

Social Care Charging Policy Consultation Public Meeting Notes

Wednesday 22 November 2023
Peepul Centre, Training Room 3
6.00-7.30pm

Officers in attendance

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| Ruth Lake | Director, Adult social care and safeguarding |
| Matthew Cooper | Business manager, Finance |
| Cory Laywood | Business service centre manager |
| Prashant Patel | Business change commissioning manager, Projects |

The meeting was attended by 18 members of the public and/or other organisations.

Additionally, 2 alternative language interpreters from the council's Community Language Services (CLS) team were also present.

Discussion

The director gave an overview of the consultation process, followed by an explanation of the various disability benefits and the appointee service, alongside details of the proposals that has been put forward.

The consultation is a statutory 12-week process, which will be live between 9 October and 31 December 2023.

We are consulting with people who receive help from adult social care, or their families and carers, to get their views about the council's proposals to change the way it treats disability benefits, within the financial assessment. We are also proposing to introduce a charge for providing an appointee service

The council carries out a financial assessment to check the money people have, whether they can afford to pay towards their services and if so, how much.

The financial assessment takes into account any benefits that people may receive from the Department of Work & Pensions (DWP) because of their disability. These are called disability benefits and are paid in the form of:

- Attendance allowance (AA) – for over 65s
- Disability living allowance (DLA) – for under 65s
- Personal independence payments (PIP) – Slowly replacing DLA

Only the care elements of these benefits are used in the financial assessment. Any mobility elements must be excluded from the calculation.

The Department of Health changed its guidance on financial assessments alongside the Care Act 2014. We are proposing to change the way in which these benefits are treated, within the financial assessment, to bring it in line with the latest legislation.

We also want to introduce a charge for appointeeship, to cover the costs of administering the service. The council will later decide on whether this service will be provided in-house or via an external service provider.

If the proposal to change how we deal with disability benefits is agreed, some people are unlikely to see any change at all. They will either pay nothing as they do now or will continue to pay the same amount each week. This is because their income is either too low, or they are already paying the full cost of their services.

Other people will see an increase to the cost of their care. Some people could start paying for the first time. The highest increase anyone would have to pay is £33.65 per week.

People using the appointeeship service will only be required to pay a charge if they have a savings balance of over £1,000. For those who meet the criteria, a charge of between £14 to £16 per week will be applied, dependent on how the council decides to administer the service. Some people are unlikely to see any change at all.

Any changes would be introduced from early 2024.

Any changes relating to the treatment of disability benefits would be introduced at your next financial assessment or review.

Any changes to Appointeeship will be applied once the council has written out to people with detail of a proposed start date.

Questions and comments raised:

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| Q1 | Is the City Mayor under pressure to make savings, why is adult social care trying to make savings? |
| A1 | Leicester city Council is in very difficult financial position and we need to set a balanced budget to manage and continue delivering required services to people in need. |
| Q2 | Within the high rate of Disability Living Allowance, what is considered as nighttime care? |
| A2 | <p>We look at instances where the council may be providing support during the night. Cases will be handled on a case by case basis to ascertain whether income from disability benefits should be taken into consideration. Personal Independence Payments are handled differently, on a point-based system relating to specific daily support tasks.</p> <p>Theoretically, the council can use the full entitlement of a disability benefit (care element) as income. However, if there are costs being incurred by an individual to provide their required care, then this will be considered, and discretion may be applied to not take the full disability benefit into consideration where this is appropriate.</p> |
| Q3 | The living cost has gone up we do contribute towards our care. How often are financial assessments going to be carried out? |
| A3 | The financial assessment process would change if a decision is made to accept the proposals, but the care needs assessment process will remain the same. The council aims to carry out reassessments on an annual basis but a reassessment can be requested at any time if someone feels as though their circumstances have changed. The council will always take into consideration other qualifying costs that may be incurred. The Government seeks to ensure that all people have a set minimal amount of income remaining to meet daily living costs. |

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| Q4 | What is the minimum income level? |
| A4 | The Government sets a Minimum Income Guarantee (MIG), which differs for individual circumstances. As an example, if someone has a weekly MIG level of £156 per week and our financial assessment leaves them with only £120 per week, the council would have to disregard the payment back up to the minimum protected level of £156 per week. |
| Q5 | As someone with multiple sclerosis (MS), my symptoms and condition fluctuate. How quickly could I be reassessed as I may recover before any changes can be applied to my care package? |
| A5 | There will be no change to your charging if your care services have not changed – it would also not be applicable unless any of the disability benefits mentioned have changed or ceased. The only situations where your individual contributions may change is where your care and/or benefits have changed. |
| Q6 | I am a full time carer for my husband and tried to obtain social care when he fell ill but was quoted over £1k and was told we would have to pay for this personally, in full. We were unable to afford these costs and my son ended up leaving his job to meet care needs. |
| A6 | We are sorry to hear about this situation, however, today's meeting will only be covering the consultation proposals. We will speak to you after the meeting to discuss this issue separately. |
| Q7 | How will other income be calculated and is it taxed? |
| A7 | As part of this consultation, the council are only looking at disability benefits covering Disability Living Allowance, Attendance Allowance and Personal Independence Payment. |
| Q8 | How will you assess situations for those with learning disabilities, who may refuse a service due to costs and contributions that they need to make? The care is essential for them, how will this be handled? |

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| A8 | Everyone who gets support has been identified with care needs and a financial assessment (where applicable) is applied fairly on a case by case basis. We have specialist learning disability trained staff to handle these clients. We have heard that people may cancel care due to associated costs, hence this consultation process to gather views. An Equality Impact Assessment (EIA) will also be carried out to ensure our decisions and processes are fair and do not present disadvantages to any protected groups. |
| Q9 | The Disability Related Expenditure (DRE) has a cap. Will that change if the charges are going to increase? |
| A9 | There are no proposed changes to Disability Related Expenditure (DRE). We have a standard rate of allowance of £10 per week for an individual or £20 per week if a couple, but if people can evidence or demonstrate additional incurred costs above these minimum thresholds, the additional costs will be considered on a case by case basis. |
| Q10 | Will assessments be face to face or will it just be a form that needs to be completed? |
| A10 | The assessment will look at care needs and income. There will be forms that will need to be filled in but we will also contact people via telephone, face to face meetings and videocalls as per current practice. |
| Q11 | My partners care package was put into place, but the day care centre's timings were not suitable. I also needed a carer to cover me but this was difficult for me to afford. |
| A11 | All financial contributions are based on the individual's circumstances, not the carer. |
| Q12 | The Government does not appreciate current living costs and personal circumstances. For those with disabilities, it is difficult to ascertain which costs are considered as essential. We also appreciate the work being carried out by this project team, as it is a complex topic to handle. |

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| A12 | These comments are noted, and we are pleased to be helpful with this area of work. |
| Q13 | The consultation is only looking at three benefits, but the form also asks for partners' income. Why is a partner in employment penalised for working and receiving a wage? |
| A13 | The individual in need of support can be assessed individually or as one of a couple. This will be dependent on several factors, as some assets may be equally owned, for example. Often, one of a couple may be assessed to pay less, accordingly. |
| Q14 | Why are the partners financial details required in the form? |
| A14 | The income of a partner is not assessed, only their benefits are. These additional details are not mandatory within the form but it can sometimes lower the amount someone has to contribute. |
| Q15 | Are the new assessments going to be carried out by Council staff or external staff? |
| A15 | The assessments will be handled by our Council staff. |
| Q16 | Why were they previously carried out by external staff? |
| A16 | The external staff were only processing the forms to reduce backlog, however, all visits to people in relation to their Financial Assessment are carried out by Council staff. All processing is overseen by fully trained Council staff. |
| Q17 | I was on the Personal Independence Payment (PIP), why was this deducted when I started working? |
| A17 | Personal Independence Payment (PIP) is handled by the Department for Work & Pensions (DWP), it is not governed by Council policies. |
| Q18 | Why are people with disabilities being targeted? They would not approach the Council if they did not need their help. |

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| A18 | This is a pertinent question from a morality perspective. The Care Act dictates that Adult Social Care is not free at the point of delivery. We have a structure to ensure charges are applied to provide social care in order to make it sustainable, which differs to organisations such as the National Health Service (NHS). |
| Q19 | Is there a minimum set rate for allowances? |
| A19 | Rates are fundamental to the financial assessment process, in line with the Minimal Income Guarantee (MIG). This will vary on a case by case basis and a standardised calculation can be viewed online. |
| Q20 | Has this proposal already been approved? |
| A20 | No decision will be made until the consultation has closed, after which a findings report will be taken to the City Mayor, alongside an Equality Impact Assessment (EIA) to inform the decision making process. |

Social Care Charging Policy Consultation Public Meeting Notes

Monday 27 November 2023
Town Hall, Team Room 1.12
10.30-12.00pm

Officers in attendance

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|----------------|---|
| Ruth Lake | Director, Adult social care and safeguarding |
| Matthew Cooper | Business manager, Finance |
| Cory Laywood | Business service centre manager |
| Prashant Patel | Business change commissioning manager, Projects |

The meeting was attended by 20 members of the public and/or other organisations.

Additionally, 3 alternative language interpreters from the council's Community Language Services (CLS) team were also present.

Discussion

The director gave an overview of the consultation process, followed by an explanation of the various disability benefits and the appointee service, alongside details of the proposals that has been put forward.

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The Department of Health changed its guidance on financial assessments alongside the Care Act 2014. We are proposing to change the way in which these benefits are treated, within the financial assessment, to bring it in line with the latest legislation.

We also want to introduce a charge for appointeeship, to cover the costs of administering the service. The council will later decide on whether this service will be provided in-house or via an external service provider.

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Any changes would be introduced from early 2024.

Any changes relating to the treatment of disability benefits would be introduced at your next financial assessment or review.

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Questions and comments raised:

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| Q1 | We are a couple and one of us receives Disability Living Allowance (DLA), whilst the other received Personal Independence Payment (PIP). It is unfair if one receives support but the other does not. |
| A1 | The Council only looks at individual cases and their direct benefit if they are in receipt of care. |
| Q2 | This year, there are reduced Government grants and support. Utility costs are on the rise again, will the cost of living be taken into consideration? |
| A2 | The calculation of benefit payments is dictated by the Government, not the Council. There is also a Minimum Income Guarantee (MIG) in place to protect people's income, which dictates what an individual must be left with. Our financial assessment will ensure this threshold is met. Any changes to benefit rates, pensions and the MIG are set annually by government. |
| Q3 | What consideration will be given to the increased cost of heating? |
| A3 | This can also be reviewed as a Disability Related Expenditure (DRE) as an essential cost, which will be handled on a case by case basis with discretion applied, where appropriate. |
| Q4 | <p>A specific element of the Norfolk case related to discrimination against the "severely disabled" (i.e. the cohort of people in receipt of disability benefits at enhanced rates) on the grounds that those who were more severely disabled were less likely to be in paid employment (and given that the Charging Regulations allowed for all earned income to be disregarded for assessment purposes).</p> <p>What is significantly important from that judgement is that people need to be left with enough income to meet their daily living costs. The Minimum Income Guarantee (MIG) is in place to protect people's income, which dictates what an individual must be left with. Additionally, if there are costs being incurred by an individual to</p> |

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| | provide their required care, then this will be considered, and discretion may be applied to not take the full disability benefit into consideration where this is appropriate. |
| A4 | The significant issue with this case was that Norfolk Council did not apply discretion where individuals had other expenditure related to provision of their care which should have been taken into account. We will be applying discretion where additional costs and complex needs are evidenced. This is stated clearly in our proposals and literature, accordingly. |
| Q5 | Discretion is subjective and the Disability Related Expenditure (DRE) disregard was reduced from £20 to £10. People have been worried about this due to costs incurred. Some people do not understand the forms, it is a difficult subject. |
| A5 | Discretion will be applied where people show they incur qualifying additional costs to meet their care support needs. The Disability Related Expenditure (DRE) is a disregard that is applied due to costs incurred, due to a disability. If any changes were made, they would only be applied after a review or financial assessment, to provide an opportunity to discuss needs and any changes to an individual's financial position. We appreciate the point about clarity of communication and will be helping people through conversations at public meetings and via the dedicated helpline. |
| Q6 | I have high electricity charges to meet excessive care needs. I am concerned that Disability Related Expenditure (DRE) only gives £10 towards this as I incur charges of over £150 per week due to mobility issues, which is not enough to cover the costs. |
| A6 | The Council does try to consider this, where possible. However, it is not possible to compensate for these costs, as they are set by the Government. Additionally, mobility payments are not within the scope of this consultation exercise, it is only the care elements of the disability benefits which are the subject of these proposals. |
| Q7 | Are these proposals only for those people that live at home? |

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| A7 | These proposals will predominantly affect people who receive care at home and to a limited extent will apply to anyone in a residential setting, subject to them being in receipt of a continued disability benefit payment. |
| Q8 | Does this consultation affect third party Direct Payment Support Services (DPSS), such as Purple? |
| A8 | Direct Payments are not within the scope of this consultation exercise. |
| Q9 | Is Employment and Support Allowance (ESA) included in the list of affected benefits? |
| A9 | Employment and Support Allowance (ESA) is not within the scope of this consultation exercise. |
| Q10 | Could the Council request additional funding form the Government? |
| A10 | From an officer's perspective, organisations such as the Association of Directors of Adult Social Services (ADASS) that represent Adult Social Care, have made public statements about the inadequacy of funding. The Leicester Mercury has published comments from our City Mayor about challenges that Leicester City Council are facing. Representations are being made, but we remain in the same position. |
| Q11 | Why are people with savings not treated equally to those who may not have savings, due to their own circumstances? Why are they penalised? |
| A11 | The Council follows national guidance. The Adult Social Care reforms had planned to introduce a lifetime cap towards the costs of an individual's care. This would not fully address the question around the handling of savings, but there was intention to protect people's savings by capping the amount they contribute over their lives. The reforms have been paused and it is currently uncertain when they will be reintroduced. |

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| Q12 | Is it individual needs that will dictate how much of the £33 difference will be payable? |
| A12 | The expenditure or costs of care and the person's needs would determine how much someone may have to contribute (increase in charge). The Minimal Income Guarantee (MIG) would still be applicable and the charge would never be higher than the actual costs of someone's care. |
| Q13 | There is a lot of concern around the proposals and it is difficult to express the significant impact of paying £33 more per week. People in the community are worried about how to fill in forms and attend meetings. Can you please clarify how these charges would depend on the cost of your care, is it different to what care is actually needed? |
| A13 | As an example - if your care costs were £100 per week and your assessed income available to meet those care costs was calculated as £120 per week, the council would only apply a charge of £100 per week (that is, the actual cost of your care). |
| Q14 | What is included in the appointeeship proposal? |
| A14 | The proposal to introduce a charge would cover the Council to run your financial affairs, such as paying for your rent or bills. |
| Q15 | The proposals will affect everyone as they get older. To make the system fairer, can the Council raise funds by any other means, such as housing and rent? |
| A15 | Adult Social Care is the largest area of spend for the Council. In a recent press release, the City Mayor noted the gap in budget to meet people's care needs. Changing the charging policy as per 2014 guidance will help to generate income, alongside other ongoing savings proposals across the Council. We do appreciate the difficulty that people will be facing. |
| Q16 | The Care Act stated that all income can be taken into account. However, the Personal Independence Payment (PIP) states that it is |

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| | not means tested. Why is it taken into account in the financial assessment? |
| A16 | The decision by the Department of Work and Pensions (DWP) to award the disability benefit is not means tested. However, if an individual is in receipt of the benefit payment, it is correct to include this in our financial assessment of an individual's income in order to assess their ability to contribute to their care costs. |
| Q17 | Will people using a Direct Payment Support Service (DPSS) be required to pay extra? |
| A17 | Appointeeship is a service where the Council handles someone's day to day financial affairs, such as rent and bills. The proposal would only affect those with over £1000 of savings. This is separate to Direct Payments and third party organisations, which is not within the scope of this consultation exercise. |
| Q18 | Some people will need to use appointeeship but the proposed threshold of £1000 seems very low as this may have been kept aside for things such as funeral costs. Can the threshold not be increased to ensure people have more savings available to them? |
| A18 | The comments are noted and will be taken on board to feed into the consultation process. They will also be included within the feedback. |
| Q19 | If savings are used for vehicle equipment, can this be considered as adaptation need? |
| A19 | Personal circumstances are considered on a case by case basis, and discretion will be applied, where possible. However, the mobility element of any disability benefits is out of scope of the financial assessment. |
| Q20 | Although we are only at a stage of consultation, there will be a lot of pressure on staffing resources and social work teams due to reassessments, if the proposals go ahead. What mechanics will be put in place to support this? |

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| A20 | This will be business as usual, as we carry out annual reviews already. Financial assessments are currently being turned around within two or three weeks and we are not anticipating changes with this. |
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Social Care Charging Policy Consultation Public Meeting Notes

Wednesday 29 November 2023
Quaker Meeting House, Ground Floor Meeting Room
2.30-4.00pm

Officers in attendance

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| Ruth Lake | Director, Adult social care and safeguarding |
| Matthew Cooper | Business manager, Finance |
| Cory Laywood | Business service centre manager |
| Prashant Patel | Business change commissioning manager, Projects |

The meeting was attended by 4 members of the public and/or other organisations.

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Questions and comments raised

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| Q1 | Can you provide some clarification around higher and lower rates for Mobility benefits? |
| A1 | The Mobility component is disregarded in full and it is not within the scope of this consultation exercise. |
| Q2 | What is the difference between the higher and lower rates, and the excess charges? |
| A2 | This affects the Care component of benefits only. The difference between the higher and lower rates would be taken into consideration, which currently is up to £33.65 per week. |
| Q3 | Is the £14 to £16 appointeeship charge based on an hourly rate? |
| A3 | This refers to the weekly charge to use the appointee service. |
| Q4 | My son gets 4 hours of help, per week. What is the minimal amount? |
| A4 | There will be no changes to care provided, the proposals would only affect someone's contributions, depending upon the benefits they receive. |
| Q5 | If someone is on section 117 and does not currently contribute, will they be required to do so if the proposals go ahead? |
| A5 | An individual on Section 117 is entitled to free aftercare and will not be required to contribute. This is enshrined in law and there will be no changes to this. |