

Report to the Cabinet

Meeting to be held on Thursday, 12 April 2018

Report of the Head of Service Policy, Information and Commissioning (Start Well)

Part I

Electoral Division affected:
(All Divisions);

Implementation of the Care Act 2014 - Approval of Revised Adult Social Care Policies and Procedures: Non-Residential Care Charging (Appendices 'A' and 'B')

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Executive Summary

Following the introduction of the Care Act 2014, the county council has undertaken to review all adult social care policies, practice and guidance to ensure compliance.

A new policy is now presented for approval:

- Non-Residential Care Charging (Appendix 'A')

This is deemed to be a Key Decision and the provisions of Standing Order No 25 have been complied with.

Recommendation

The Cabinet is asked to approve the implementation of the Non-Residential Care Charging, as set out at Appendix 'A'.

Background and Advice

The Care Act 2014 significantly altered the landscape of adult social care for local authorities. In response, a comprehensive review of the county council's adult social care policies, procedures and guidance has been undertaken and key policy documents have been identified for development and/or revision, as part of a phased programme to ensure compliance.

This phased programme continues with the submission of a new policy, procedures and guidance document:

- Non-Residential Care Charging

Current arrangements

[A new policy framework was approved in March 2016 to ensure compliance with the Care Act.](#)

Summary of Revised Policies and Procedures

A new policy, Non-Residential Care Charging, is now ready for approval by Cabinet.

- Non-Residential Care Charging

At its meeting in November 2017, Cabinet approved a public consultation on a revised Non-Residential Care Charging Policy which complies with the relevant provisions of the Care Act 2014, after which "the policy will be considered for final approval by Cabinet, taking into account the outcome of the consultation and any proposed changes."

The main changes in the revised policy presented to Cabinet in November 2017 were:

- Increasing the proportion of assessed income ("Net Disposable Income") that can be used to help pay for care from 85% to 100%;
- Updating all relevant care cost rates to reflect what providers are now charging the county council instead of using 2011 rates;
- Removing current caps and maximum care charges.

A link to the Cabinet report can be accessed here: <http://council.lancashire.gov.uk/mgAi.aspx?ID=51663>

The changes reflect the true cost of providing these services, bring the county council's charges in line with other local authorities and reflect guidance on charging set out in the Care Act 2014. A copy of the policy is set out at Appendix 'A'.

A public consultation was subsequently conducted between 15 December 2017 and 9 February 2018. In total, 2,677 completed questionnaires were returned, giving a 23% response rate. Approximately three-quarters of respondents (74%) said that they are someone who receives social care support from the county council.

An analysis of consultation responses is set out at Appendix 'B'. The analysis can be summarised as follows:

- Of the proportion of respondents who disagreed with the proposed changes:

- About half of respondents (51%) disagree with the proposal to increase the proportion of people's assessed net disposable income that can be used to help pay for their care from 85% to 100%.
- Three in ten respondents (30%) disagree with the proposal to update care rates to reflect what providers are now charging the county council.
- Two-fifths of respondents (40%) disagree with the proposal to remove the current caps and maximum care charges.
- Respondents' main concerns about the impact of the proposals were that having less money would impact on their quality of life (e.g. will reduce the number of hours of care, other activities or services) and they will have to pay more for their care.
- The consultation did not highlight any significant issues of which the county council was previously unaware.

Under the proposals, as with the current policy, people will only be charged according to their ability to pay for their non-residential care, based on a comprehensive financial assessment.

Based on the consultation analysis, Cabinet is recommended to adopt the revised Non-Residential Care Charging Policy in full from the earliest date following the expiry of the relevant call-in period.

Officers will communicate any approved policy changes to individual users of non-residential care services, and to the general public.

Consultations

The outcome of the public consultation on the revised Non-Residential Care Charging policy is detailed above and set out at Appendix 'B'.

Implications:

This item has the following implications, as indicated:

- Workforce

Our support for Lancashire residents is guided by the county council's adult social care policies, procedures and practice guidance. The accuracy and relevance of these documents is essential to support practice and the delivery of high quality services.

The Care Act and supporting guidance place a series of new duties and responsibilities on the county council in regard to care and support for adults. All revised or new documents have been reviewed and cleared by the county council's legal team before being presented to Cabinet for final approval. All documents will

be publically accessible as part of this process, with the aim of reducing legal challenge and complaints due to a lack of understanding or transparency.

- Equality and Diversity

The Care Act itself was implemented following a period of consultation and its provisions were assessed for their equality impact. Policies and procedures guidance documents are primarily intended as a guide for social care employees in applying the Care Act 2014 and ensuring delivery of quality care and support. It is an intrinsic requirement that these are applied objectively and fairly to all people with protected characteristics (age, disability, gender identity, gender, race, religion or belief, sexual orientation, pregnancy and maternity and marriage or civil partnership status) and that, where necessary, reasonable adjustments are made to assist disabled people to participate in the process, or that other steps are taken to meet the requirements of the Equality Act 2010.

Furthermore, in line with the Public Sector Equality Duty, each policies and procedures guidance document has been considered by the Equality and Cohesion Manager and a short appendix added to highlight the aims of the Public Sector Equality Duty and protected characteristics in a proportionate manner. It is intended that this will provide staff with a bespoke summary of how each policies and procedures guidance may impact on protected characteristics groups and that this is a proportionate means of showing due regard in relation to each individual policies and procedures guidance document.

Financial

The non-residential care charging policy is estimated to achieve £2m additional income annually. This amount has been built into the Medium Term Financial Strategy reported position and will be monitored as the policy is implemented. There are no changes proposed from the consultation which would affect the proposed policy and the forecast financial outcome from implementation.

The policy is based on ability to pay and, at the service user's request, financial reassessments will be undertaken to safeguard against any eligible changes in service user's financial circumstances.

Risk management

The Care Act Statutory Guidance sets out that the county council should develop and maintain policies in relation to a number of subject areas covered in the Act. If the recommendations are not taken forward, the county council may be at risk of future legal challenges.

