KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:	DECISION NO:
Cabinet Member for Adult Social Care and Public Health	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:
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[1] 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 from April 2017 but to only apply it to existing clients from April 2018.

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

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- 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 was discussed at the Adult Social Care and Health Cabinet Committee on 14 March 2017. Mr M Thomas-Sam, Head of Strategy and Business Support, was in attendance for this item, with Miss Goldsmith.

1. Miss Goldsmith and Mr Thomas-Sam introduced the report and explained that, of the three proposed changes to charging set out in the report's recommendation, the first two had already been introduced by most local authorities. Under the Care Act 2014, self-funders now had enhanced rights to seek assistance from their local authority.

2. Miss Goldsmith, Mr Thomas-Sam and Mr Ireland responded to comments and questions from Members, as follows:-

a) concern was expressed that a change from a levy of £1 for every £500 to £1 for every £250 of a client's savings was a large increase to make all at once. Mr Thomas-Sam advised that the change sought to equalise the situation for clients living in their own homes and those in long-term care;

b) in response to a question about other local authorities' approach to charging an arrangement fee, Miss Goldsmith advised that most other authorities charged one. The arrangement fee in Kent was confirmed as being £104 per annum;

c) a view was expressed that the changes proposed were not necessary and would generate minimal income, compared to the £26m given by the Government to the County Council for social care for 2017-18. Mr Ireland explained that the changes had been planned for and included in the County Council's budget for 2017-2018. He commented that, although the £26m of Government money would have an impact upon the County Council's budget, it would not solve the ongoing shortfall in funding for social care, which was a national issue, and the changes proposed had to be considered as part of this larger picture;

d) a view was expressed that changes should not necessarily go ahead just because they had been planned in the budget, as money given since must have had some impact on the funding picture; and

e) in response to a question about what was included in the consideration of a client's second or additional property, Miss Goldsmith confirmed that this would not include the house content.

3. Mr A Marsh proposed and Mr P Homewood seconded that the three parts of recommendation a) be not activated yet as the income they would generate may be insufficient to justify their introduction, and a suggestion that consideration of these proposed changes be deferred until the £26m given to County Council by Government in the recent budget (since this report had been written) had been spent.

4. The Cabinet Member, Mr Gibbens, sympathised with the concerns expressed and the suggestion made but said that, even with the £26m, the County Council's social care budget was still challenging. He emphasised the breadth and range of service provision which had to be achieved within the funding available to the County Council. Another view was expressed that, although the £26m was a one-off payment, there were many ongoing expenses which would need to be covered in this and every subsequent year. It was vital that the County Council protect the most vulnerable in society and every piece of available funding should be drawn upon to do this;

5. It was then suggested that each of the three parts of recommendation a) be voted on individually. Mr Marsh confirmed that he was happy to withdraw his amendment and go with this suggestion. The votes were as follows:

(1) Change the rules on the treatment of savings/other capital 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).

Lost, 5 votes to 6

(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.

Carried, 9 votes to 1

(3) Introduce an Arrangement Fee of £104 per annum 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).

Carried by 11 votes to 0

6. RESOLVED that the decision proposed to be taken by the Cabinet Member for Adult Social Care and Public Health, to:

a) approve the proposed changes to the Charging Policy for Home Care and other non-residential care and support to:

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;

Introduce an Arrangement Fee of £104 per annum 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

b) 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,

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be endorsed.

7. The changes proposed in part 1 of recommendation a - to change the rules on the treatment of savings/other capital 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),

was not endorsed.

8. Mr Gibbens said that he would consider the committee's views when taking the decision.

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.

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:
None.

.... 20 MARCH 2017 ....
signed date