

Decision Maker: Care Services Portfolio Holder Meeting

Date: 26th March 2015

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

Title: **CONSULTATION RESPONSE - PROPOSED CHANGES TO THE NON-RESIDENTIAL CONTRIBUTION POLICY 2015**

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Chief Officer: Terry Parkin, Executive Director of Education, Care & Health Services

Ward: BOROUGHWIDE

1. **Reason for report**

This report advises on the outcome of the engagement on proposed changes to the Non Residential Contributions policy (Appendix 1) as a result of the Care Act 2014 undertaken with service users, their families, carers and stakeholders, and recommends adoption of changes

2. **RECOMMENDATIONS**

The Portfolio Holder is asked to:

- a) **Consider the engagement responses in section: 3**
- b) **subject to any amendments made at this meeting agree the proposed changes to the Disability Related Expenditure allowances as detailed in section: 3.4**
- c) **agree the implementation date of April 6th 2015;**

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Supporting Independence.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A. £200k saving anticipated
 3. Budget head/performance centre: Care Services
 4. Total current budget for this head: £3,898k
 5. Source of funding: Non Residential Contributions Policy
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement. N/A
 2. Call-in: Call-in is not applicable. N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 3,000
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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 A report outlining changes to the Non-Residential Contributions policy and Deferred Payments scheme was presented to Care Services Policy Development and Scrutiny Committee on Wednesday 21 January 2015. The Care Services Portfolio Holder agreed these new charges as a result of the Care Act 2014.

3.2 It was agreed that we would engage with current service users, their families and key organisations in Bromley on the proposed change to Disability Related Expenditure (DRE) allowances. The engagement took place for four weeks during January and February 2015.

3.3 The engagement activity consisted of:

- A hardcopy survey and supporting fact sheet was sent to 2,000 people who are currently receiving a service from the Council;
- An easy read version of the survey and supporting fact sheet sent to 399 people who are currently receiving a service from the Council and have a learning disability;
- An online survey promoted via the Bromley MyLife website and via some of the Council's key partners in their newsletters (such as Bromley Mencap);
- An easy read version of the online survey promoted via the Bromley MyLife website and via some of the Council's key partners in their newsletters (such as Bromley Mencap);
- A telephone response line was created to provide further support and advice to people responding to the survey

Proposed Change to the DRE
Move from 3 standard rates to 2 standard rates, new rates: £5.50 per week - where the service user is receiving the low or middle rate of Disability Living Allowance (DLA), the standard rate of Personal Independence Payment (PIP), or the low rate of Attendance Allowance (AA). £11.00 per week - where the service user is receiving the higher rate of DLA, the enhanced rate of PIP or the higher rate of AA.
What the engagement activity told us
In total there were 283 responses to the survey – including both the standard version (219 responses) and the easy read version (64 versions). The survey was sent to 2,399 people – including both the standard version (2,000 people) and the Easy Read version (399 people). This provides a response rate of 12%. 41% (116) of responses were responding for themselves, and of these: <ul style="list-style-type: none">• 37% (105) currently receive a service from the Council;• 4% (11) do not currently receive a service from the Council. 45% (126) of responses were responding on behalf someone they support or care for, and of these: <ul style="list-style-type: none">• 40% (113) currently receive a service from the Council;

What the engagement activity told us

- 5% (13) do not currently receive a service from the Council.

1% (4) of the responses were responding on behalf of an organisation, of which, all 4 classified themselves as a non-profit making organisation, charity or group:

13% (37) of people did not state on whose behalf they were responding.

As part of the engagement activity, the survey asked people whether they had “any comments that [they] wish to share with the Council on the proposed changes to the Disability Related Expenses (DRE) allowances”.

There were 143 comments provided for this answer (excluding “none”, “no”, “N/A”, etc.). Of these:

4% (6) were supportive of the proposal

40% (55) disagreed with the proposal

55% (76) provided other comments – such as:

A wish to have specific information for the individuals own needs

Comments relating to another proposal

Stating that they did not understand the proposal

Stating that the proposal did not affect them personally

What we intend to do

We propose to implement the changes to the DRE allowance from the 6th April 2015. This means that there will be only two rates.

£5.50 per week - where the service user is receiving the low or middle rate of disability living allowance (DLA), the standard rate of personal independence payment (PIP), or the low rate of attendance allowance (AA).

£11.00 per week - where the service user is receiving the higher rate of DLA, the enhanced rate of PIP or the higher rate of AA.

The Non Residential Contributions policy will be revised to reflect these changes.

Potential Impact

In February 2015, 1,762 people were in receipt of the DRE Allowance:

79 people (4%) receiving the Lower Allowance

668 people (38%) receiving the Medium Allowance

1,002 people (57%) receiving the Higher Allowance

13 people (1%) are currently appealing against their allowance

The implementation means that up to:

668 people receiving the Medium Allowance may have to contribute £5.50 per week

Potential Impact

(or £286 a year) more towards the cost of their care and

1,002 people receiving the Higher Allowance may have to contribute £5.48 per week (or £285 a year) more towards the cost of their care could be affected.

Changing the standard DRE allowance will have an impact on those service users who currently receive the higher and middle rate allowance. The letter detailing the new contributions will also explain that all individuals have the right to ask the Council for a review of their charge for which they have been assessed if they consider that they cannot pay it. The Council has the discretion to reduce or waive the charge through this appeals process.

Although this range of services is provided to people with a disability or physical frailty, the proposed change in the charging policy will continue to be applied universally and is based on whether a person is able to afford to contribute. The income levels are consistent with those set out in the Care and Support Statutory Guidance.

3.4 Implementation of the DRE changes

Following agreement of the proposed changes to the Disability Related Expenditure allowance the council's Financial Assessment and Management Team will undertake the necessary financial assessments to enable the new policy to be in place for the 6th April 2015.

3.5 Prior to the 6th April 2015, each service user will be informed in writing of their personal budget, the amount that they have been assessed to contribute towards their budget and the maximum amount that they would be asked to pay should their personal budget increase. Service users are also informed of their right to appeal the charge and information on how to appeal will be sent to service users upon request.

3.6 The first stage of the appeal process is dealt with by the Deputy Exchequer Manager. If the service user is unhappy with the decision at the first stage of the process or refuses to co-operate with the charging procedure but would be at risk without provision of the service, an appeal should be submitted to the Domiciliary Care Appeals Panel which is made up of two officers from the Council (a representative from Adult Care Services and one from the Chief Executive's department) and an independent representative from Carers Bromley. The panel has the authority to reduce charges or waive them completely for a limited period, or until the next annual financial review.

3.7 Any service user, who remains dissatisfied with the outcome of the appeal after the second stage, may put their case to the Appeals Sub-Committee, a panel consisting of three Councillors. The service user will be able to put his/her case forward at an informal meeting of the Panel and can bring with them their carer, a relative or friend to help explain why they do not agree with the amount they are being asked to pay. The Panel will notify the service of their decision in writing within 5 working days.

3.8 Care Act 2014 - Changes to the Contributions Policy

3.8.1 The Portfolio Holder also agreed that the policy could be updated to reflect the changes of the Care Act 2014. These changes included the revised Deferred Payment Scheme, introduction of an arrangement fee where the LA has been asked to arrange the person's care and support, financially assessing carers who receive carers support services, applying relevant charges and backdating charges to when services commenced.

3.8.2 The engagement survey provided an opportunity to gather feedback from service users, carers and organisations on these areas. The comments received have assisted in the implementation of these changes by highlighting that we need to ensure that information regarding charging should be clearer and well publicised. We are, therefore, ensuring that the changes will be published on Bromley MyLife, in the Care Choices brochure and in our Paying for your Care Leaflet.

3.8.3 The revised policy will be implemented from 6 April 2015, service users and carers will be informed by letter, which will clearly detail the changes and what it means for them.

3.9 Equalities Impact Assessment

3.9.1 The initial Equality Impact Assessment (Appendix 2) has been undertaken and has determined that the proposals did not impact on any of the protected groups' disproportionality. However, anyone who has a financial assessment undertaken has the right to appeal the charge (see sections 3.6 and 3.7 above for more information).

3.9.2 A follow up assessment will be undertaken during the implementation phase to reassess the impact to ensure that issues and risks are identified and actions are put in place to resolve.

4. POLICY IMPLICATIONS

4.1 These proposals support the Council's Building a Better Bromley aim of promoting independence by ensuring that resources are available to meet increasing demand from an increasing elderly population and adults with disabilities and care needs.

5. FINANCIAL IMPLICATIONS

5.1 The 2015/16 budget includes savings of £200k for the changes in Disability Related Expenditure (DRE) as well as £15k p.a. assumed for the Care Act.

5.2 If these are not agreed then the impact on the Council's bottom line will increase by these two sums respectively.

6. LEGAL IMPLICATIONS

6.1 The Care Act 2014 provides a single legal framework for charging for care and support under sections 14 and 17. The new framework is intended to make charging fairer and more clearly understood by everyone. Under the new legislation local authorities still have a duty to meet the eligible needs of a person who has above the upper capital limit (currently £23,250) and has been assessed as requiring non-residential care.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	<p>Equalities Impact assessment http://www.bromley.gov.uk/socialcareandhealth/.</p> <p>PDS Report 21st January 2015 – Changes to the Non-Residential Charging Policy and deferred payments Scheme</p>