



HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE TASK AND FINISH GROUP NON-RESIDENTIAL SOCIAL SERVICES CHARGING – 6TH SEPTEMBER 2012

SUBJECT: TASK AND FINISH GROUP BACKGROUND AND EVIDENCE

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1. PURPOSE OF REPORT

- 1.1 To update the re-constituted task and finish group with the evidence gathered by the previous members of the task and finish group examining non-residential social services charging.

2. SUMMARY

- 2.1 This report summarises the information provided to the task and finish group on charging for non-residential social services.

3. LINKS TO STRATEGY

- 3.1 The operation of Scrutiny is a requirement of the Local Government Act 2000.

4. THE REPORT

Background

- 4.1 The Health Social Services and Social Security Adjudications Act 1983 gave Local Authorities in England and Wales the discretionary power to charge for non-residential social services. Non-residential social services can be described as services provided to adults that are not residential and include home care, day care and supported accommodation.
- 4.2 In 2002 the Welsh Government (WG) issued good practice guidance to Local Authorities entitled 'Fairer Charging Policies for Home Care and other Non-residential Social Services'. The aim of the guidance was to ensure that service users net income did not fall below basic levels of income support (or equivalent) as a result of charging. The guidance also included a number of disregards, to be taken into consideration when calculating ability to pay, as follows: -
- A 'buffer' of 35% of that basic income.
 - An additional disability related disregard of 10% of that basic income.
 - Savings credit payments, which are received under the pension credit arrangements.
 - Any earnings, including carer's income for carer's assessments.
- 4.3 Since the introduction of the WG guidance Caerphilly County Borough Council agreed to only levy client contributions for traditional domiciliary care services. These are defined as home

care and day care (including transport). They also agreed not to take into account clients' capital and savings when making financial assessments of their contribution levels.

Social Care Charges (Wales) Measure 2010

4.4 The review group were informed that from April 2011 the Welsh Government's 'Social Care Charges Wales Measure 2010' came into effect. This is based upon the Fairer Charging Guidance from 2002 and sets out a number of requirements, which Local Authorities must adhere to when they choose to charge for non-residential social services. These requirements are as follows: -

- The maximum weekly contribution a service user will be asked to pay for non-residential services must be 'capped' at £50.00 – service users cannot be asked to pay more, even if they have the financial means to do so.
- Transport to day care services will be provided free of charge – Local Authorities will no longer be able to impose client contributions towards transport costs.
- Service users will be 'invited' to have a financial assessment undertaken and will be given a reasonable timescale to respond to the invitation. Authorities are able to impose a charge without a financial assessment being undertaken for those not responding within the timescales without reasonable cause.
- A consistent and simple review and appeals process is adopted whereby service users are able to request a review of a decision to impose a charge.

Charges

4.5 In 2007 the Council agreed to simplify its charging method for domiciliary care from a banding system based on the hours of care received, to a set hourly rate. The hourly rate as at April 2011 was £6.50, with a maximum contribution per week of £83. This hourly rate increased to £6.57 in April 2012, with a weekly maximum of £50 in line with the new charging Measure.

4.6 Members noted that the new £50 maximum weekly charge was less than the £83 maximum previously charged by the Council. This resulted in a loss of income of approximately £147,000 per annum, made up as follows: -

- 181 clients would no longer make a contribution towards transport - £25K
- 123 clients who were paying more than £50 per week towards services - £122k

4.7 The review group were informed that Local Authorities would be compensated by the Welsh Government for this loss of income, however the compensation would not take into account any future increases in numbers receiving services. Members discussed the projected increases in demand for social services over the next 20 years as a result of population increase and predicted longer life span. This was brought before Health Social Care & Wellbeing Scrutiny Committee in March 2011, where it was reported that front line services would need to be modernised in order to cope with the additional demands.

Comparison of Charges

4.8 The review group asked for data on the level of client contributions towards non-residential care services compared to neighbouring Local Authorities. The information provided was correct as at April 2011. The following table provides updated details as at April 2012:

Local Authority	Home Care Hourly Charge	Supported Living Hourly Charge	Day Care Attendance Daily Charge
Caerphilly	£6.57	£6.57	£1.62
RCT	£11.13	£11.13	£12.97
Merthyr Tydfil	£10.00	£10.00	£10.00
Monmouthshire	£10.85	£10.85	£10.85
Newport	£11.35	£11.35	£34.52
Torfaen	£12.50	£12.50	£31.20

Bridgend	£13.00	£13.00	£24.50 to £33.40
Blaenau Gwent	£16.25	£16.25	£46.43

4.9 The review group noted that the charges set by the Council were the lowest of its neighbours, in particular the daily charge for day care attendance.

4.10 Members asked for information on how many clients make a contribution towards their services. These services are the following: -

- Domiciliary Care Services (home care/ sitting service/ domestic services).
- Supported Living Services.
- Attendance at Day Care Services.
- Equivalent services provided by direct payments.

4.11 This following table gives a breakdown of the number of clients making a contribution towards their care (including direct payments), as at April 2012: -

Service	Number Clients Receiving Services	Contribution Payable	Nil Contribution Payable
Home care	1051	638	413
Supported Living	155	97	58
Day Care	588	219	369

4.12 The above shows that significant numbers of clients make no contribution towards their services, 39% of home care clients, 37% of supported living clients and 63% of day care clients.

Income

4.13 The following table is a breakdown of income generated from client contributions towards non-residential care services: -

Service	Actuals				Projection
	2008/09 £	2009/10 £	2010/11 £	2011/12 £	2012/13 £
Home Care	842,098	833,477	834,109	764,617	865,932
Direct Payments	24,278	66,482	144,246	115,856	98,978
Supported Living	264,929	285,598	300,534	242,220	182,489
Day Care Attendance	20,066	20,741	22,594	23,398	26,547
Total	1,151,371	1,206,298	1,301,483	1,146,091	1,173,946

Services With No Charge

4.14 The review Group was informed that there are three services for which the Council does not impose a client contribution. These services were Adult Placement, Extra Care and the Community Living Scheme. Members sought further detail on the nature of these services, which are outlined as follows: -

Adult Placement Scheme

4.15 The Adult Placement scheme is a service provided by individuals and families that provide long term; short term and respite care to clients. The clients that use the service are from the following client groups:

- Learning disability.

- Mental health.
- Physical disability.
- Older people.
- Sensory loss/impairment.

- 4.16 The review group were informed that there were 20 service users placed in a long-term adult placement setting, the majority of which were service users with a learning disability. These service users only paid towards their housing costs, and were entitled to housing benefit. Members noted that if a charge were levied for the service it would bring service users into line with clients in other supported living tenancies.
- 4.17 In April 2012 a new Pan-Gwent Adult Placement Scheme was launched, with the service being hosted by Caerphilly CBC. In order to bring the Council into line with other partner's, charges are now being levied for this service. It would therefore no longer be necessary for the Task & Finish Group to consider introducing charges for this service.

Extra Care Services

- 4.18 There are three Extra Care services facilities in the county borough, Cefn Glas (42 apartments), Tredegar Court (37 apartments) and Plas Hyfryd (49 apartments). The service gives elderly, frail or physically disabled service users the opportunity to live independently with the support of on site care staff.
- 4.19 The review group were informed that service users only pay housing costs and meals, for which they can apply for housing benefit to cover the majority of the costs. If a client contribution were imposed it would bring the Extra Care service into line with other domiciliary care service users receiving care in their own home.

Community Living Scheme

- 4.20 The Community Living Scheme supports service users with a learning disability to access the community for social and leisure activities. Members learned that currently 64 service users receive on average 3 hours of support per week. The majority of clients live within the community and also receive home and day care services. If a client contribution were levied for this service it would bring it into line with other services.

Comparison with other Local Authorities

- 4.21 The review group compared these services with similar services provided by neighbouring local authorities, where client contributions are imposed (hourly rates). The hourly rates charged as at April 2012 are detailed in the following table: -

LA	Extra Care Services	Community Living Scheme
RCT	No service provision	£11.13
Newport	£11.35	£11.35
Monmouthshire	£10.85	£10.85
Torfaen	£12.50	£12.50
Bridgend	No service provision	£13.00
B Gwent	No service provision	£16.25

- 4.22 The review group were informed that should a client contribution be imposed upon these services, the projected income is estimated as follows: -

Service	No. Service Users	Weekly Average No. Care hours	Average Weekly client contribution	% Service users contributing	Projected Annual Income
Extra Care Services	128	7	£44.10	51%	£149,700
Community Living	64	3	£18.90	52.2%	£32,833
Total					£182,533

Assessment of Charge

- 4.23 In order to determine how much a service user can afford to pay towards their service a financial assessment is carried out. The review group were informed that the Social Services Income Maximisation Team would visit service users in their own home to obtain financial details and review relevant documentation in relation to income, such as benefits and occupational pension. The Team would also provide service users with advice on other benefits they may be entitled to and assist in the completion of benefit claim forms.
- 4.24 Once the information is collected the Social Services Financial Assessment Team undertakes the financial assessment calculation to determine the amount the service user will be expected to contribute towards their care. This is basically income less any expenditure such as rent/mortgage, council tax etc and a living allowance (buffer).
- 4.25 The living allowance is based on an amount stipulated by Welsh Government and is set at the basic levels of Income Support plus 45%. As at April 2012 these levels are as follows: -
- Pensioner aged 60+, single £206.92
 - Pensioner aged 60+, couple £315.96
 - Disabled adults aged 25-59, single £168.42
 - Disabled adults aged 25-59, couple £255.20
 - Disabled adults aged 18-24, single £147.03
 - ESA clients, aged 18-59 £173.78
 - Per child £64.99
- 4.26 In order to understand how a financial assessment would affect an individual, examples of financial assessments are attached as follows: -
- Appendix 1 – single pensioner aged 60+.
 - Appendix 2 – Single adult with a learning disability aged 25-59
 - Appendix 3 – single adult with a physical disability aged 25-59
 - Appendix 4 – single adult with a physical disability aged 60+
- 4.27 The review group noted that the guidance for the Social Care Charges Wales Measure 2010 states that the maximum weekly contribution for a chargeable service is £50. This is regardless of the level of income and savings held by the service user.

Inclusion of Savings

- 4.28 The review group were informed that at present the Council's financial assessment does not take into account any savings held by the client. However, the legislation states that Local Authorities have the discretion to take savings and capital into account when assessing service users contribution towards their services. Members were informed that statutory guidance states that only savings over £23,250 can be taken into account and that this limit is reviewed annually by the Welsh Government. The guidance does however exclude the

service user's home from being taken into account for non-residential social services.

- 4.29 The review group were informed that CCBC is one of only three Local Authorities in Wales that doesn't take into account service users' savings when assessing contributions towards non-residential social services. Members asked for information on how many clients would be affected should the Council change its position on savings.
- 4.30 Officers informed the review group that there is insufficient data to provide this information. However a comparison can be drawn from the numbers of clients assessed for residential services. Members were informed that during 2010/11, 49 people out of 172 service users had capital/savings over £23,250. However, the majority of these service users' capital/savings would have come from the sale of their home, which would be excluded from assessments for non-residential services.

Consultation with Service Users

- 4.31 In order to help the review group formulate their conclusions and recommendations the Members sought to consult with service users and carers on the issues under consideration.
- 4.32 In the first instance the review group invited users and carers to a meeting to discuss the issues and seek their views, unfortunately there was very little interest from user and carer groups in attending.
- 4.33 The review group then decided to seek out the views directly from user and carer groups. This was done through the Scrutiny Research Officer visiting groups in the community and explaining the issues under review and asking them a series of questions.
- 4.34 The responses received are attached as appendix 5; these were fed back to the review group at its last meeting. The Members concluded that there were not enough responses and asked that further consultation be carried out.

5. EQUALITIES IMPLICATIONS

- 5.1 This report is for information purposes, so the Council's EqIa process does not need to be applied.

6. FINANCIAL IMPLICATIONS

- 6.1 As set out throughout the report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications in this report.

8. CONSULTATIONS

- 8.1 There are no consultation responses that have not been contained in this report.

9. RECOMMENDATIONS

- 9.1 That the review group note the report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To allow the review group to be fully informed in taking the review forward.

11. STATUTORY POWER

11.1 Section 21 of the Local Government Act 2000.

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Appendices:

Appendix 1 Single Pensioner aged 60+
Appendix 2 Single adult with a learning disability aged 25-59
Appendix 3 Single adult with a physical disability aged 25-59
Appendix 4 Single adult with a physical disability aged 60+
Appendix 5 Consultation feedback