

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

DECISION NO.

14/00135

If decision is likely to disclose exempt information please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972

Subject: : Charging for Adult Care and Support

Decision:

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

That Kent County Council exercises its power under Section 14 of The Care Act 2014 to charge from 1 April 2015 for the same adult social care and support services that it currently charges for as at 31 March 2014.

Any Interest Declared when the Decision was Taken None

Reason(s) for decision, including alternatives considered and any additional information

The current legal framework governing charging for adult care and support involves a mixture of duties and powers. Councils are under a duty to charge for residential care under section 22(1) of the National Assistance Act 1948 and have a power to charge for non-residential services under section 17 of the Health and Social Services and Social Security Adjudication Act 1983. These powers and duties will cease from April 2015 and are being replaced by a power to charge under section 14 of the Care Act 2014.

As charging will be a power only from April 2015, KCC has to actively make a decision about which services it will charge for. Having taken such a decision, the way charges are to be worked out (i.e. the rules around means-testing) will be broadly the same as currently. These are to be governed by The Care and Support (Charging and Assessment of Resources) Regulations 2014 and the accompanying Statutory Guidance. It is important to note that the significant increase in the capital threshold for residential care charging does not come into force until April 2016.

It is recommended that for 2015-16 we preserve the status quo and continue to charge the same groups of people and for the same services as we currently do. However, it will be necessary for a Key Decision to be taken by the Cabinet Member in order for charging to be put on a firm legal basis under the new legal framework. Kent Legal Services have endorsed this view.

Background Documents:

Recommendation report from Corporate Director to Cabinet Member

Cabinet Committee recommendations and other consultation:

The proposed policy was considered by KCC Cabinet on 1 December 2014 and by the Adult Social Care and Public Health Cabinet Committee on 4 December 2014.

The Cabinet Committee resolved that the decision proposed to be taken by the Cabinet Member for Adult Social Care and Health (that the County Council should exercise its power under Section 14 of the Care Act 2014 to charge, from 1 April 2015, for the same services

that it currently charges for, as at 31 March 2014) be endorsed.

Any alternatives considered:

An alternative might be to continue charging from April 2015 in the same way as currently without taking a Key Decision over the use of the section 14 power. However it is believed this would potentially leave KCC open to an accusation that we are charging without the proper legal backing, not having taken a decision to exercise the power to charge under the Act.

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

None.



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signed

2 FEBRUARY 2015

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date

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| Decision Referred to Cabinet Scrutiny | | | |
| YES | | NO | |

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| Cabinet Scrutiny Decision to Refer Back for Reconsideration | | | |
| YES | | NO | |

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| Reconsideration Record Sheet Issued | | | |
| YES | | NO | |

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| Reconsideration of Decision Published | | | |
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