and should be picked up in your departmental/service business plans.*

The local Authority will monitor the number of complaints received in relation to the changes made to the financial assessment process.	Monitoring will begin in October 2019	Charging Policy Task and Finish Group and Adults' Improvement Board
The Local Authority will monitor requests for support, due to increased contributions, to the Homes and Money Hub and the Citizens Advice Bureau	Monitoring will begin in October 2019	Charging Policy Task and Finish Group and Adults' Improvement Board
Quarterly meetings will be held with service users and carers which will be attended by senior management from the Local Authority	Monitoring will begin in October 2019	Charging Policy Task and Finish Group and Adults' Improvement Board
The Local Authority will monitor the amounts that are scheduled for collection from client contributions and the actual collection rate	Monitoring will begin in October 2019	Charging Policy Task and Finish Group and Adults' Improvement Board

### 3. Next steps

It is important the information gathered is used to inform any Council reports that are presented to Cabinet or appropriate committees. This will allow Members to be furnished with all the facts in relation to the impact their decisions will have on different equality groups and the community as a whole.

Take some time to précis your findings below. This can then be added to your report template for sign off by the Strategy Team at the consultation stage of the report cycle.

Implications/ Customer Impact

The financial implications of the proposals are detailed in section 1. above.

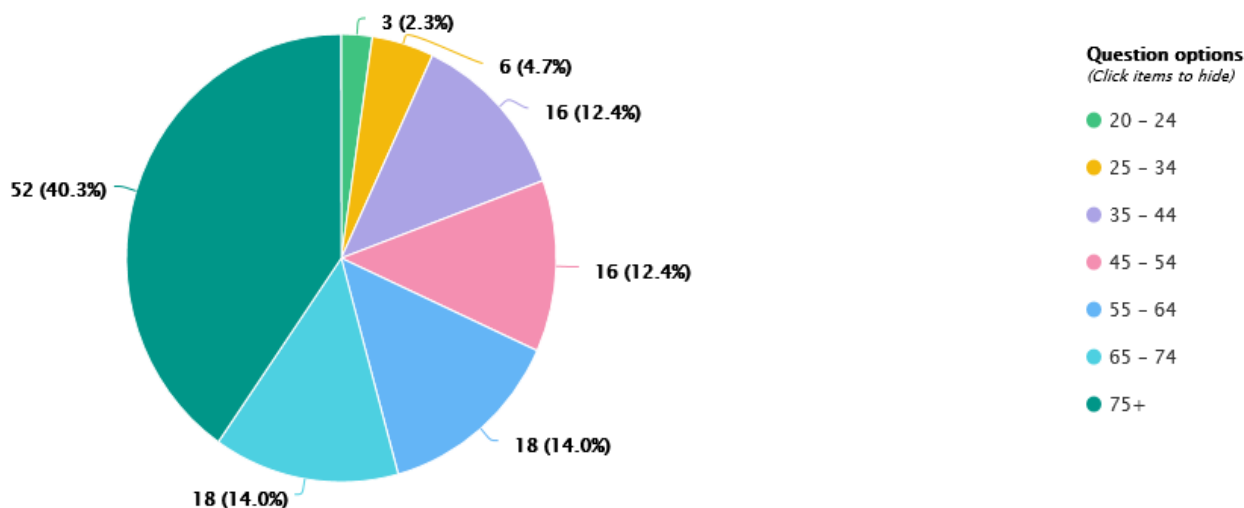
The outcome of the consultation process was:

- 120 people completed the hard copy of the consultation questionnaire
- 10 people completed the consultation questionnaire via the online portal
- Over 55 people have called the council regarding the consultation
- 29 people have called the ILA regarding the consultation
- 5 people have been visited by the ILA to support them complete the questionnaire
- 37 people booked onto the public consultation events

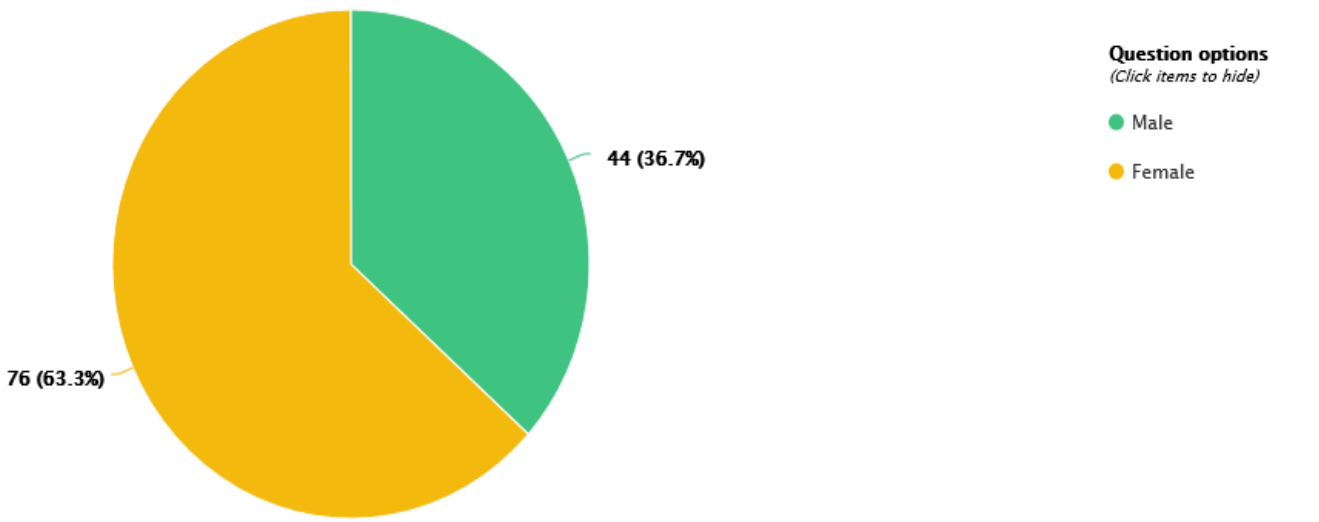
Details of the responses provided via the questionnaires and the public consultation events can be found in the Care and Support Charging Policy Cabinet report dated 16 July 2019.

The following graphs show the age, gender, ethnicity, sexuality, religion and disabilities of the individuals who completed the questionnaire:

**Age**



**Gender**

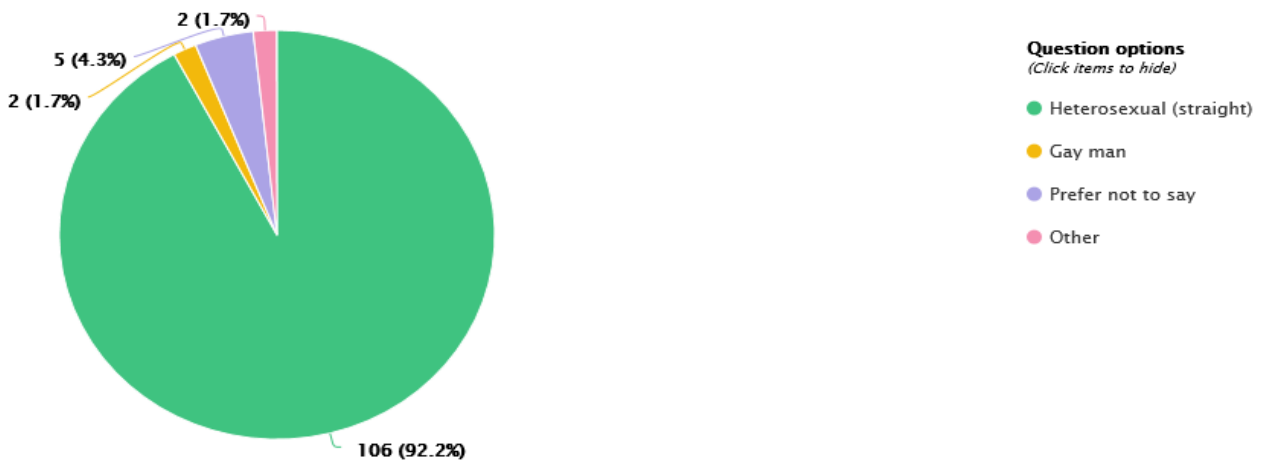


**Question options**  
*(Click items to hide)*

- Male
- Female

63.3% of individuals who completed the questionnaire were female, this is broadly inline with the proportion of service users in 2017/18 who were female (59.1%)

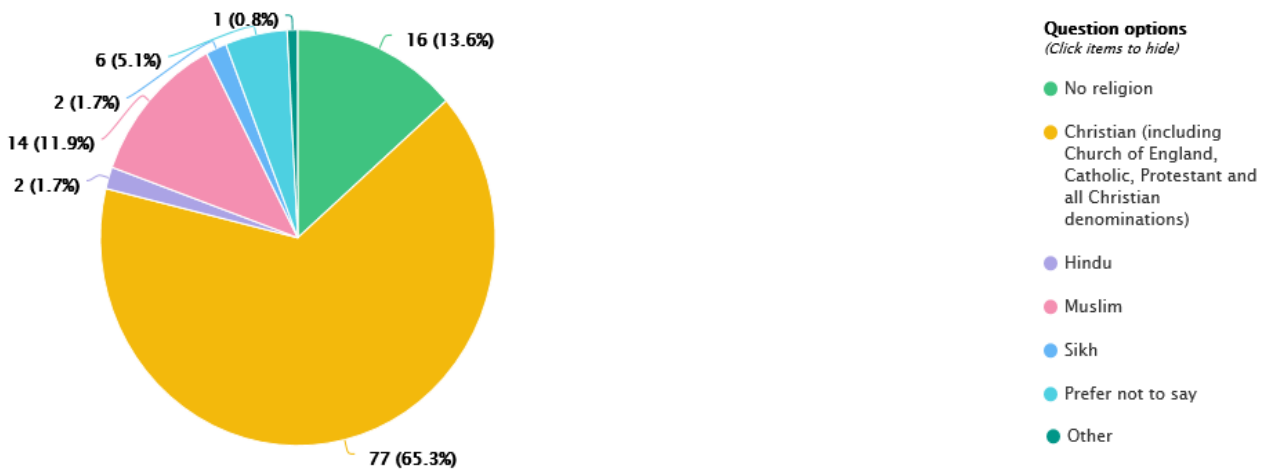
**Sexual Orientation**



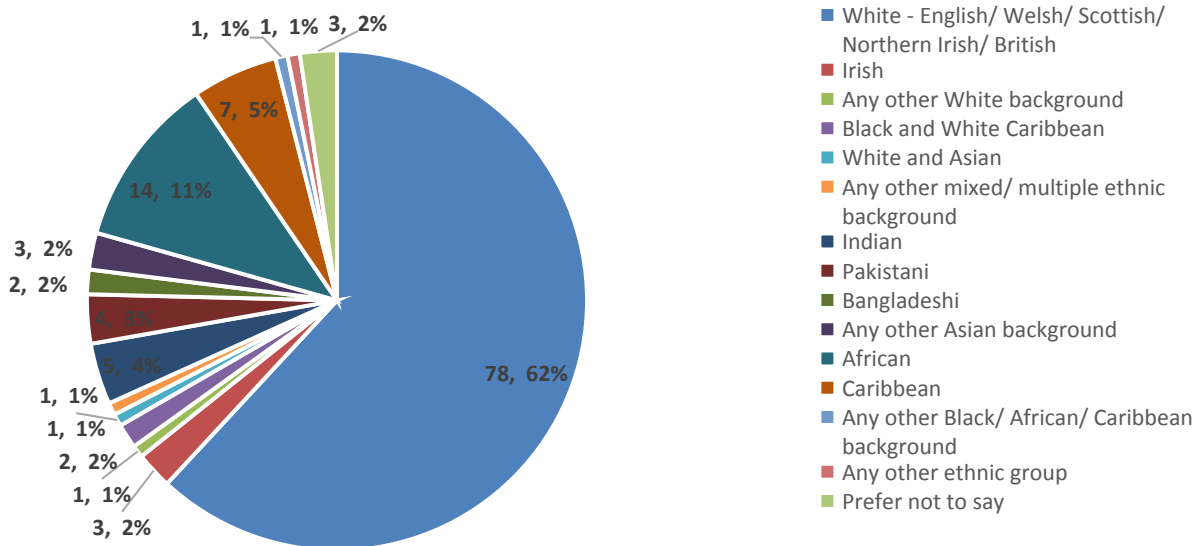
**Question options**  
*(Click items to hide)*

- Heterosexual (straight)
- Gay man
- Prefer not to say
- Other

**Religion**

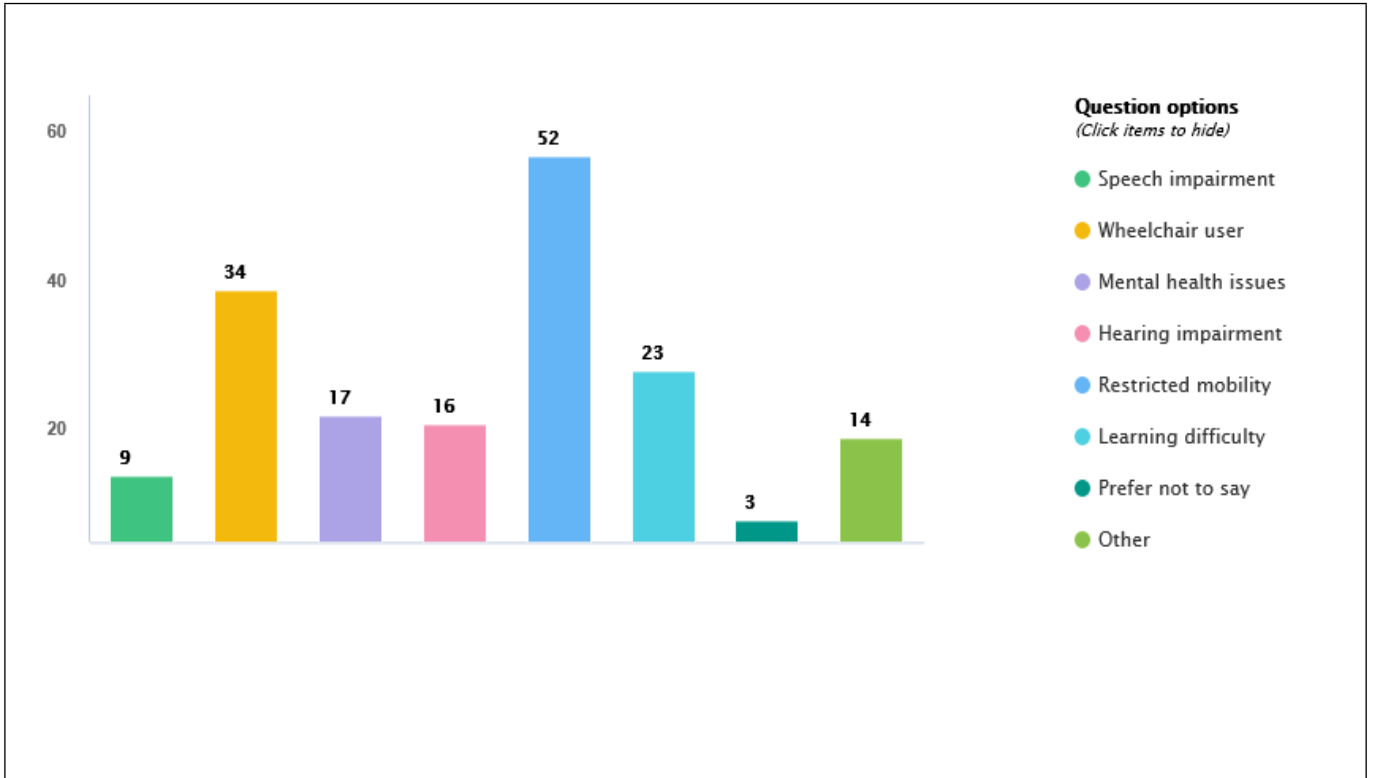


**Ethnicity**



65.1% of the people who completed the questionnaire identified as white, slightly below the breakdown from service users in 2017/18 (72.37%). In contrast the Black/ African/ Caribbean ethnicities (17.5% of respondents compared to 14.6% of service users) and Asian ethnicities (11.1% of respondents compared to 9.89% of service users) are slightly overrepresented when compared to the breakdown of all service users.

**Disabilities**



## 5. Sign off

The information contained in this template should be authorised by the relevant project sponsor or Divisional Director who will be responsible for the accuracy of the information now provided and delivery of actions detailed.

Name	Role (e.g. project sponsor, head of service)	Date
Louise Hider-Davies	Head of Adults' Care and Support	
Mark Tyson	Commissioning Director – Adults' Care and Support	
Elaine Allegretti	Director of People of Resilience	