

Leicester
City Council

WARDS AFFECTED:
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Adult & Community Services Scrutiny Committee
Cabinet

21 March 2007

2 April 2007

**Charging for Non-Residential Social Care Services
Fairer Charging Policy**

Report of the Corporate Director, Adults & Housing.

1. Purpose of Report

- 1.1 The purpose of this report is to seek Members' approval for the revision and updating of the Fairer Charging Policy which is attached at Appendix A.

2. Summary

- 2.1 In 2002 the Department of Health issued guidance for Councils on how they should charge for Non-Residential social care services. Members approved a policy detailing how the guidance should be implemented in Leicester City Council. Minor amendments were made to the policy in 2005.
- 2.2 The Fairer Charging policy gives details of how the means test is applied in Leicester for the calculation of service-users' charges in relation to Non-Residential social care services. The policy does not determine the actual hourly charge or the maximum weekly charge as these are subject to annual Members approval as part of the Departmental Revenue Strategy.
- 2.3 In order to ensure that the Policy reflects the development of Non-Residential social care services and to provide more information to service-users and staff in the light of experience of operating the policy to date, it is now necessary to comprehensively update the wording of the policy. The proposed policy to take effect on 16th April 2007 is attached at Appendix A.

3. Recommendations

Adult & Community Services Scrutiny Committee

- 3.1 Scrutiny Committee is requested to consider the attached updated Fairer Charging Policy document and make their comments to Cabinet.

Cabinet

- 3.2 Cabinet is requested to approve the attached updated Fairer Charging Policy document for implementation from 16 April 2007.

4. Headline Financial and Legal Implications

- 4.1 The Fairer Charging policy plays a key role in ensuring that means tested charges for Non-Residential Social Care services are assessed in a transparent and accurate manner.
- 4.2 This updated version is important as it encompasses the various types of care that have developed since the policy was first introduced, and adds transparency and clarity to the process.
- 4.3 There will be no additional income gained to the Adults & Housing Department as a result of this policy review and no service-users will be financially disadvantaged.

Colin Sharpe, Head of Finance, ext 8800

The Council is obliged to develop its charging policy in accordance with the Guidance of the Secretary of State in *Fairer Charging Policies for Home Care and other non-residential Social Services: Guidance for Councils with Social Services Responsibilities* (September 2003) issued under section 7 of the Local Authorities Social Services Act 1970. The structure of the charging policy is in accordance with that guidance.

Guy Goodman, Head of Community Services Law, ext 7054

5. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	Throughout Appendix 1. The policy is being amended to ensure service-users are treated equally when they are financially assessed.
Policy	Yes	Throughout Appendix 1. The policy is being amended to ensure service-users are treated equally when they are

		financially assessed.
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	Yes	Throughout Appendix 1. The policy is being amended to ensure service-users are treated equally when they are financially assessed.

6. Background Papers – Local Government Act 1972

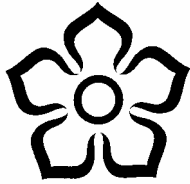
Local Authority Social Services Act 1970, Section 7(1).
 Health & Social Services & Social Security Adjudications Act 1983, Section 17.
 Charging for Residential Accommodation Guide, in support of The National Assistance (Assessment of Resources) Regulations 1992.
 Fairer Charging Policies for Home Care and other non-residential Social Services, Guidance for Councils with Social Services Responsibilities.

7. Report Author/Officer to contact:

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DECISION STATUS

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward.
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)



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Fairer Charging Policy**

SUPPORTING INFORMATION

1. Purpose of Report

1.1 As per covering report.

2. Background

2.1 As per paragraphs 2.1 – 2.3 in covering report.

3. Services Included

3.1 It is proposed that all Non-Residential social care services provided by the Adults & Housing department will be chargeable under this policy unless they are listed as an exclusion in paragraph 2.3. It is also proposed that this policy is applied to any new Non-Residential services.

3.2 Non-Residential social care services chargeable under this policy and currently provided by the Adults & Housing department are:

- Home Care
- Supportive Living
- Direct Payments for any service not listed in paragraph 2.3
- Individual Budgets for any service not listed in paragraph 2.3
- Supporting People services limited to the full cost of the housing related support element. More details can be found in Appendix A paragraph 2.2.
- Sitting Service
- Assistive Technology

3.3 Non-Residential social care services that are not chargeable under this policy are:

- Services subject to a flat rate charge rather than a means test, e.g. Mobile Meals.

- Services where Members have taken the decision not to charge, i.e. transport, day care.
- Services for which the Council is not allowed to charge:
 - Services provided under s.117 of the Mental Health Act 1983.
 - Services provided under Intermediate Care arrangements.
 - The service-user has contracted any form of Creutzfeldt Jacob Disease.
 - Services provided under the Carers and Disabled Children Act 2000 where the service-user has refused a Community Care Assessment.
- Services for which the Council has powers to charge, but which require further consideration and consultation before any proposed charge is brought to Cabinet for approval.
 - Community Care Act services provided as the result of a carer's assessment under the Carers and Disabled Children Act 2000. This exclusion will be kept under review.
 - Services provided to the Carer as the result of a carer's assessment under the Carers and Disabled Children Act 2000 (excluding Community Care Act services). This exclusion will be kept under review.
 - Services provided under Independent Living Fund arrangements. This exclusion will be kept under review.

4. Major Changes and Additions to the Policy

- 4.1 The major changes and additions to the Policy attached as Appendix A are listed in this section.
- 4.2 The services chargeable and not chargeable under this policy are clearly specified in Section 2.
- 4.3 The underlying principles of the financial assessment are detailed in para 4.8 and 4.9.
- 4.4 Section 6 relating to Disability Related Expenditure is clarified and contains more information.
- 4.5 Section 7 relating to the review of financial assessments is clarified and contains more information.
- 4.6 Information on how to apply for a waiver against the weekly assessed charge is given in Section 10.
- 4.7 Information on how to lodge an Appeal against the weekly assessed charge is given in Section 12.
- 4.8 Information on how to challenge the Council's decision to levy charges for Non-Residential social care services is given in Section 13.
- 4.9 Section 18 has been added to give information on the "Statement of Accounts" for individual service-users.

5. Approach & Response to Consultation

- 5.1 There has been a thorough approach to consulting a range of stakeholders on revisions to the policy. A letter outlining the proposed updates to the Policy and asking for comments was sent to the following bodies in December 2006.
- Mosaic
 - Mencap
 - Vista
 - Action Deaf
 - Lamp
 - City Disability Consultation Group
 - Clasp
 - Age Concern
 - Older Persons Forum
 - Leicester BME Forum
 - VAL
- 5.2 Responses were received from the City Disability Consultation Group and the Older Persons Forum
- 5.3 The City Disability Consultation Group advised that it is very difficult for disabled service-users to manage all their outgoings on a limited income and they feel that there should be no charges for Non-Residential social care services.
- 5.4 The Group also made valuable recommendations about procedural and practice changes. These comments will be considered as part of the ongoing improvements undertaken in the implementation of the Fairer Charging Policy.
- 5.5 The Older Persons Forum advised that the literature given out in respect of this policy can be difficult to understand and asked that this was reviewed. This request will be considered as part of the ongoing improvements undertaken in the implementation of the Fairer Charging Policy and the Older Persons Forum will be consulted on any proposed changes to literature. Further response to be added after attendance at OP Forum 31 Jan 07.
- 5.6 Consultation has also taken place with the following staff groups:
- Service Directors
 - Service Managers for Mental Health, Welfare Rights & Access
 - All commissioning staff, Supporting People team, officers leading on Direct Payments & Individual Budgets.
- 5.7 Staff have responded positively to the proposed amendments, as they will result in a more open, equitable and transparent application of the Fairer Charging policy. Staff are keen that the policy is applied sensitively and welcome the improved information available to service-users.
- 6 Report Author**
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