

# ADULT SOCIAL CARE & HEALTH CABINET MEMBER MEETING

## Agenda Item 29

Brighton & Hove City Council

**Subject:** ADULT SOCIAL CARE CHARGING POLICY  
(NON-RESIDENTIAL SERVICES)

**Date of Meeting:** 18<sup>th</sup> October 2010

**Report of:** Acting Director of Adult Social Care and Health

**Contact Officer:** Name: Angie Emerson Tel: 295666  
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**Key Decision:** Yes Forward Plan No. ASC17580

**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.2 Most Adult Social Care services are chargeable subject to a means test. The charging policy for Non-Residential Care includes maximum charges and fixed rate charges for in-house services. These rates are usually reviewed in April of each year but this has been delayed this year due to other legislative and policy changes. The recommended revised charges are listed in the next section and will be subject to further review.

The department is also required to conduct a review of the charging policy, taking account of new Government Guidance (Fairer Contributions) which relates to charging for Personal Budgets. The options to be considered will be the subject of a further paper to Cabinet Members.

#### 2. RECOMMENDATIONS:

2.1 It is recommended that increases in the maximum charging rates set out below are agreed with effect from **January 1st 2011**. (Note there has been no increase for this year and, in the year to June 2010, the RPI annual inflation rate was 5%). The council's budget assumed a 2.0% increase for a full year.

	From	To:	No. Affected	Extra Income
In-house home care	£20 per hour	£21 per hour	} 120	3 months Full year £3750 £15,000
In-house Community Support	£20 per hour	£21 per hour		
In-house Day care	£22 per day	£23 per day	}	
Max Weekly charge	£850 per week	£900 per week		
Direct Payments	100% Actual cost	max £900 pw	}	
Independent Home Care	100% Actual Cost	max £900 pw		
Fixed Rate Transport	£2.00 per return	£2.10 per return	280	£1050 £4,200
Fixed Meals charge at DC	£2.90 per meal	£3.00 per meal	170	£900 £3,600
Fixed Meals charge at Home	£2.90 per meal	£3.00 per meal	300	£2000 £8000
Fixed Carelink charge	£13 per month	£14 per month	1470	£4400 £17,600

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Charges for Adult Social Care Services are discretionary under Section 17 of HASSASSA 1983 (Health and Social Services and Social Security Adjudication Act, 1983). This policy is compliant with the requirements of that Act and the Department of Health's "Fairer Charging" Guidance.
- 3.2 A package of non-residential care can include home care, day care, community support and direct payment services. One financial assessment covers all services and the amount a person must pay will depend upon their income, savings and expenditure, (except for the fixed charges for meals and transport)
- 3.3 This report recommends that the maximum charge for in-house home care is increased to £21 per hour but most people have a home care service from the independent sector where fees are generally lower. The fees for independent sector home care services have not been increased this year and therefore there is no increase to these service users.
- 3.4 There are about 2,000 service users and as around 45% of them have minimal savings and very limited income from state benefits, they are not required to pay anything for care services. This proposal will not affect this group.
- 3.5 Around 49% of all service users are assessed to contribute an average £20 to £50 per week, usually based on their entitlement to extra disability benefits and the proposed new maximum charges will not usually affect this group
- 3.6 The remaining 6% of service users (120 people) currently pay the maximum hourly or daily charge for in-house service provision. This applies to two groups of people who will be affected by the proposed increase in charges, that is:  
  
People with savings over the capital threshold of £23,250 (£46,500 for couples)  
People with sufficient income to pay the full hourly or daily maximum charges.  
The majority will pay an increase between £1 and £5 per week. Only 6 people will pay higher increases and the highest would be £24.50 per week.
- 3.7 60% of local authorities apply a maximum weekly charge and of this 60% Brighton and Hove's maximum charge is the highest. This has attracted comment in the press. However, the remaining 40% of Local Authorities have not set a maximum weekly charge and therefore some of their service users may have to pay more than the maximum imposed here. For example, neither East nor West Sussex have a maximum charge. It is estimated that only one or two people will be affected by the proposed increase from £850 to £900 per week, though there are no cases at present.
- 3.8 As always, charges are subject to an appeals procedure for exceptional circumstances.

- 3.9 The charge for Carelink has not been increased for many years and it is therefore recommended to increase this from £13 per month to £14 per month.
- 3.10 The full proposal is estimated to increase income by £12,000 for 3 months from January to April 2011 and by £48,000 for a full financial year.

#### **4. CONSULTATION**

- 4.1 The charging policy has been the subject of a sub-group of the personalisation executive group and has been widely debated internally.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

- 5.1 As agreed in the development of the budget strategy for 2010/11 a part year increase in non residential charges is proposed. The proposals are expected to increase income in this financial year by an estimated £12,000 and represent a full year increase of around £48,000 in line with budget assumptions for 2011/12.

*Finance Officer Consulted: Anne Silley Date: 22 Sept 2010*

##### **5.2 Legal Implications:**

As described in the body of this report charges for Adult Social Care Services are discretionary under Section 17 of HASSASSA 1983. This policy is compliant with the requirements of that Act and the Department of Health's "Fairer Charging" Guidance. In the interests of transparency and fairness the Report further describes how discretion has been exercised and the policy makes provision for consideration of exceptional individual cases by way of the appeals process.

There are no specific Human Rights Act 1998 implications arising from this Report.

*Lawyer Consulted: Sandra O'Brien Date: 20 September 2010*

##### **5.3 Equalities Implications:**

This charging policy is applied equitably to all service users across the city.

##### **5.4 Sustainability Implications:**

There are no sustainability issues.

- 5.5 Crime & Disorder Implications:  
No implications have been identified
- 5.6 Risk & Opportunity Management Implications:  
No implications have been identified
- 5.7 Corporate / Citywide Implications:  
This policy will take effect across the city.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 No alternative options are recommended.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Charges for non-residential adult social care services are usually uplifted each April. There has been a delay this year and it is now recommended that the uplift should commence from 1<sup>st</sup> January 2011.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members' Rooms**

None

**Background Documents**

None