

**From:** Richard Smith, Corporate Director Adult Social Care and Health

**To:** Clair Bell, Cabinet Member for Adult Social Care and Public Health

**Subject:** **Adult Social Care Charging Policy Update**

**Decision Number** 23/00044

**Classification:** Unrestricted

**Past Pathway:** Adult Social Care Cabinet Committee – 17 May 2023

**Future Pathway:** Cabinet Member decision

**Electoral Division:** All

**Summary:** This is the follow up to the Adult Social Care Charging Policy Update paper submitted to the Adult Social Care Cabinet Committee – 18 May 2022, which determined KCC's approach to people who were being overcharged and all reassessments have been subsequently undertaken to correct the anomalies. This paper sets out the proposed approach to addressing this issue for those new people who would be undercharged if the current policy continued to be applied, including the outcome of the recent public consultation on the subject.

**Recommendation(s):** The Cabinet Member for Adult Social Care and Public Health is asked to:

- a) **APPROVE** the amended Adult Social Care Charging Policy; and
- b) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to take relevant actions, including keeping the policy updated as necessary and to implement it in line with the statutory duties.

## 1. Introduction

- 1.1 This paper is an update to the Adult Social Care Charging Policy Update paper submitted to the Adult Social Care Cabinet Committee on 18 May 2022, and lays out the proposed approach to the remaining people affected.
- 1.2 After completing changes to address the disparity for people who were overcharged, work has been carried out to prepare a proposal for those people currently being undercharged.
- 1.3 It is proposed to only apply the changes for those people new to the service and forego the income due from people currently using the service. The impact of the current high cost of living is a factor in adopting this approach.
- 1.4 Engagement activities and a public consultation have been carried out, asking peoples' opinions on the proposed option, asking for any ways to reduce the

impact and for any alternatives. Despite an extensive consultation, the response rate was very low, with a fairly even split of views and no viable alternatives were suggested.

- 1.5 It is not possible to predict accurately how many new people will be accessing services in the future who will be impacted by this change, due to the variable nature of the amount disregarded vs financial assessment calculations for each individual.

## 2. Recommended Plan

- 2.1 The remaining groups of people affected, covered in this paper, have been highlighted in blue and grey in the below table:

Group Ref	Affected Group	Officer Decision Taken	Key Decision Taken	Key Decision Needed (if preferred option is agreed)	Work Complete?
1	New people – Undercharged	No	No	Yes	No
2	Current people– Undercharged	No	No	Yes*	No

\*Not currently proposed to be part of the preferred option.

- 2.2 A decision was taken on 10 June 2022 (Key Decision 1 22/00049 - Adult Social Care Charging Policy Update) to amend the Adult Social Care Charging Policy, with the intention of avoiding overcharging people who draw on support.
- 2.3 This Cabinet Member Decision seeks to formally amend the Adult Social Care Charging Policy to address the remaining undercharging of new people only, but to leave existing people as per the current policy. This decision will involve delegating authority to the Corporate Director, Adult Social Care and Health to take relevant actions, including keeping the policy updated as necessary and to implement it in line with statutory duties.

## 3. Timetable

- 3.1 The changes to the system to accommodate the revised financial assessment calculation will be made as soon as practicable after the decision on this proposal is confirmed. A month has been provisionally allocated to this work.

## 4. Financial Implications

- 4.1 The recommended option will cost the council approximately £215k per annum in income forgone based on the current number of people being undercharged. Whilst it is recognised that the impact on some service users will be an increase in their charge for services, in line with government guidance, and the amount

foregone will reduce to nil over time, given the council's financial position and on-going budget pressures, this is a significant loss of income.

4.2 A cost of £5k to make the necessary system changes has been identified.

## 5. Legal implications

5.1 Counsel have been approached at the appropriate points in this work for legal advice and support the approach.

## 6. Equalities implications

6.1 An Equality Impact Assessment (EqIA) has been completed in line with KCC requirements and updated to include feedback from the public consultation. This policy change has been determined to have a medium impact on the people it would affect, and mitigations have been identified to reduce the impact. A copy of the latest EqIA is available as Appendix 1.

## 7. Data Protection Implications

7.1 A Data Protection Impaction Assessment (DPIA) was not deemed necessary for this decision.

## 8. Conclusions

8.1 The charging policy for homecare and other non-residential services needs to be updated to keep the policy in line with the Care and Support (Charging Assessment Resource) Regulations 2014.

8.2 The policy change will only affect those people new to the service, that would otherwise have been undercharged.

## 9. Recommendations

9.1 Recommendations: The Cabinet Member for Adult Social Care and Public Health is asked to:

- a) **APPROVE** the amended Adult Social Care Charging Policy; and
- b) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to take relevant actions, including keeping the policy updated as necessary and to implement it in line the statutory duties.

## 10. Background Documents

Adult Social Care Charging Policy Consultation Report  
[Adult Social Care Charging Policy | Let's talk Kent](#)

Care and Support (Charging Assessment Resource) Regulations 2014  
<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#Chapter8>

Care and Support Statutory Guidance  
<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#using-the-care-act-guidance>

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