

CHESHIRE EAST COUNCIL

Cabinet Member for Adult Services

Date of Meeting: 25th October 2010
Report of: Adult and Community Health & Wellbeing
Subject/Title: Adult Services Charging Policy Review

1.0 Report Summary

- 1.1 Cabinet expect Adult Services to raise an additional £450k in income in the 3 years from 2010/11 through to 2012/13 (phased £100k/£150k/£200k). These targets are part of the existing 2010/11 MTFS that has been rolled forward. Significantly, the wider reductions to the Adults service net budget need to be considered; in the first 4 full years of operation of Cheshire East Council from 2009/10 to 2012/13 reductions of almost £10m are anticipated. The Comprehensive Spending Review announcement will further exacerbate this position.
- 1.2 A major strand of achieving these targets will be moving from commissioned care packages to personal budgets for new and existing service users, as consulted on in 2008/09 "The Personalisation of Services".
- 1.3 In order to provide a range of options to meet the challenge, a formal public consultation is required in respect of changes to the Non-Residential Charging Policy and the Scheme of Delegated Charges.

2.0 Recommendation

- 2.1 That the Cabinet Member for Adult Services agree to a public consultation linked to the Budget Setting Consultation process to explore all options available to increase income to enable reinvestment in front line services.

3.0 Options

- 3.1 Consultation details will be drawn together by Officers and Legal Services in advance of consultation. Consultation to be linked to the full budget setting process to explore the following:
 - Set the Scheme of Delegated charges at a suitable level to remove significant subsidy, to include Council overhead costs and enable the recovery of additional income from customers who can afford to pay, whilst ensuring the level of charges provide Care4CE with competitiveness in the open market.

- Levy an administrative charge for deferred charge agreements, set property valuations at the highest market value and apply interest to deferred debt at an appropriate rate in accordance with statutory guidance.
- Maximise the use of Direct Debit for income collection. Offering this as the only option in new cases and applying an administrative fee to those who continue to choose to pay through alternative methods.
- Maximise the use of the Empower Card as the primary method of receiving a Direct Payment and as the single option to new service users.
- Move to a process where the Council encourages net payments to care providers through contract terms, offering incentives to providers who move to direct income collection from the customer, thus reducing Council overheads.
- Explore all options for charging for the administration of managed individual personal budgets both within the Council and for access to Third Sector support.
- Explore options to streamline the Council's Appointeeship and Deputyship system via electronic banking and introduce a service fee.
- To apply an administrative charge to cover additional Council costs associated with debt recovery processes following legal action.
- To apply interest to debt following legal action.
- Remove subsidy from the Non-Residential charging formula, currently set at 90% of disposable income taken as a maximum charge.
- Extend the Non-Residential Charging policy to include strategically commissioned care services for carers.
- Extend the Non-Residential Charging policy to recipients of Independent Living Funds subject to guidance on the continuation of this funding.
- Increase the flat rate charges for Transport from £2 to a more realistic price per trip, removing significant subsidy and taking account of outcomes of specific Transport consultation.
- Reduce subsidy in the flat rate charge for Meals, subject to this being cost effective and within the terms of the current meals contract.
- Revise and tighten the disability expenditure assessment framework to ensure consistent and fair application.

4.0 Process

4.1 Linked to the above process a number of key actions will follow:-

- Release an approved press and public statement, proactively managing publicity to protect the Authorities' reputation.
- Communicate directly with service users through bill-flyer and consultation events to encourage feedback and participation in consultation.
- Take account of any Equality Impact issues following consultation and in developing detailed implementation plans.
- Issue timeline of process.

5.0 Reasons for Recommendations

- 5.1 As government funding is reduced at a time when greater demands are placed on social care services, many local authorities will be forced to look for ways to raise additional income.

6.0 Wards Affected - All

7.0 Local Ward Members - All

8.0 Policy Implications

Adult Services Fees and Charges Policy: To be prepared following consultation and Cabinet approval of changes.

Public Information: in accessible format for all. Brokerage exists to assist customers to access alternative services where needed.

Whole System Commissioning: Children's, Adults Services and Health – welfare benefit advice and information to ensure maximum take up of benefits through partnership working.

9.0 Financial Implications

- 9.1 Consultation will be covered within the existing processes for budget setting. There will be costs (yet to be determined) associated with the processes following consultation i.e. temporary resources will be required to change policy, systems and processes in a phased manner according to an approved action plan.

10.0 Legal Implications (Authorised by the Borough Solicitor)

- 10.1 Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 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.
- 10.2 The current guidance 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. Under this guidance a local authority is required to consult if considering changing its charging policy.
- 10.3 Case law 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.

An Equality Impact Assessment must be completed before reaching any final decision to substantially vary any service provision.

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