



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	<b>Consultation of Proposed Review of Non-Residential Care Charging Policy for the years 2020/2023</b>
<b>Cabinet Member:</b>	<b>Cllr Jason Frost</b>
<b>SLT Lead:</b>	<b>Barbara Nicholls, Director Adult Services</b>
<b>Report Author and contact details:</b>	<b>Caroline May, Head of Business Management Caroline.May@Havering.gov.uk 01708 433671</b>
<b>Policy context:</b>	<b>Non-Residential Care Charging Policy</b>
<b>Financial summary:</b>	<b>Backdating charges expected financial impact not exceeding £42k additional income.</b>
<b>Relevant OSC:</b>	<b>Individuals</b>
<b>Is this decision exempt from being called-in?</b>	<b>No</b>

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**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To commence consultation on an update to the Council charging policy with regard to non-residential care services. The intention is to backdate charges to the date of care assessment, which is a change to current practice.

The consultation is due to run for a period of six weeks.

### AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 Responsibility for functions Section 3.3; (a) To take any steps necessary for proper management and administration of allocated portfolios

Part 3 Section 2.5 Functions delegated to individual Cabinet members;  
(j) To consider and recommend plans in respect of the portfolio allocated.  
(q) To agree minor matters and urgent or routine policy matters

### STATEMENT OF THE REASONS FOR THE DECISION

The current Non-Residential Care Charging Policy runs until 31st March 2020. Therefore a review is necessary during the financial year 2019/20 so that an updated policy is in place before this date.

The backdating of non-residential charges will be reflected within the revised policy, has been included the in Council MTFs Transformation savings programme, and has been to Cabinet in Feb 2019 as part of the overall Budget strategy report.

There are savings attached to the backdating of non-residential charges of £43k. This sits within Adult Social Care budgets.

The rationale for back dating charges is to maximise income for the Council and to make this fairer for all as everyone will be charged from the same start point ie. when their care commences. Current policy is that service users will be charged from the first Monday following the date the Council advises them in writing of their assessed financial contribution (the amount they are liable to pay).

In the case of non-disclosure, full cost charges will apply. There is also a deadline for return of financial assessment forms and information, after which point non-disclosure rules will apply resulting in a full charge for services until the financial assessment can be completed.

The proposal is to update policy so that all non-residential charges shall apply from the date when services are first received. This will inevitably result in an amount of backdating of charges, as there is usually a time lag between services being provided

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and the financial assessment being fully completed. In order to minimise this delay financial assessments are started at the earliest opportunity. A self-assessment tool is going to be made available so that people can calculate what their estimated contribution could be, so that they are aware of this in advance.

The Council's Non-Residential Care Charging Policy provides a framework so that:

- Adult Social Care maintains a reasonable level of income to fund services;
- service users in receipt of non-residential care services contribute to the cost of their services subject to a financial assessment; and
- service users receive a benefits check as part of their financial assessment to ensure that they have access to their full benefits and entitlements.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Making no change to the existing non-residential care policy is not an option due to the policy expiring on 31 March 2020. There is therefore a need to revise the policy in advance of this date.

In order to achieve the MTFS and Transformation savings programme this initiative needs to be put in place and a consultation is being carried out in advance of this.

### **PRE-DECISION CONSULTATION**

This ED is requesting that the pre-decision consultation commence.

The consultation will engage with all current users of Adult Social Care non-residential services, the general public and providers of care services. It is proposed to issue a statement of intent and to invite comment.

The consultation is planned to run for a six-week period.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Caroline May

Designation: Head of Business Management

Signature:



Date: 3/6/2019

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## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

Section 14 Care Act 2014 gives local authorities discretionary powers to charge for care and support services provided to service users and carers. Where a local authority applies the discretion to charge it must follow the Care and Support (Charging and Assessment Resources) Regulations 2014 and have regard to the Care and Support Statutory Guidance (October 2014) in determining its charging policy. There is nothing in law to prevent the Authority charging for services from the date they are first delivered.

The recommendation is to consult on a proposed change to the current charging policy. There are no direct implications in commencing the consultation exercise, although consultees must be given sufficient information and time to comment meaningfully on the proposals and then their comments, if any, must be conscientiously considered before a final decision is taken.

### **FINANCIAL IMPLICATIONS AND RISKS**

The cost of administering the change will be met from within existing resources. As we will be generating additional income through backdating charges the net impact is expected to be a saving. The savings target is included within the Councils budget strategy, £43k for backdating charges.

There is the risk that some people may incur backdated charges that they are then unable to pay, or that they do not understand policy approach to charging for services. The risks will be mitigated by providing tools to assist people understand the charge they may incur (the financial assessment calculator), carrying out financial assessments as close to the time care commences as possible, and through effective communication with individuals or their representative

There is the risk that homecare invoices may be compromised through increased disputes regarding the back dated charges.

To calculate the estimated amount of additional income that will be generated when the new policy comes into effect, the new approach has been applied to data from 2017/18 and 2018/19 and for both years the estimated additional income exceeds £43k, therefore the savings target should be achieved. However, the amount of additional income that will actually be generated is dependent on the number of new homecare users who are financially assessed as contributing to their care.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There will be resultant changes to the way staff work in ASC and OneSource with regard to invoice processing. It is expected that these duties will be absorbed within existing resources, although the impact will be carefully monitored.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

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The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The proposal is expected to impact on all people in receipt of non-residential services who will be assessed as having to contribute towards their care and support. It is difficult to say exactly who this will impact on as it is not yet known who will be eligible to receive these services in the future.

A full EIA should be carried out once the results of the consultation are known, so that these responses can be used to help evaluate the potential impact on residents.

Generally the people impacted will be aged 65 and above, in line with our customer demographic. There are around 400 customers each year.

## **BACKGROUND PAPERS**

None

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed



Name: *Cllr. Jason Frost*

Cabinet Portfolio held: *Health and Adult Care Services*

CMT Member title:

Head of Service title

Other manager title:

Date:

*17/6/19.*

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 18/06/2019

Signed

