

Report to the Cabinet

Meeting to be held on Thursday, 2 November 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 Residential Care Charging Policy

(Appendix 'A' refers)

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Brief Summary

The Residential Care Charging Policy sets out how Lancashire County Council charges for residential and nursing 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 policy applies to all adults and younger people over the age of 18, who have been assessed by Lancashire County Council as having an eligible need for residential and/or nursing care.

The Residential Care Charging Policy is a new policy for Adult Social Care, in so far as it pulls together the information in relation to charging for residential and nursing adult social care services into a single, clear policy. It reflects the legislation linked to the Care Act 2014 and includes the previous Deferred Payments policy. It covers charges for short term, temporary and permanent care and also includes circumstances where charges will not apply.

The policy enables Adult Social Care to consolidate its approach to charging and implementing fair, transparent and consistent charging across all services, subject to financial assessment where appropriate.

The key points to note are:

- Based on feedback from complaints, the Policy has consolidated all



information around charging for residential care into one document, and offers further clarity to residents on areas that have required greater specificity.

- Financial assessment will now be applied universally to anyone receiving adult social care support, in accordance with the Care Act 2014.
- Consistent application of top up payments will be applied to all residents who choose to be placed in residential care which is more costly than the option the council offers which meets Care Act eligible needs.
- 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 Residential Care Charging Policy as set out in Appendix 'A'.

Detail

The Residential Care Charging Policy aims to reflect the provisions relating to charging from April 2015 as detailed in the Care Act 2014, the Care and Support (Charging and Assessment of Resources) Regulations 2014 and chapters 8 and 9 of the Care and Support Statutory Guidance, issued under the Care Act by the Department of Health. These form the basis of this policy, except where Lancashire County Council exercises its discretion, where permitted by the regulations.

This policy applies to all individuals and carers who have been assessed by Lancashire County Council as having an eligible need for residential and/or nursing care services.

Lancashire County Council must carry out an individual financial assessment of what each person can afford to pay and provide a written record of the completed assessment to the person, or their representative, explaining how the assessment has been carried out, what the charge will be and how often it will be made, and, if there is any fluctuation in charges, the reason for this.

The appropriate contribution will be calculated fairly and promptly. In most cases, this will mean the financial assessment will be completed within 28 days of the start of the residential/nursing home placement. Individuals will also receive a welfare benefit check, as part of the financial assessment, to maximise their full benefit entitlement.

Lancashire County Council must regularly reassess a person's ability to pay, and take account of any changes to their resources, particularly when there is a change in circumstances or at the request of an individual.

Individuals are only required to pay what they can afford. 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 format and in a way that people can understand so 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. We also need to inform them of their right to choose alternative care options than what the council offers, the option to "top up" if this care is more expensive and how such choices sit outside of the financial assessment process.

Lancashire County Council will ensure that everyone who can pay for some or all their care costs, does pay for them and that any unpaid charges are collected in line with its Debt recovery policy.

Appendices

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

Appendix	Title
Appendix 'A'	Residential Care Charging Policy

Consultations

Wider public consultation on the 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 now 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).



