

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

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

DECISION NO:

23/00044

For publication Yes

Key decision: Yes

Title of Decision Adult Social Care Charging Policy Update

Decision: As Cabinet Member for Adult Social Care and Public Health, I

- 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.

Reason(s) for decision: This decision will be a completion of the changes in regard to the approach to Savings Credit Disregard. 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.

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.

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.

This decision seeks to formally amend the Adult Social Care Charging Policy to address the remaining undercharging of new people and to leave existing people as per the current policy.

Financial Implications: 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.

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

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

Equality Implications: 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.

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

Cabinet Committee recommendations and other consultation:

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.

The proposed decision was discussed at the Adult Social Care Cabinet Committee on 17 May 2023 and the recommendations were endorsed.

Any alternatives considered and rejected:

- 1) Absorb the cost and continue charging less than the legislation states for all people we support - Not chosen due to it being too large an on-going burden on the council's finances.
- 2) Increase the charge to the level stated in the legislation for all people we support - Seen to be too big a risk to the people we currently support, as the amount foregone will diminish over time and reduce to nil. If the council was to change the policy for current people we support, some may feel that that because of their other outgoings and financial commitments, they can no longer afford to pay for their care and may choose to end their care package.
- 3) Increase the charge for new people and incrementally raise the charge to the correct amount for current people over time- Seen to be impractical, costly and highly resource intensive.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

Clair Bell

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signed

20 June 2023

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date