

Call-in Request for Executive Decision 24/00049 – Adult Social Care Charging Policy –
Higher Level Disability Benefits

Proposer: Mr Richard Streatfeild, MBE

Seconder: Ms Jackie Meade

Summary of the decision:

- The decision proposes to change Kent County Council's (KCC) Adult Social Care Charging Policy. Specifically, to stop disregarding the higher or enhanced rates of Attendance Allowance (AA), Personal Independent Payment (PIP) and Disability Living Allowance (DLA) when calculating a person's contribution towards the cost of their care and support.
- This decision would mean that individuals in receipt of care who receive a higher rate of these benefits would have more income taken into account in their financial assessment which would mean that they are likely to pay more for their care and support than they do currently.
- At present, KCC provides adult social care services to approximately 16,394 residents aged over 18 years old. Approximately 15,806 of these people receive chargeable social care services, this includes providing services like residential care and support and care in a person's own home or in the community.

Reasons for calling in the decision:

Reason 1: The decision is not in line with the Council's Policy Framework and action proportionate to the desired outcome.

- These reasons apply because the decision fails to take into account the council's vision, values, and priorities, as set out in the Making a difference everyday Adult Social Care Strategy 2022-27.
- The strategy aims to support the most vulnerable people in Kent, and to promote their independence and wellbeing, and to ensure they have a voice and a choice in their care.
- In the EQIA it states that to mitigate the significant risk identified within the associated consultation of severely disabled residents within Kent being negatively impacted by this decision, individuals would be entitled to apply for a Disability Related Expenditure (DRE) assessment.
- However, within the Options Appraisal of this Decision Report, options three, five and six which relate to DRE assessments are dismissed due to an increase in pressure on frontline services and the budget impacts this may have on adult social care within Kent. As potentially 2,973 individuals may be financially impacted by this policy change, that is a notable number of individuals that would then be entitled, and based on the negative responses received during the consultation would be motivated, to apply for a DRE assessment.
- Between April 2023 and February 2024, only 7 DRE's had been approved and as of February 2024 there were a total of only 122 agreed DRE's in Kent. Based on this data, it is clear that if the significant number of individuals who will be impacted by this decision decide to apply for a DRE assessment as they should be informed, they are able to, this places a critical risk of increased pressure on KCC's services.

- As the Decision Report outlines that this decision is motivated by the Council's financial position and a desire to 'generate income', we therefore do not feel that the financial and service pressure risks this presents for adult social care justifies the potential serious instability and disruption for Kent's residents this decision may inflict.

Reason 2: Clarity of aims and desired outcomes.

- We believe that the decision is contrary to the council's principles of good governance, as set out in the Annual Governance Statement 2022/23, which requires the council to act in the public interest, to be transparent and accountable to base decisions on robust evidence, and to engage effectively with stakeholders.
- Whilst a public consultation was carried out, 74% of respondents strongly disagreed with the proposal to include the higher rate benefits payment of AA, DLA, and PIP in the financial assessment for existing and new people who receive care in their own home and in the community.
- Proceeding with the decision with such strong opposition as evidenced in the public consultation in our view is against the public's interest.

Reason 3: Respect for human rights in all its forms.

- We believe that the decision is contrary to the council's legal obligations, as set out in the Equality Act 2010, which requires the council to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups of service users, and to conduct a full equality impact assessment before making any decisions that may have a significant effect on the protected groups of service users. The assessment places emphasis on the significant impact this decision will have on people with a disability.
- The decision's Equality Impact Assessment highlights the negative impacts this decision will have on people with a disability.
- Paragraph 20b. states '*People with certain severe disabilities/health issues may be more likely to be on the higher rate of disability benefits, due to being unable to work and needing support through the night, and therefore more significantly affected if the proposed changes are approved following consultation*'.
- We are not convinced the mitigations outlined are comprehensive, nor address the concerns of carers and care receivers. The report details that KCC will '*act reasonably*' in assessing individual circumstances – however no detail is given explaining what this means.

Desired outcome of the call-in:

- We request that the Scrutiny Committee recommends that the implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.