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## **1. Adult Social Care Charging Policy: Amendment /17**

- 1.1. The contents of this paper can be shared with the general public.
- 1.2. This paper is for the Health & Wellbeing Board meeting on the 19<sup>th</sup> April 2016.
- 1.3. Author of the Paper and contact details  
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## **2. Summary**

- 2.1 Provide a short summary of the paper
- 2.2 People eligible for adult social care services are means tested to establish whether they must contribute towards the cost of meeting their needs. There are around 2500 service users with non-residential care and around 1300 in residential care homes. This includes older people, working age adults with physical, learning and mental health difficulties and charges are determined by legislation and policy.
- 2.3 Under the Care Act 2014 charging is discretionary to each council but subject to certain regulations and limitations. This report asks the Board to note an amendment to the council's charging policy which is compliant with the requirements of government's revised regulations.

### 3. Decisions, recommendations and any options

With effect from 11<sup>th</sup> April 2016

- 3.1 **To Note** an amendment to the charging policy relating to the general living allowance given in the financial assessment where people in their own homes have a care and support service.  
(See amended paragraph 5.1 of the charging policy at Annexe 1)

### 4. Relevant information

- 4.1 Where a person is eligible for care and support under sections 18 to 20 of the Care Act, the Council can charge the service user subject to the financial assessment set out in Section 17 of the Act. Financial assessments determine a fair contribution towards care costs and are subject to an appeals procedure for exceptional circumstances.
- 4.2. Non-residential services include direct payments, personal care at home, community support, day activities, adaptations, money management, carelink services and other related support.
- 4.3 The Department of Health (DH) specifies in regulations the minimum amount of income a person must be left with when calculating the amount they should be charged towards the cost of care services. Until this year, they have specified the minimum allowances as **125% of the relevant Income Support rate** which depends upon the age and circumstances of the person. However, under BHCC's charging policy, the higher "pension credit age allowance" is used for all age groups and is therefore more generous for people of working age.

#### **Amendment to BHCC charging policy**

- 4.4 The DH have now released their annual circular (**LAC(DH)(2016)2**) which specifies the rates and allowances which must be used as a minimum threshold in all financial assessments and for the first time since 2003, the government have stopped using the usual method of determining the minimum allowance. Instead there are fixed minimum rates irrespective of Income Support Rates and this year there are no increases for 2016/17. The Council's charging policy is amended to reflect this change and this will have the effect, in many cases, of increasing charges for people of pension credit age because their income will increase but their allowance will remain the same. As income from state benefits for people of working age have not changed for 2016/17, and the allowance has not changed, there is no effect on them.



- 4.5 Around 45% of service users are assessed to contribute an average of around £50-£60 per week, usually based on their entitlement to disability benefits. This amendment will affect new service users over pension credit age (currently 63 and above) and existing service users when they have a financial assessment review.

## **5. Important considerations and implications**

### **5.1 Legal**

It is a function of the Health and Wellbeing Board to oversee and make decisions concerning Adult Social Care. Within the body of this report references are made to the relevant powers and duties in relation to Charging contained in the Care Act 2014. Duties must be adhered to. Where the exercises of Powers are recommended the Board must make a decision as to whether the Power should be exercised.

Legal Officer consulted: Sandra O'Brien      Date: 12/1/2016

### **5.2 Finance**

Charges for Adult Social Care services are reviewed annually in line with the Corporate Fees and Charges policy. The annual income from charging for non-residential services across Adult Social Care is £4.9million. The amendment to the charging policy as a result of the changes to Department of Health regulations is expected to result in a small increase in the level of income received by the Council.

Finance Officer consulted: Anne Silley      Date 04/04/16

### **5.3 Equalities**

Service users are subject to the same means test and will only be affected by this revised policy if they are able to pay. People will not be treated in any way less favourably on the grounds of personal differences such as age, race, ethnicity, mobility, religion, marital status, gender, sexual orientation, gender change, physical or mental impairment, caring responsibilities and political or other personal beliefs.

### **5.4 Sustainability**

There are no sustainability issues.

### **5.5 Health, social care, children's services and public health**

There are No identified issues



## 6. Supporting documents and information

6.1 The Charging Policy is a separate appendix

### Annexe 1

The Revised wording for Paragraph 5.1 of **BHCC charging policy** is below:

#### 5.1 **General Living Allowance** – known as MIG (Minimum Income Guarantee)

With effect from April 2016 the Government has amended the guidance for the minimum weekly allowance that must be given when calculating a financial assessment for non-residential care funding. Local authorities must still ensure that a person's income is not reduced below a specified level, after charges have been deducted. The amounts are set out in the Care and Support (Charging and Assessment of Resources) Regulations. **These allowances are reviewed by the Department of Health every April and are no longer a calculation related specifically to Income Support Levels.**

This weekly allowance is for people who live in their own home and is intended to cover general living expenses including food, utilities, fuel, transport, leisure, insurances and other miscellaneous living costs and includes any debts relating to these expenses.

In this policy single people or people in a couple will be given the following weekly allowance irrespective of the age of the service user.

£189 per week for single people

£289 per week for couples

£145 per week for one person in a couple

5.2 Where there are dependent children living in a household, the weekly allowance rates for adults differ according to age and other circumstances and the general allowance is calculated in accordance with the Guidance in LAC(DH)(2016)2