

PART 1 - PUBLIC

Decision Maker: Adult and Community PDS Committee

Date: 10 April 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PERSONAL BUDGETS AND CONTRIBUTIONS
POLICY UPDATE - IMPACT OF DAY CENTRE CHARGES

Contact Officer: Claudine Douglas-Brown, Exchequer Manager
Tricia Wennell, Head of Assessment and Care Management, Care Services
Angela Buchanan, Programme Manager
Tel: 020 8313 4199 E-mail: angela.buchanan@bromley.gov.uk

Chief Officer: Lesley Moore, Deputy Director of Finance, Resources Department
David Roberts, Assistant Director, Care Services

Ward: Borough wide

1. Reason for report

- 1.1 This report provides the Adult and Community PDS committee with the second update on the 2011 – 12 revised Personal Budgets and Contributions Policy which introduced for the first time a charge for attending a day centre. This report also provides an overview of the impact of introducing these charges on service users, family carers, day centre providers and the income targets for the department.
- 1.2 The charges introduced have been accepted by the majority of the 867 people attending day centres. Over 60% of day centre users now contribute towards the cost of their services following a financial assessment of their income. There have been a small number of people who were unhappy with the introduction of these charges (section 3.9 – 3.10 of this report).
- 1.3 Day centre providers have also reported changes to their services since the introduction of the charges a summary of these changes is covered in section 3.8 of this report.

2. RECOMMENDATIONS

2.1 The PDS committee is recommended to:-

- a) Consider the contents of this report.
- b) Note the contribution that these charges make towards the overall income targets.

Corporate Policy

1. Policy Status: Existing policy.
 - b) BBB Priority: Supporting Independence.
-

Financial

1. Cost of proposal: No cost Managed within existing resources
 2. Ongoing costs: N/A. Managed within existing resources
 3. Budget head/performance centre: ACS Social Care Services Revenue Budgets 824 301 - 306 and 822 001 - 004
 4. Total current budget for this head: £2.7 m
 - c) Source of funding: N/A
-

Staff

1. Number of staff (current and additional): The fairer charging team have 4 visiting officers who undertake the financial assessments and benefit checks for people using no residential services.
 - d) If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement.
 - e) Call-in: Call-in is applicable
-

Customer Impact

- f) Estimated number of users/beneficiaries (current and projected): Over 800 service users attend day centres and are subject to the Personal Budgets and Contributions Policy. Of these, over 60% make a financial contribution towards the cost of their services.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 In November 2011 the PDS committee received a report on the impact of the changes to the Personal Budget and Contributions Policy which was implemented on 16th May 2011. At that time the overall impact was positive for the majority of service users. More income was being collected and more service users were contributing to their care costs. The day centre charges were introduced from September 2011 with the first statements received just prior to the November meeting.
- 3.2 The PDS committee agreed that a further report specifically on the impact of the day centre charges be presented at a future meeting.
- 3.3 **Policy change** - introduced a £15 daily charge for all **eligible service users** (information on the council's eligibility criteria can be viewed on the council website http://www.bromley.gov.uk/info/200050/help_for_adults/117/adult_social_services_support/2). The implementation of this charge commenced in June 2011 with community care assessments/reviews followed by financial assessments. Service users (following a financial assessment) started to pay towards the cost of their day centre places from 5th September 2011 (people can only be charged from the date of the financial assessment, charges cannot be back dated).
- 3.4 **Policy change - non eligible users** - there are 1, 500 older people's day centres places commissioned per week provided by 7 organisations in 9 centres. All providers have implemented charges for people not meeting the council's eligibility criteria.
- 3.5 **Profile information** – at the end February 2012 there were 867 eligible people attending day centres in Bromley; with 75% (652) attending older people's day centres.

The older adults age profile attending a day centre is similar to that of other community based services as illustrated in the table below:

	AGE 65 - 74	AGE 75 - 84	AGE 85+
Day Care Services	12%	38%	50%
All Community Based Service (inc day care)	13%	37%	50%
RH/NH Placements	13%	32%	55%
All Services	13%	36%	51%

The table below shows that 42% attend a day centre one day per week. A small number of people attend day centres at the weekends, as one of the specialist centres is open on a Sunday. The average number of days that people attend is 2.33 days per week, with older adults attending on average 1.97 days less per week (older adults = 1.87 days per week, younger adults = 3.84 days per week). 62% of younger adults attend 4 or more days per week.

No Days per week	1	2	3	4	5	6	7
Younger Adults	41	19	21	50	83	0	1
Older Adults	318	218	80	16	15	4	1
Total	359	237	101	66	98	4	2

There is a small number (27) of older adults who attend more than one day centre each week to meet their needs; all attend a combination of a mainstream and specialist dementia day centre. Due to the complex nature of their needs they attend on average 3 days per week which is higher than the older adults average (at 1.87 days per week).

No Days per week	2	3	4	5	6
2 centres	10	7	6	3	0
3 centres	0	0	0	0	1

Since October 2011 (after the introduction of the day centre charges) 67 older adults and 5 younger adults have started attending a day centre.

3.6 Levels of contribution

Full cost payer

Where a person has savings and/or income above the set levels used within the financial assessment they are required to pay the full cost of their day centre attendances (£15 per day attending). 30% of people attending have been assessed as paying the full cost of their services. The range of charges being paid for day care only is £15 - £60 per week. However, for some service users this is only a small element of a larger package.

There are 37 people who pay more than £60 per week for their complete support package (including day centre attendance) the table below shows the distribution of these packages.

Range	People		£			Other Services in package
	No	ave	min	max		
£61 - 99	10	70	61	93	10 single handed homecare packages	
£100 - 149	8	133	106	148	8 home care packages inc 1 double handed	
£150 - 200	9	182	156	199	8 single handed homecare packages and 1 ECH	
over £200	10	308	212	544	8 intensive homecare packages inc 2 double handed and 2 ECH	

70% (9) of the older adults who attend more than one centre each week (see section 3.5) pay the full cost of their service.

Assessed contribution

Where a person is assessed as having income above the set levels, they are expected to pay towards the cost of their non residential care support. 36% of people attending a day centre have been assessed to make a contributions ranging from £2.63 to £75 per week and the average is £29.24 per week although these contributions include all the services received not just attendance at a day centre.

	Contribution to total package per week		
	£2.63 - £15	£15.10 - £50	£50.10 - £75
Ave Days per week	2.9	2.36	1.95
Ave £ per week	9.66	27.63	61.33

Assessed nil contribution

Over a third of people (34%) attending a day centre has been assessed as a nil contributor. This means that they are not required to pay towards the cost of their care. On average they attend the day centre 2.6 days per week.

- 30% attend only 1 day per week;
- 52% attend between 2 – 4 days per week and
- 18% attend 5 or more days per week.

3.7 Feedback from service users & carers

At the November PDS meeting, we reported concerns from service users that people felt that they would stop attending a day centre as they did not want to have a financial assessment or that they have to pay for day centre places when unable to attend. Whilst a small number of people in the sample agree with these concerns many are attending and paying towards the cost of their service.

So far this financial year 492 people have stopped attending a day centre (comparisons with previous years are unavailable as prior to the introduction of the charges this information was not routinely collected). A sample of 126 (26%) cases was reviewed to identify the reasons. The table below provides a breakdown of the reasons for people stopping this service.

Reason for stopping	No	%age
Deceased	30	24%
Long term care	30	24%
Ill health	20	16%
SU not wanting to attend	16	13%
Service no longer needed	10	8%
Introduction of charges	7	6%
No reason given	5	4%
Moved out of borough	3	2%
Wants to do something different	3	2%
Services ended as planned	1	1%
Day Centre not meeting needs	1	1%
Total	126	100%

The concern was that the introduction of the charges may be leading to people no longer attending. However, over 60% of all stoppages were due to admission to long term care, service users dying or deteriorating health. Interestingly, 19 (15%) people decided they did not want to attend with 3 of them actively stating they wanted to do something different. This is also backed up anecdotally from information from BSSD who are increasingly signposting people to alternative options.

For seven people the introduction of the charges was given as the reason for stopping. In all cases the care manager and centre staff have ensured that the risks of not attending have been assessed and recorded. Where there is a family carer the care managers have also looked at the potential impact on them (carers assessment) and have provided advice on alternative support that is available.

Family carers have complained that as well as the new charge of £15 per day there are charges for refreshments, activities and personal care tasks (bathing, nail cutting). Carers Bromley report that due to this a number of carers have either decided not to continue to use the day centre or have reduced the amount of days that the cared for attends. This means not only does the service user miss out on vital social contact, but the carer also loses some much needed respite. This is leading to the carers feeling more stressed as they do not have time to themselves and they say it is a constant strain and worry for them.

3.8 Feedback from providers and partners

In January, the main day centre providers met with the Portfolio Holder to discuss the future direction for older people's day centres. Whilst the purpose of this meeting was not specifically to look at the impact of day centre charges, providers were encouraged to share issues that were affecting them currently.

Overall, all the mainstream providers reported lower levels of referrals from adult social care; some were seeing an increase in self funders wanting to attend. The centres attracting self funders are applying a range of charges. Only 1 mainstream centre specifically mentioned the £15 charge being a barrier to people accepting places at their centre.

Both the specialist centres outlined how they were looking at introducing more flexibility and choice to the activities and services they provide.

A couple of day centre providers mentioned that they had experienced delays in being able to restart service users who had stopped their place due to ill health, so that they would not be required to pay for non attendance as per the policy. The process for restating day centre places has been clarified to reduce delays.

At the February, Council of Ageing meeting on the proposed changes to day centres, concern was expressed that people were facing not just one charge for their day care, but several charges, and it is the accumulation of all these charges which has a significant impact.

As highlighted in previous reports to this committee, people assessed as full cost payers have seen an increase in the amount they are required to pay for the services they receive. In section 3.6 of this report we have identified 37 people who are paying more than £60 per week for their complete package with 19 of them paying more than £150 per week. For some who have been assessed to make a contribution towards their care package they are already paying the maximum that they can afford and will therefore not be required to pay more.

Concern was raised at the length of time community care and/or financial assessments have been taking. The service has confirmed that there were two periods this year where people did wait between 4 and 6 weeks for a community care assessment.

The current waiting time is 7 days and there are 8 people waiting to be assessed. New financial assessments should be undertaken within five days of request. However, the actual time is dependent on the availability of the relevant participants (service user or person who manages their finances). A service user is only required to pay their contribution from the date that they are notified of the charge following the financial assessment.

3.9 **Complaints** – since September 2011, 3 complaints have been received in relation to the introduction of day centre charges. The main themes within the complaints were in relation to:-

- The principle of charging for attending a day centre and the cost (£75 per week);
 - Service user continues to attend the day centre and pay the full cost
- Lack of clarity about having to pay for days of non attendance;
 - Situation clarified and charges recalculated for correct period.
- Not being able to attend the centre due to complexity of needs;
 - Service user's health needs have deteriorated and is now moving into long term care.

All 3 complaints have been resolved at stage 1 of the complaints process. The policy has been clarified for staff, service users and their family carers in relation to payment for days of non attendance.

- 3.10 **Appeals** - from June 2011 to February 2012 there were 30 first stage and 7 second stage appeals against charges for non residential care received. This compares to 22 first stage and 3 second stage appeals for the same period last year representing an overall 48% increase. Whilst the number of appeals has risen it should be noted that they represent just over 1% of the people supported by non residential services.

11 (37%) stage one appeals were upheld and charges were reduced by a total of £204.76 per week (ranging from £2.87 to £54.90). 2 of these appeals included people attending a day centre.

1 (14%) stage two appeal (the person attends a day centre) was upheld and charges were reduced by a total of £6.44 per week.

This means that the all 3 day centre service users have reduced their contributions and 1 person has become a nil payer.

- 3.11 **Member Enquiries** – there have been no new enquiries since the last report which reported 2 enquiries in relation to the introduction of day centre charges. Additional information has been produced for both service users and staff clarifying when the charges will be applied and what the service user needs to do if they are unable to attend for a long period of time.

3.12 **What next?**

- We continue to work with the day centres to promote their services on the MyLife website. Bromley Social Services Direct (BSSD) signpost callers to local centres and where appropriate pass on their details to the relevant day centre.
- Public and service user information is being updated to ensure it clearly explains the Personal Budgets and Contributions Policy in relation to the day centre charges.
- The process for people restarting a day centre after a period of absence will be simplified to avoid unnecessary delays.
- All staff working within the assessment and care management teams have access to clear information about how the Personal Budgets and Contributions Policy works.

4. POLICY IMPLICATIONS

- 4.1 Personal budgets are central to Supporting Independence in Bromley which is a key priority within both the Adult & Community Portfolio Plan and Building a Better Bromley priority of Promoting Independence. The Fairer Charging Policy has been revised to reflect the agreed changes and is available on the Bromley website at http://www.bromley.gov.uk/downloads/file/152/domiciliary_care_charging_policy .

5. FINANCIAL IMPLICATIONS

- 5.1 The changes to the personal budgets and contributions policy addressed the need to provide an actual cost against all service elements contained within personal budgets and also increased, where feasible the contributions levied through charges from service users towards the costs of their care services.

- 5.2 This was necessary as adult social care is now required by Government to change the way the cost of social care support is calculated. A core element of this new approach is that the calculation is based not on the particular packages of services that the person receives but rather on the monetary value of the services they receive, subject to their ability to pay. How we assess people's ability to pay was not changed. The table below shows the financial impact of these policy changes:

	Budget 2012/13 £'000	Revised 2012/13 £'000
<u>Additional Income</u>		
Charging for Day Care & Transport	-35	-135 *
	<u>-35</u>	<u>-135</u>
<u>Full Cost Recovery</u>		
Day care charge for non eligible users	-50	-50
	<u>-50</u>	<u>-50</u>
TOTAL ESTIMATED SAVINGS	<u>-85</u>	<u>-185</u>

* The additional charging income of £50k has been assumed in the budget for 2012/13

6. LEGAL IMPLICATIONS

- 6.1 Fairer Charging Contributions Guidance is issued under Section 7 of the Local Authority Social Services Act 1970. This document provides guidance on how both the chargeable amount of a personal budget, and the actual contribution made by the personal budget holder, might be calculated. The chargeable amount is the maximum possible contribution a person can be asked to make to their personal budget, subject to their available income and savings. The calculation of the actual amount to be paid begins with a means test which determines the income and savings available to make a contribution. This part of the process is covered in the original Fairer Charging guidance and remains unchanged. Thus this guidance does not introduce any changes to the way councils undertake financial assessments, or how they treat the income or savings of personal budget holders.
- 6.2 The Department of Health's latest guidance on Direct Payments states that: "*the direct payments legislation provides that it must be equivalent to the council's estimate of the reasonable cost of securing the provision of the service concerned, subject to any contribution from the recipient*" Thus the system for determining the amount of service required to meet social care needs should not be different for Direct Payments to that used for Personal Budgets.
- 6.3 In the DOH 2010 guidance "Prioritising need in the context of Putting People First: a whole system approach to eligibility for social care" Councils are enjoined to use the eligibility framework set out in the guidance to specify their own eligibility criteria and in setting these to take account of their own resources, local expectations and local costs. These criteria may be reviewed in line with the Council's usual budget cycle and reviews may be brought forward if there are major or unexpected changes including those with significant resource consequences. The guidance draws a distinction between "presenting needs" and "eligible needs". Eligibility criteria therefore describe the full range of eligible needs that will be met by the Council.

Non-Applicable Sections: Personnel

Background documents	<p>Council's eligibility criteria http://www.bromley.gov.uk/info/200050/help_for_adults/117/adult_social_services_support/2</p> <p>Personal Budget and Contributions Policy http://www.bromley.gov.uk/downloads/file/152/domiciliary_care_charging_policy</p> <p>Adult and Community PDS committee report ACS 11062 http://sharepoint.bromley.gov.uk/mgConvert2PDF.aspx?ID=3953&T=10</p> <p>Adult and Community Portfolio Holder report ACS 11016 http://sharepoint.bromley.gov.uk/mgConvert2PDF.aspx?ID=3638&T=10</p> <p>Guidance on direct payments for community care, services for carers and children's services: England 2009 http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_104840</p>
----------------------	---