

By: Oliver Mills – Managing Director, Kent Adult Social Services

To: Adult Social Services Policy Overview Committee –
16 November 2007

Subject: **DOMICILIARY CHARGING POLICY: RESPONSE TO THE
RESOLUTIONS MADE BY CABINET SCRUTINY COMMITTEE**

Classification: Unrestricted

Summary: The report provides a response to resolutions made by Cabinet Scrutiny on 26 September 2007 on Fairer Charging Policy for Home Care Non-Residential Services (Domiciliary Charging Policy) (Decision 07/00967).

Introduction

1. (1) Following scrutiny of the Key Decision to amend the Domiciliary Charging Policy, the Managing Director was recommended to report to the Adult Social Services Policy Overview Committee on:

(i) Domiciliary care charges:

- Comparative statistics for all UK authorities on charging policies and eligibility criteria;
- Justification for capital and income disregards, and whether action should be taken to seek modification of these;
- Possibility of lobbying Government for increase in Social Services element of RSG and/or for allocation to Social Services authorities of unclaimed Pension Credits;

(ii) Impact of direct payments policy.

Domiciliary Care Charges

2. (1) In the time available it has not been possible to obtain information on both Domiciliary Charging Policies and Eligibility Criteria for all UK authorities with Social Services responsibilities. All policies must comply with the Government Fairer Charging Policy but each authority has the freedom to, within the policy to determine both the amount it raises from charges and the way this will be done. It is possible to provide information on one element of the changes: On the proposed increase from 65% to 85% of available income taken in to account to work out a person's charge. The Domiciliary Charging Policy has raised from 65% to 85% the amount of income taken, where this is lower than the cost of the service. The table below sets out the amount of income taken by neighbouring authorities:

Local Authority	Amount of income after deductions taken into account for charging
East Sussex	100%
Medway	100%
Hampshire	95%
Surrey	80%
Essex	90%
Buckinghamshire	100%
Bromley	100%
Kent	85%

(2) Similarly, it has not been possible to collect comparative information on the Eligibility Criteria set for each authority. Under the Government's Fairer Access to Care Services Policy local authorities can set Eligibility Criteria for services at one or more of the following levels: Critical, Substantial, Moderate and Low. Commentators including the Commission for Social Care Inspection have drawn attention to the trend for local authorities to raise thresholds in the light of resource constraints therefore providing services to a smaller number of people with higher needs and withdrawing preventative services. KCC is one of only two authorities in the region for which we have information which continues to set its criteria at Critical, Substantial and Moderate: This enables KCC to offer support to a wider range of people with community care needs following assessment and thus provides support at an earlier time.

(3) The table below provides information on neighbouring authorities in the South East region:

Local Authority	Fair Access to Care Services Eligibility Criteria Threshold
East Sussex	Critical and Substantial
Medway	Do not apply
Hampshire	Critical and Substantial
Surrey	Critical and Substantial
Essex	Critical and Substantial
Brighton & Hove	Critical and Substantial
Buckinghamshire	Do not apply
Bracknell Forrester	Critical and Substantial
Isle Wight	Critical and Substantial
Milton Keynes	Critical and Substantial
Oxfordshire	Critical and Substantial
Southampton	Critical and Substantial
West Sussex	Critical, Substantial and Moderate
Wokingham	Critical
West Berkshire	Critical
Kent	Critical, Substantial and Moderate

(4) Justification for an income disregard, and whether action should be taken to seek modification of these.

(5) KCC's charging policy is based on the Fairer Charging guidance, which was issued by the Secretary of State for Health. Local authorities are obliged to comply with guidance issued under section 7 of the Local Authority Social Services Act 1970. The Local Authority Circular (2001)32 stipulates that councils should have regard to the effect on any change on a users net income. Moreover, net incomes should not be reduced below defined "basic" levels of income support, plus a buffer of not less than 25%. Accordingly, the following types of income are disregarded:

- Earned income and paid expenses at work
- Working tax credit
- Disability living allowance (mobility component)
- Carers allowance
- Social Fund payments
- Christmas bonuses paid with many benefits
- Winter Fuel payments
- Payments from the Independent Living Fund
- Child Benefit
- Child Tax Credit
- Housing Benefit
- Council Tax Benefit
- Gallantry Awards
- Training Payments
- War Widows Pensions and War Widows Special Payments
- War Disabled Pensions (except Constant Attendance Allowance and Exceptionally Severe Disablement Allowance elements)
- First £20 of Charitable payments

(6) With regards to savings, the Guidance states that "*as a minimum the same saving limits as for residential care charges should be applied*", this is set out in the Charges for Residential Accommodation Guidance (CRAG).

- Savings Credit part of Pension Credit
- The upper Capital Limit of £21,500. This means anyone with savings/capital in excess of this amount pays the full cost for his or her home care services.

(7) It is highly unlikely that lobbying Central Government to seek modification for the current basis of capital and income disregard would succeed.

(8) Possibility of lobbying Government for increase in Social Services element of RSG and/or for allocation to Social Service authorities of unclaimed Pension Credits. KCC has lobbied vigorously in its submission to the Comprehensive Spending Review 2007. KCC will continue to make the case with its partners and others in the region, as the pressure on Adult Social Care budgets becomes ever greater. In consequence of the ageing population and changing public expectations. The strong track record of Kent Adult Social Services in its Star Ratings innovation and delivering efficient services whilst retaining Moderate Eligibility Criteria places Kent in a strong position to make the case. Despite efforts across agencies in Kent to maximise the take up of benefits not everyone claims benefit to which they are entitled. Unclaimed money remains within the Department

for Work and Pensions budget and not with local Government. But there must be a strong case for taking further steps to maximise take up and to propose the transfer of unclaimed benefit to local authorities to alleviate the pressure on Social Care budgets.

Impact of Direct Payments Policy

3. (1) There are now over 1,400 people who have taken up the offer of a Direct Payment so that they can take control of their support. They are subject to the Domiciliary Charging Policy in exactly the same way as others and are financially assessed accordingly. Their Direct Payment is net of any domiciliary charge payable.

4. The impact of the changes to the Domiciliary Care Charging Policy will be monitored from implementation and reviewed during 2008/2009.

5. A briefing note on the Domiciliary charging policy was circulated to all Members of the County Council at the end of October.

Recommendations

6. Members are asked to NOTE and COMMENT on the contents of this report.

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