

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Cabinet Member for  
Adult Social Care and Public Health

**DECISION NO:**

17/00026

**For publication**
**Key decision**

Affects more than two electoral divisions

**Subject: PROPOSED CHANGES TO THE CHARGING POLICY FOR HOME CARE AND OTHER NON-RESIDENTIAL CARE AND SUPPORT**

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

**APPROVE** changes to the Charging Policy for Home Care and other non-residential care and support to:

1) Change the rules on the treatment of savings/other capital<sup>1</sup> between £14,250 and £23,250 so that £1 per week for every £250 between these two amounts is taken into account (rather than the current £1 for every £500).

2) Change the current policy on the treatment of any second or more properties so that they are treated as capital in the financial calculation. It is proposed that this applies to new clients from April 2017 and existing clients from April 2018.

3) Introduce an Arrangement Fee for people who have over the capital threshold, currently £23,250, (and who therefore must pay the full cost of their care) but who nevertheless request KCC to make the arrangements for their care (as is permitted under the Care Act 2014) and;

**DELEGATE** authority to the Corporate Director of Social Care, Health and Wellbeing, or other nominated officer, to undertake the necessary actions to implement the decision.

**Reason(s) for decision:**

The need for KCC to make further savings for 2017/18 includes making changes to the charging policy for home care and other non-residential care and support.

- The Care and Support (Charging and Assessment of Resources) Regulations 2014, lay down the maximum amount of tariff income that can be taken into account, that is that no more than £1 for every £250 between the two amounts referred to above. However the regulations do allow flexibility so that local authorities can apply more generous rules if they so wish, as KCC has been doing since 2003. It is proposed that the tariff income rules for non-residential care be made consistent with the residential care charging tariff income rules (£1 for every £250). This will also bring them in line with all other local authorities that we are aware of. KCC's policy on tariff income rules for non-residential charging is an outlier compared to other local authorities.
- The value of a person's main home (which they live in) cannot be taken into account in the calculation of capital for non-residential charging. However, it is permitted to take into account the value (net of mortgages etc.) of any second/additional properties owned by the client unless they are clearly part of a business and the person is taking steps to realise their share. It is proposed that we bring KCC's policy in line with the government regulations and the practice of most other authorities. The proposal is to introduce the change for new clients

<sup>1</sup> For non-residential care and support the person's own home (in which they live) is disregarded in the calculation of capital.

from April 2017 but to only apply it to existing clients from April 2018.

- People who have over the current capital threshold of £23,250 (excluding their main home if they live in the community in a non-residential setting) usually make their own arrangements. They are known as “self-funders”. However we do nevertheless arrange the care for some people in this category, who become “full-cost” clients, and the Care Act 2014 now gives us the authority to charge a fee for this. It is proposed to apply the Arrangement Fee to all people (new and existing) who fall within one of the categories of people KCC can charge. This will include someone with over the capital limit who has previously asked us to make the arrangements (since April 2015 when the Care Act came in) and for whom we are doing so but at the moment not charging any fee.

**Legal Implications**

Section 14 of the Care Act 2014 sets out the local authority power to charge for meeting needs under section 18 of the Care Act 2014.

**Equality Implications**

We have adhered to KCC’s legal obligations as defined in the Equality Act 2010 and KCC’s Equality and Diversity Objectives 2016 -2020. An equality impact assessment has been completed which has been taken into account in the decision-making.

**Cabinet Committee recommendations and other consultation:**

The proposed decision will be discussed at the Adult Social Care and Health Cabinet Committee on 14 March 2017 and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

KCC has written to relevant existing service users to inform them of the planned changes and information has also been placed on [kent.gov.uk](http://kent.gov.uk).

**Any alternatives considered:**

The policy changes would contribute to KCC’s ability to provide services to people with care and support needs. Alternative savings option would have to be found by the Directorate should these proposal not be approved.

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

.....  
signed

.....  
date