

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	21 st July 2015
Report:	Director of Adult Social Care and Independent Living
Subject/Title:	Adult Social Care - Care Act Policy Review
Portfolio Holder:	Cllr. Janet Clowes, Adults, Health and Leisure

1.0 Report Summary

- 1.1 Adult Services is committed to putting residents first. A review has been undertaken of the Charging Policies for care and support. This is so we can meet our statutory duties under new legislation and continue to provide care and support to meet increasing needs of our residents. Even though there will be some impact from these changes, over 4,000 residents will see no change or will benefit from reduced charges.
- 1.2 In April 2015 we implemented the Care Act in Cheshire East. The Care Act brought together multiple guidance, advice and statutory duties into a single piece of legislation. One of the underlying themes is 'fairness' for our local residents – fairness for carers to be entitled to an assessment and support to meet their assessed needs, fairness through capping the amount that people will pay for care and fairness for prisoners who need care and support.
- 1.3 This principle of fairness is one we have carried through into our review of fees and charges – that is the amounts that we charge our residents for the care and support associated activities that we carry out. Our mission statement is that no one will ever pay more than they can reasonably afford for care and support. Everyone's individual circumstances are different so we determine this on a case by case basis through a financial assessment.
- 1.4 Care and support includes help for adults of all ages with things like washing, dressing, eating, getting out and about and keeping in touch with friends or family as well as technology solutions (referred to as Telecare) to keep people safe.
- 1.5 Many of us will need care and support at some point in our lives, and most of us will pay at least something towards the cost of our care. To understand how our residents' felt about care and support, payments and the new Care Act we undertook a formal consultation. We asked our residents what they felt about changes under the Care Act and our ideas for changing our charging policies. The consultation ran from the beginning of December 2014 and ended on 25 January 2015.

- 1.6 Residents were consulted on 9 key areas of proposed changes to the charging policy. The proposed changes include the rationale and the impact and are detailed at Appendix 1.
- 1.7 A summary of the consultation responses to this paper, is attached at Appendix 2.
- 1.8 Following the analysis of the consultation responses it is proposed that Cabinet accept eight of the proposals to be implemented in August 2015. We propose that the proposal to implement charging for carers is rejected. We have put our residents first by listening to and considering what they have said. Residents feedback has led to amendments in our proposals.

2.0 Recommendations

- 2.1 Approve the proposals detailed in Appendix 1.

3.0 Reasons for Recommendations

- 3.1 The Department will be required to refresh charging policies from 1 April 2016 in view of further changes introduced by The Care Act 2014 in phase two implementation of updated legislation.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 Adult Services Fees and Charges Policy: To accept the approved changes are made to policy, along with the scheme of delegated charges.
Adult Services Direct Payment: To accept the approved changes are made to policy.
Public Information: in accessible format for all. Brokerage exists to assist customers to access alternative services where needed and information and advice services are bolstered through requirements of The Care Act.

7.0 Implications for Rural Communities

- 7.1 No specific identified impacts for rural communities. The Council has a duty to ensure eligible unmet need is provided to people in need of care and support.

8.0 Financial Implications

- 8.1 The drivers for this review of the charging policy are twofold: to ensure that charges are fair and equitable and to ensure that local policy is in place to support the implementation of the Care Act in Cheshire East.
- 8.2 An overall theme of the changes, reflecting the need for fairness, is the continued move towards true personalisation. Service users' and carers' individual needs and circumstances are assessed which is then reflected in their financial assessments, and hence contributions.
- 8.3 In 2015/16 Adults had a small net increase in the bottom line so whilst the new charges will generate more income, overall there has been a net investment in the service with more money being spent to the overall benefit of the residents.

9.0 Legal Implications

- 9.1 The Care Act 2014 gives councils a discretionary power to charge for certain non-residential services. The charge can be set at any level that the authority considers reasonable, subject to complying with other legislation in respect of charging and trading. Where the Council arranges care and support to meet a person's needs, it may charge the adult, except for defined services that cannot be charged for. The overarching principle of the Care Act is that people should only be required to pay what they can afford, subject to financial assessment if appropriate.
- 9.2 The previous guidance (to 31.3.14) in respect of charging is contained in 'Fairer charging policies for home care and other non-residential social services: Guidance for Councils with Social Services Responsibilities' issued in September 2003. From 1st April 2015 all former charging regulations are repealed and the Care Act 2014 and all associated regulations replace previous legislation. The local authority is required to consult if considering changing its charging policy.
- 9.3 The changes being proposed to the Charging Policy comply with statute and the relevant guidance.
- 9.4 Cabinet should satisfy itself that the consultation undertaken has abided by Case law which states that consultation must contain four elements:
1. It must be at a time when proposals are still at a formative stage.
 2. It must give sufficient reasons for any proposal to permit of intelligent consideration and response.
 3. Adequate time must be given for any consideration and response.
 4. The result of the consultation must be conscientiously taken into account in finalising any proposals.

9.5 In order to comply with the final requirement (as set out in the previous paragraph) for proper consultation, members of cabinet should ensure that they have familiarised themselves with the views expressed during the consultation period and ensure that those views are taken into account in any decision made.

9.6 When a Local Authority is considering amending policies it should assess the actual or likely affect of its policies on the community in respect of gender, racial and other equality issues. To ensure that these issues have been considered and appropriately taken into account, an Equality Impact Assessment has been completed before presenting the recommendations to Cabinet. A copy is attached and, as with the consultation, Cabinet should ensure that the results of that assessment are taken into account when making its decision.

10.0 Risk Management

10.1 There is a risk of vulnerable people refusing services due to the cost of care. Adult Services would ensure that the financial assessment is fair and affordable within the individuals means and will offer financial assessment review where someone falls into debt or where someone appeals their charge assessment following established processes.

11.0 Background and Options

11.1 The Council has applied charging policies to care and support since the 1980's and has followed Government regulations in setting local policy. Individual customer contributions are reviewed annually and people have the opportunity to discuss any issues that arise out of their individual financial assessment to ensure consistency and fairness in the process.

11.2 The proposed changes include the rationale and the impact and are detailed at Appendix 1.

12.0 Access to Information

12.1 The background papers relating to this report can be inspected by contacting the report writer:

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