

Report to the Cabinet

Meeting to be held on Thursday, 5 October 2023

Report of the Executive Director of Adult Services and Health & Wellbeing

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Caring for the vulnerable;

Adult Services Non-Residential Care Charging Policy

(Appendices 'A' refers)

Contact for further information:

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Brief Summary

The Non-Residential Care Charging Policy sets out how Lancashire County Council charges for non-residential adult social care services, and forms part of the suite of Care Act policies currently under review in readiness for Care Quality Commission inspection.

The Non-Residential Care Charging Policy sets out how Lancashire County Council charges a contribution for non-residential adult care services, following a financial assessment under sections 14, 17 and 18 of the Care Act 2014. It provides a fair and consistent charging framework, in accordance with guidelines set out by central government.

The policy enables adult social care to consolidate its approach to charging and implement a fair, transparent and consistent charging across all services, subject to financial assessment, where appropriate.

The key points to note are:

- This is a refreshed policy (reviewed annually).
- Financial assessment will now be applied universally to anyone receiving adult social care support.
- Consultation is not required as Lancashire County Council's Charging Policy reflects legislation in the Care Act 2014.
- Technology Enabled Care charging sits outside of the financial assessment

process but this is referenced within this policy.

- Residents are able to choose what care and support is right for them, if that differs from the council offer to meet eligible care needs, and is more expensive, they will be asked to pay the difference.
- An Equality Impact Assessment has been completed linked to this policy.

This is deemed to be a Key Decision and the requirements of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to approve the Non-Residential Care Charging Policy as set out in Appendix 'A'.

Detail

The Care Act 2014 requires local authorities to develop and maintain a policy, setting out how they will charge people living in the community who are not in residential care settings and, in deciding what is reasonable to charge, local authorities must ensure that they do not charge more than is permitted under the regulations and corresponding guidance.

Individuals are only required to pay what they can afford, in accordance with the financial assessment process. Some people will be entitled to financial support based on a means-test, while full cost charging will be applied to those who can afford it. Those who are assessed will only ever be charged their maximum assessed charge for means-tested services.

Lancashire County Council must not charge more than the cost incurred in meeting the assessed needs of the person.

Lancashire County Council must also provide information and advice in a suitable and easily accessible format, to ensure that individuals (or their representative) are able to understand any contributions they are asked to make. Lancashire County Council should also make the person or their representative aware of the availability of independent financial information and advice.

It should be noted that, for residential care, Lancashire County Council will calculate contributions towards the cost as laid down by the Care Act 2014 (the Residential Care Charging Policy report can be found elsewhere on the agenda)

This Policy sets out how Lancashire County Council will charge people in non-residential care settings.

Care and Support provided within prisons will also now be a service that Lancashire County Council will charge for to ensure parity.



Appendices

Appendix 'A' is attached to this report. For clarification it is summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Non-Residential Care Charging Policy

Consultations

Wider public consultation on the Non-Residential Care Charging Policy has not been necessary as the policy reflects duties and requirements placed on the county council under the Care Act 2014.

Implications:

This item has the following implications, as indicated:

Risk management

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

Financial

Financial assessment will be applied universally to anyone receiving adult social care support; this is a change in policy rather than an application. There is the potential for an increase in complaints and queries as the county council applies charging on a more consistent basis (in line with the Care Act 2014).

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

