

Title of meeting: Cabinet Member for Health, Wellbeing & Social Care

Date of meeting: 25 September 2018

Subject: Removal of the Day Care Cap

Report from: Innes Richens, Chief of Health & Social Care Portsmouth

Report by: Richard Webb, Finance Manager

Wards affected: All Wards

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 The purpose of this report is to seek approval to remove the current financial 'cap' of £60.00 applied to client contributions in respect of Day Care, Community Support and Health & Independence services; bringing them in line with all other Adult Social Care services

2. Recommendations

2.1 It is recommended that the Cabinet Member:

- a. Approve the removal of the current financial 'cap' of £60.00 applied to client contributions in respect of Day Care, Community Support and Health & Independence services from the 1st April 2019; bringing them in line with all other Adult Social Care services.
- b. Acknowledge the proposed community support and engagement process as outlined in section 5 of this report.

3. Background

3.1. In April 2011 a financial 'cap' on charges was introduced for services which had previously been provided free of charge. The cap was introduced as a way of gradually phasing in the additional costs to clients.

3.2. Currently these services are capped so that clients will not pay any more than £60.00 per week towards the cost, even if a client has been

financially assessed as being able to contribute more than the cap; regardless of how many days/sessions that they may attend.

4. Proposal

4.1. It is proposed that the current financial 'cap' is removed, meaning that Adult Social Care clients will no longer have their client contributions capped at £60.00 for the following services:

- Day care
- Community Support
- Health & Independence

4.2. Following the removal of the financial 'cap', clients will be expected to contribute up to their maximum assessed charge; based on a financial assessment of their means in accordance with the Care Act 2014 and related Care and Support (Charging & Assessment of Resources) Regulations.

4.3. There are a number of reasons why this proposal is being recommended:

4.3.1. The current charging policy is inconsistent, inequitable and confusing. Clients who receive personal/domestic care or residential/nursing care and are financially assessed, will contribute up to their maximum assessed charge and do not have their client contributions capped.

4.3.2. The current financial pressure on all Local Authorities requires urgent action to be taken to respond to the increasing levels of demand in their communities with a reduced budget. Portsmouth City Council is no longer in a position to cap the cost of Day care, Community Support or Health & Independence at the current rate.

4.4. Based on the current profile, (July 2018) of the 606 people using Day Care, Community Support and Health & Independence services, 535 (88.3%) clients currently pay nothing towards their care or are paying their assessed maximum charge. These clients would not be affected by the changes proposed in this report. The remaining 71 (11.7%) clients have their services capped and based on their current financial assessment could contribute more towards the cost of their care.

4.5. Below is a table showing the ranges of the potential increases to the 11.7% of clients who currently have their services capped and based on their financial assessment could contribute more towards the cost of their care. 70% of the clients summarised below could have a potential increase of between £1 and £50.00 per week.



Number of clients	Potential increase in clients weekly charge
43	£1 to £25
7	£25.01 to £50
10	£50.01 to £100
4	£100.01 to £150
3	£150.01 to £200
4	£200.01 to £300
71	

5. Community Engagement

- 5.1 It is proposed that following approval by the Cabinet Member of the recommendations contained within this report, that a three stage engagement exercise is adopted.
- 5.2 **Stage one** - Briefing/information letters will be sent to all relevant clients and/or their representatives clearly explaining the proposed changes, why the decision has been made, when the change in policy will come into effect and what help will be available to clients.
- 5.3 **Stage two** - Desktop exercise, using the financial assessment information currently held to determine the increase in weekly charges for each relevant client.
- 5.4 There are currently three client categories in relation to charging. Those who are assessed as nil charge due to not having the financial means to contribute towards services, those that make a contribution towards the cost of their care which may see a nominal increase in charges and those who have the financial resources to meet the full cost of their care. It is therefore proposed to have three letter sets to suit each category. Once the desktop exercise is complete all clients will be written to; detailing any increase in charging.
- 5.5 **Stage three** - A visit will be offered to all clients, offering a review of their current assessment and/or a welfare benefits check to ensure clients are in receipt of all the Welfare Benefits that they may be entitled to; specifically Attendance Allowance and Personal Independence Payment. These benefits are non-mean's tested and therefore may offer an additional income stream to minimise impact of the charging policy change. Where required a member of the Financial Assessments and Benefits (FAB) team will assist with any applications for Benefits, the team are accredited by the Department for Work and Pensions (DWP) to complete and verify evidence for any welfare benefit.
- 5.6 A dedicated FAB Officer will be assigned to ensure visiting capacity for those clients that request one. It is estimated that 3 visits per day can be completed by a FAB officer; further resources can be identified should

there be demand. The service is confident this resource can be managed within current staffing resource and budget and completed in advance of the April 2019 implementation.

5.7 Responses from the engagement exercise will be captured using available reporting; this is to ensure any clients that withdraw from care arranged and managed by the City Council can be contacted by Adult Social Care to assess any potential risk to their wellbeing.

6. Reasons for recommendations

6.1 The changes proposed seek to remove the current financial 'cap' of £60.00 applied to client contributions in respect of Day care, Community Support and Health & Independence services; in order to ensure consistency, equity, clarity and that they are in line with all other Adult Social Care services.

7. Equality impact assessment (EIA)

7.1 A preliminary Equality Impact Assessment has been carried out (Appendix 1). From this it has been determined that a Full EIA is not required. The main points that were highlighted from the preliminary EIA were that:

- The current charging policy is inconsistent, inequitable and confusing as highlighted in section 4.3 above.
- Following the removal of the financial 'cap' clients will only be expected to contribute up to their maximum assessed charge; based on a financial assessment of their means in accordance with the Care Act 2014 and related Care and Support (Charging & Assessment of Resources) Regulations.
- It is proposed that there will be a three stage community engagement exercise. Stage one will consist of all relevant clients being informed of the change in policy well in advance of the April 2019 implementation date. Stage two will consist of all relevant clients being re-assessed to establish the financial impact this change in policy will cause. Stage three all clients will be contacted by a member of the Financial Assessments and Benefits (FAB) team and offered a visit to ensure all Welfare Benefits are in payment which may help mitigate the financial impact of the removal of the financial 'cap'. Where appropriate the FAB team will involve the client's representative during the engagement process.
- Additionally, responses from the engagement exercise will be captured using available reporting; this is to ensure any clients that

withdraw from care arranged and managed by the City Council can be contacted by Adult Social Care to assess any potential risk to their wellbeing

- The only services which have a charging cap are those of listed at paragraph 4.1, the removal of the cap will ensure a more transparent and equitable charging policy. This change spans across all client categories and therefore does not negatively impact any one particular equality group.

8. Legal comments

- 8.1 The recommendation to remove the charging cap as set out in the report is consistent with the Council's statutory powers in relation to charging persons who have assessed needs for care and support services.
- 8.2 Those powers are set out in sections 14 and 17 of the Care Act 2014 and the Care and Support (Charging and Assessment of Resources) Regulations 2014.

9. Finance comments

- 9.1 As highlighted above, following the removal of the financial 'cap', clients will only be expected to contribute up to their maximum assessed charge; based on a financial assessment of their means in accordance with the Care Act 2014 and related Care and Support (Charging & Assessment of Resources) Regulations.
- 9.2 The anticipated financial impact on the current clients is set out within the main body of the report. It is anticipated that if the current clients continue to utilise the existing services at the same level, then the additional income generated by the removal of the financial 'cap' would amount to c.£150,000 annually.
- 9.3 It should be noted that of the clients affected by the removal of the financial cap, approximately 39 clients will also be affected by the proposed 'arrangement fees' for non-residential care and support needs (elsewhere on the agenda); where they have been assessed as having financial resources above the upper financial threshold of £23,250 and they continue to request that the Council arrange to meet their care and support needs.

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Signed by: **Innes Richens, Chief of Health and Care Portsmouth**

Appendices:

1 - Preliminary Equality Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
The Care Act	www.legislation.gov.uk
The Care and Support (Charging and Assessment of Resources) Regulations	www.legislation.gov.uk
Care & Support Statutory Guidance	https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#charging-and-financial-assessment

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: