

HEALTH AND WELLBEING BOARD

8 DECEMBER 2015

Title:	Revisions to Care and Support Charging Policies		
Report of the Cabinet Member for Adult Social Care and Health			
Open Report	For Information		
Wards Affected: All	Key Decision: No		
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Sponsor: Anne Bristow, Strategic Director for Service Development and Integration, London Borough of Barking and Dagenham			
Summary: <p>The Care Act 2014, implemented on 1 April 2015, set out a single legal framework for charging users and carers for their care and support. The Care Act 2014 allows the Council to apply charges; where it does so, legislation and guidance requires the local authority to develop and maintain a charging policy. However the Care Act 2014 also limits the level of discretion a Council can apply to its charging policy.</p> <p>This report is for information and the appendices contain the main body of information. Appendix A explains that permission was sought and agreed to consult on the Care and Support Charging Policy at the Cabinet Meeting on 10th November 2015. Appendix B explains that permission was sought and agreed to consult on the introduction of placing a charge on properties for people awarded a disabled facilities grant at the Cabinet Meeting on 10th November 2015.</p>			
Recommendation(s) <p>The Health and Wellbeing Board is asked to note the Cabinet's decision to:</p> <p>(i) Endorse the proposal that the Council consults on revisions to the Care and Support Charging Policy in the following areas where discretion can be applied:</p> <ul style="list-style-type: none">• The level of the disability related expenditure (DRE) disregard automatically applied to the financial assessment;• The principle of charging for care and support services provided to a carer who meets the eligibility criteria for services in their own right. <p>(ii) Agree that the Council consults on the proposed introduction of arrangements whereby some or all of a Disabled Facilities Grant may be recoverable via the placing of a local land charge where a person in receipt of a grant has a financial interest in the property, in line with the Housing Grants, Construction and Regeneration Act 1996, in order to regularise the position and to support the growth of the scheme</p>			

The Health and Wellbeing Board is asked to note that a further report shall be presented to the Cabinet in February 2016 advising on the outcome of the public consultation and, if appropriate, presenting a draft policy for approval.

Reason(s)

There is a legal requirement for the Council to implement the Care Act 2014. Sections 14 and 17 set out the legal framework for charging for care and support services provided to an adult under the Care Act 2014.

It is mandatory for the Council to provide Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996. This Act gives the local authority the power to place a charge on a property of those awarded a disabled facilities grant with recovery of the grant made within the prescribed criteria as set out in the Regulations.

1. Introduction and Background

- 1.1 The Care and Support Charging Policy was presented to Cabinet on 16 February 2015 and became effective from April 2015; it was agreed that the policy was subject to review pending consultation to include the introduction of the cap on care costs in April 2016.
- 1.2 On 17 July the Government responded to a letter from the Local Government Association (LGA) calling for a delay in the implementation of the cap on care costs system. In light of concerns expressed by the LGA and many other stakeholders about the timetable for implementation and pressures on adult social care, the Government decided to delay implementation of the cap on care costs system until 1 April 2020.
- 1.3 In view of the deferral of the cap on care costs until 2020 and future financial pressures, the report attached at Appendix A sets out that permission was considered and agreed at the Cabinet Meeting on 10th November 2015 to consult on confirming the current interim approach as substantive in line with the Care Act 2014.
- 1.4 The Council operates the mandatory national Disabled Facilities Grant (DFG) Programme, in line with nationally determined award and allocation criteria. The care and support reforms and introduction of the Better Care Fund (BCF) in April 2015 places the disabled facilities grant as a key lever in the delivery of integrated health and social care services, contributing to reducing delays in hospital discharges, hospital avoidance and putting in place support and interventions to help older adults and disabled people to remain in their homes.
- 1.5 The Council's disabled facilities grant programme has seen a year on year increase in the numbers meeting the criteria for a mandatory grant award. The projected cost pressure of £150,000 in 2015/16 is to be met through the Council's resources. However, future projected numbers of older people and disabled children and an adult requiring support and intervention to remain at home makes it necessary for the Council to consider other options in order to manage cost pressures.

- 1.6 The Housing Grants, Construction and Regeneration Act 1996 gives the local authority the power to recover some or the entire grant award by placing a local land charge on the property where the disabled person or the person making the application has a financial interest in the property. The recovery of any award through the use of a land charge on the property is prescribed in Regulation to ensure recovery does not disproportionately affect the disabled person or result in financial hardship.
- 1.7 The report at Appendix B sets out that permission was considered and agreed at the Cabinet Meeting on 10th November 2015 to consult on the introduction of placing a charge on properties for people awarded a disabled facilities grant.

2. Proposal

- 2.1 The Health and Wellbeing Board is asked to note the Cabinet's decision to:

Endorse the proposal that the Council consults on revisions to the Care and Support Charging Policy in the following areas where discretion can be applied:

- The level of the disability related expenditure (DRE) disregard automatically applied to the financial assessment;
- The principle of charging for care and support services provided to a carer who meets the eligibility criteria for services in their own right.

Agree that the Council consults on the proposed introduction of arrangements whereby some or all of a Disabled Facilities Grant may be recoverable via the placing of a local land charge where a person in receipt of a grant has a financial interest in the property, in line with the Housing Grants, Construction and Regeneration Act 1996, in order to regularise the position and to support the growth of the scheme

- 2.2 The Health and Wellbeing Board is asked to note that a further report shall be presented to the Cabinet in February 2016 advising on the outcome of the public consultation and, if appropriate, presenting a draft policy for approval.

3 Consultation

- 3.1 The timelines for consultation and proposed implementation are detailed below and are the same for both the Care and Support Charging Policy and the Disabled Facilities Grant:

Consultation and proposed Implementation steps	Dates
Consultation opens and information and engagement sessions commence	23 November 2015
Consultation ends	17 January 2016
Findings of the consultation compiled and proposal reviewed taking into account the responses.	By 31 January 2015
Report to Cabinet setting out the findings from the consultation, proposal and draft policy for approval (if applicable)	15 February 2016
Communication, workforce and infrastructure development	By 31 March 2016
Implementation of proposal (if applicable)	4 April 2016

3.2 The consultation methodology is described below:

- a) Adult social care will provide respondents with the opportunity to reply to the consultation:
 - Using paper based methods including easy read format;
 - Via the internet.
- b) The consultation document will be published on the Council's website.
- c) Leaflets and information inviting individuals to participate in the consultation will be displayed in the local newspaper, libraries, Council gyms, local service centres and health centres.
- d) Advice on how to participate will also be available to those who call the Council.
- e) Consultation with affected groups will include attendance at local disability forums and meetings, carer's forums and health and social care forums.
- f) Consultation with the voluntary sector such as Age Concern.
- g) Presentation and information to health colleagues (providing an opportunity to engage with the policy).
- h) Member's briefings, reports to Health and Wellbeing Board, Scrutiny and Cabinet.
- i) Briefings to Council staff using existing communications vehicles.

4 Mandatory Implications

4.1 Joint Strategic Needs Assessment

All implications are contained within the body of the reports in appendices A and B.

4.2 Health and Wellbeing Strategy

All implications are contained within the body of the reports in appendices A and B.

4.3 Integration

All implications are contained within the body of the reports in appendices A and B.

4.4 Financial Implications

All implications are contained within the body of the reports in appendices A and B.

4.5 Legal Implications

All implications are contained within the body of the reports in appendices A and B.

4.6 Risk Management

All implications are contained within the body of the reports in appendices A and B.

4.7 Patient/Service User Impact

All implications are contained within the body of the reports in appendices A and B.

5. Non-mandatory Implications

5.1 Crime and Disorder

All implications are contained within the body of the reports in appendices A and B.

5.2 Safeguarding

All implications are contained within the body of the reports in appendices A and B.

5.3 Property/Assets

All implications are contained within the body of the reports in appendices A and B.

5.4 Customer Impact

All implications are contained within the body of the reports in appendices A and B.

5.5 Contractual Issues

All implications are contained within the body of the reports in appendices A and B.

5.6 Staffing issues

All implications are contained within the body of the reports in appendices A and B.

List of Appendices:

Appendix A - Care and Support Charging Policy

Appendix B - Disabled Facilities Grant: Introducing Legal Charges on Properties