

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - PEOPLE

WEDNESDAY 1 NOVEMBER 2023

Report of the Executive Director – Adult Social Care & Health

Results of the consultation on proposals to change the Charging Policy for local residents in receipt of Adult Social Care Support in the community

1. Purpose

1.1 A report was presented to Cabinet 15 June 2023 which sought approval to launch a public consultation, including consultation with local residents and their carers/ families who are receiving Adult Social Care support in the community on:

- a) Three options concerning a proposal to update and change the current Co-Funding Charging policy for Adult Social Care.
- b) The current Disability Related Expenditure process.

Following Cabinet approval, the public consultation took place between the 3 July 2023 – 4 October 2023

1.2 The purpose of this report is to inform the Scrutiny Committee of the results of the public consultation and provide an opportunity for the Scrutiny Committee to submit comments to Cabinet for consideration in making its decision.

2. Information and Analysis

2.1 Charging for Adult Social Care has been in place since it was created in its present form and charging regulations exist
<https://www.legislation.gov.uk/uksi/2014/2672/contents>

- 2.2 The Council is committed to achieving good outcomes for local residents who require Adult Social Care support; recognising that local people want to remain living in their own homes, wherever possible, for longer. The Council is keen to offer support which promotes independence and offers local residents' choice and control over this support. The offer of Adult Social Care support must be sustainable and equitable.
- 2.3 Adult Social Care is proportionally the largest direct spend area for most County Councils. There continues to be a rising demand for Adult Social Care support which is set to continue with an ageing population and positive medical advances ensuring people can live longer with long-term complex health conditions.
- 2.4 Local Authorities are required to provide certain functions under the Care Act 2014 relating to Adult Social Care support. These include ensuring local residents:
- Receive support that prevents their care needs from becoming more serious or delays the impact of their needs.
 - Can get the information and advice they need to make good decisions about care and support.
 - Have a range of provision of high quality, appropriate services to choose from
- 2.5 Under the Care Act 2014, Local Authorities can choose whether to charge for Adult Social Care community support provided to meet eligible needs, except where it is required to arrange care and support free of charge (for example under section 117 where people receive free aftercare following compulsory detention in hospital under the Mental Health Act).
- 2.6 Charging for people receiving Adult Social Care support in the community was first introduced in Derbyshire in 2011. The Council has an Adult Social Care Charging Policy (Co-Funding Policy) which sets out the charges that apply for those receiving Adult Social Support. Under this policy, the Council charges for care and support provided and carries a financial assessment to determine the amount an individual will contribute towards the cost of their care and support. The last significant change to the charging policy occurred in 2014.
- 2.7 There are approximately 6,535 Derbyshire residents who receive social care support in the community from the Council where a financial assessment has been completed to calculate their contribution. Under the current policy, for the 2023/24 financial year the most a person can be charged per week is £51.07, the maximum charge set by Derbyshire County Council. The projected income for this

financial year is £10.552m with the projected spend on Adult Social Care support being £127.2m.

2.8 The options for consideration within the Cabinet report were:

- **Option One**

To change the charging policy for local residents in receipt of support in the community to:

- The national position concerning the capital limit of £23,250
- The national position concerning charging tariff income of £1.00 in every £250 for those with capital between £14,250 - £23,250
- To charge on 100% of disposable income with a £20 per week Disability Related Disregard (*subject to the below).

- **Option Two**

To change the charging policy for local residents in receipt of support in the community to:

- The national position concerning the capital limit of £23,250
- The national position concerning charging tariff income of £1.00 in every £250 for those with capital between £14,250 - £23,250
- To charge on 90% of disposable income with a £20 per week Disability Related Disregard (*subject to the below).

- **Option Three**

To change the charging policy for local residents in receipt of support in the community to:

- The national position concerning the capital limit of £23,250
- The national position concerning charging tariff income of £1.00 in every £250 for those with capital between £14,250 - £23,250
- To charge on 80% of disposable income with a £20 per week Disability Related Disregard (*subject to the below)

(*Under national guidance where a person feels the additional cost related to their disability (Disability Related Expenditure) is over and above that already allowed in the contribution determination, they are entitled to an individual assessment of their disability related expenditure. The purpose of this review is to establish whether a full or partial reduction in the contribution would be appropriate.)

- 2.9 Alongside the above proposals, to ensure a transparent and accessible approach to Disability Related Expenditure, the Council, also as part of the consultation, consulted on the current Disability Related Expenditure process.
- 2.10 To ensure a standardised approach to charging for people that live in the community, it is proposed to include the charging for short term residential respite within the revised Co-funding policy.
- 2.11 Appendix 2 has further details of the proposals.
- 2.12 Officers enabled as many people as possible to take part, by offering a range of ways in which they could share their views:
 - Media releases were issued during the consultation and news releases were published on the Derbyshire County Council website. Articles were included in the council's e-newsletters and information was posted regularly on the council's corporate facebook and twitter pages. Posters encouraging people to take part were sent to be displayed at all the county council's libraries as well as GP practices, district and borough council offices.
 - All current residents receiving Adult Social Care support in the community and their financial representatives (formal and informal) received an initial letter detailing the proposed changes to the charging for the service.
 - Within this initial letter there was a printed version of the questionnaire, with a stamped address envelope and explanatory information to help the recipient understand the proposals and how they may impact on them.
 - There was also an invite to the planned meetings 5 online (held at different times of the day) and 6 face to face held across Derbyshire.
 - Questionnaire in different formats, such as other languages or larger print were offered if this was more appropriate.

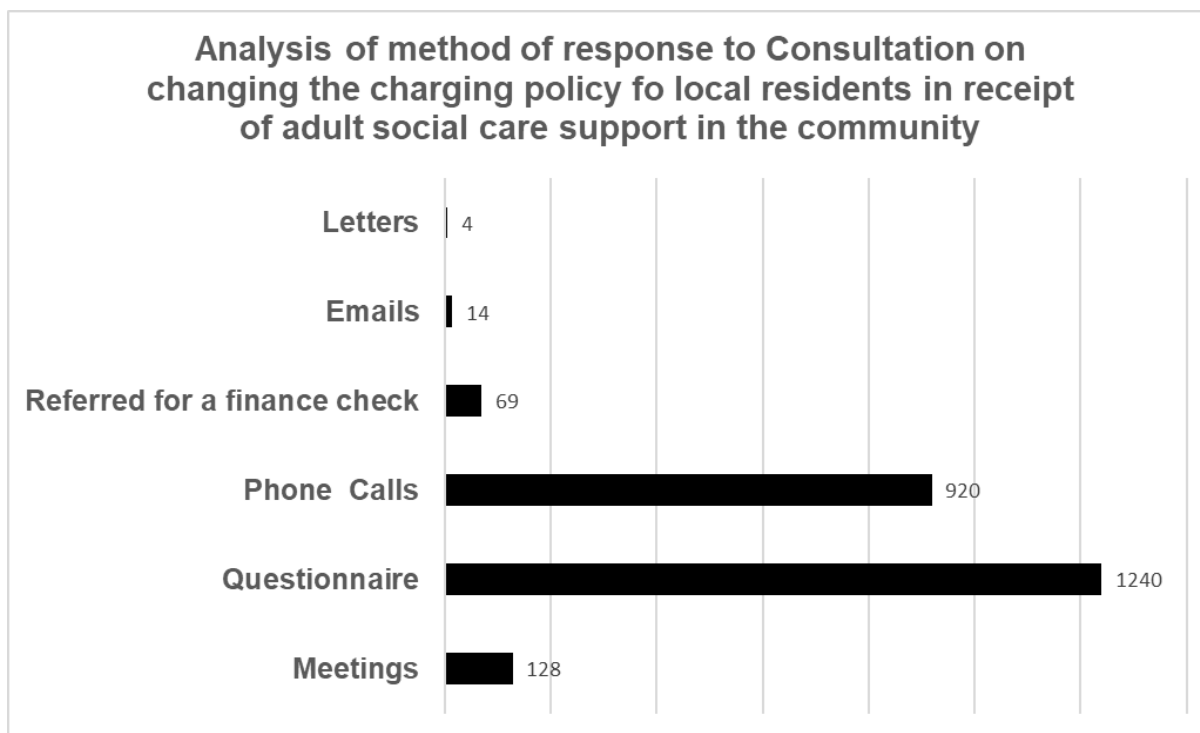
- A specific Derbyshire Consultation webpage was established, detailing the proposals and to enable completion of the online questionnaire.
- Opportunity to write into the Council via a letter or dedicated email address.
- Additional colleague resources were deployed in the Stakeholder Engagement team to ensure telephone interviews could be offered for those people having difficulty completing the questionnaire.
- An online calculator was developed so that respondents had the opportunity to input their personal financial circumstances and know how each proposal might impact on them.
- This on -line financial calculator offer was enhanced allowing people to have a phone call from a finance specialist to assist with completing.
- A further letter was sent during the consultation to remind people of the closing date and inviting them to a further 7 meetings (both online and face to face)
- A British Sign Language (BSL) video was uploaded onto the Derbyshire County Council website describing to the deaf community how to get involved with the consultation.

2.13 The results of the public consultation have been collated and is now available by way of Appendix 3 and summarised in this Report.

2.14 There were three distinct approaches to the analysis of the qualitative material from the public consultation.

- a. Information gathered during face to face and virtual meetings.
- b. Information gathered from letters, emails, and telephone calls
- b. Qualitative information contained in the online and paper questionnaires.

2.15 In total 2375 people responded to the consultation. The graph below shows a breakdown of the methods used by the respondents to engage in the consultation.



2.16 The Adult Care Stakeholder Engagement and Consultation Team analysed the responses, please see appendix 3 for detailed information.

The main themes are highlighted below:

Negative Impact on Personal Finances

Some respondents commented on the negative impact the proposals would have on their personal finances not only in terms of their weekly incomes, the current cost of living but also being a disincentive for people to save. Many respondents considered the percentages too high.

Disagree with the proposals

Some respondents disagreed with the proposals. With a number of respondents stated the £50,000 capital limit should remain in place and considered the percentages too high. Some respondents considered the current charging policy should remain and people in receipt of Attendance Allowance or Personal Independence Payments should not pay more towards their social care support.

Alternative Suggestions

Some respondents, although recognising the budget pressures, suggested alternative options including a phasing in of approach and a reduction of the percentages. Some respondents suggested the

Derbyshire Minimum Income Guarantee should remain in place rather than the introduction of the national Minimum Guarantee.

Complexity of Consultation

Some respondents commented on the complexity of the consultation. This was recognised as charging for Adult Social Care is complex and terms used within the national guidelines are not easy to interpret. Respondents attending the on-line or face to face meetings feedback that these were useful and due to this a further 6 sessions were planned. Additional colleague resources were made available to the Stakeholder Engagement Team and the route of a phone call proved popular.

Agree with proposals

Some respondents agreed with the proposals, with more respondents being in favour of the charge at 80% of disposal income.

Impact on People and Carers

Some respondents raised the negative impact that these proposals would have for people with a disability or those living with a long-term health condition. Stating that this group may be influenced if the proposals went ahead to cancel their care.

2.17 The next steps are for Cabinet to consider the responses from the public consultation and the Equality Impact Assessment to decide on future delivery. This is an opportunity for Scrutiny Committee to make comments for the Cabinet to consider.

2.18 The Scrutiny Committee should be mindful that the updated Equality Impact Assessment, which has yet to be produced, will play a role in the decision making as it must be given due regard by Cabinet.

3 Consultation

3.1 There is no requirement in terms of consultation for Scrutiny Committee. The public consultation is outlined above, and further details can be found in Appendix 3.

4 Alternative Options Considered

Not applicable

5 Implications

See Appendix 1

6 Background Papers

None

7 Appendices

7.1 Appendix 1 - Implications

7.2 Appendix 2 - Cabinet Report: Proposal to Consult on Changing the Charging Policy for Local Residents in Receipt of Adult Social Care Support in the Community

7.3 Appendix 3 - Equality Impact Analysis

7.4 Appendix 4 - Consultation Report

8 Recommendation(s)

That Committee:

- a) Notes the responses to the public consultation
- b) Notes that all such matters will be considered and included within a comprehensive and robust updated Equality Impact Analysis which will be incorporated within a future Cabinet Report which will be presented in due course and further notes Cabinet will fully consider the Equalities Impact Assessment as part of its decision making.
- c) Considers responses to the Public Consultation and provides comments to Cabinet and the Equalities Impact Assessment for consideration when making its decision concerning the Co-Funding Policy.

9 Reasons for Recommendation(s)

9.1 An updated Equality Impact Analysis is being prepared to reflect the issues raised during the consultation process, which will incorporate comments from the Scrutiny Committee.

9.2 The Cabinet will need to have regard to the comments from scrutiny thereof in any decision making.

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Implications

Financial

1.1 Will be included in any future Cabinet Report

Legal

2.1 Will be included in any future Cabinet Report

Human Resources

3.1 Not applicable for Scrutiny Committee

Information Technology

4.1 Not applicable for Scrutiny Committee

Equalities Impact

5.1 Will be included in any future Cabinet Report

Corporate objectives and priorities for change

6.1 Will be included within any future Cabinet Report

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Not applicable