

**Wiltshire Council**

**Health Select Committee**

**5 September 2017**

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## **Adult Care Charging Policy – Review of implementation**

### **Executive summary**

In July 2016, after a period of public consultation facilitated by Healthwatch Wiltshire, the Cabinet agreed to implement a new [Adult Care Charging Policy](#) which came into effect in August 2016.

An update on the Policy was provided to Health Select Committee in March 2017 and the Committee noted that the Cabinet Member had requested Healthwatch to undertake a review of implementation and requested that this report be made available to the committee and Cabinet once completed.

This paper provides an update on the implementation of the Policy including the Healthwatch Review and actions taken by the Council in respect of that review.

### **Proposal**

That the Committee notes the progress in implementing the Charging Policy, including the Healthwatch Review and actions taken by the Council in respect of that Review.

### **Reason for proposal**

To inform the Committee of the implementation review.

**Author:** Sue Geary, Head of Community Commissioning

Contact details: [sue.geary@wiltshire.gov.uk](mailto:sue.geary@wiltshire.gov.uk) 07901 848422

# **Wiltshire Council**

## **Adult Care Charging Policy – Review of Implementation**

### **Purpose of report**

1. The purpose of this report is to update the Committee on the work to review the implementation of the Adult Care Charging Policy

### **Background**

2. Cabinet approved a new Charging Policy for Adult Social Care in July 2016. The policy was developed in response to requirements of the Care Act 2014 and involved extensive support from legal representatives to ensure compliance with all relevant legislation. A full equalities impact assessment was completed.
3. In summary, the new Charging Policy brought Wiltshire in line with many other local authorities by
  - a. Taking into account one hundred percent of an adult's disposable income when calculating the contributions for care and support
  - b. Taking into account the full amount of any Attendance Allowance received
  - c. Assessing contributions for respite care in the same way as other non residential services
  - d. Updating the list of allowable Disability Related Expenses in accordance with the Care Act.
4. Health Select Committee (HASC) was engaged throughout the consultation process and had an opportunity to comment on the Cabinet Report in July 2016. HASC received a further report on the implementation of the new Policy at its March 2017 meeting and the meeting resolved to "Note that the Cabinet Member has commissioned Healthwatch Wiltshire to undertake a more thorough investigation into the impact of the implementation of the new Policy, and following this work a full report will be made available to the Committee and Cabinet."

### **Main considerations for the committee**

5. A total of approximately 3,500 people receive care at home services at any one time, and the Council is required to reassess individuals' contributions regularly. In addition to expecting regular reassessments, customers are required to inform the Council if their financial circumstances change (for example, through an additional benefit income, an inheritance or insurance claim).
6. The Council's Financial Assessments and Benefits Team is unusual in that it also undertakes benefits checks for individuals. Increasing benefit take-up not only assists individuals, but also allows the Council to take those additional benefits into account when calculating the charge. Since the implementation

of the new Policy to the beginning of July, the FAB team have identified a total of 329 new benefits, with an annual value of £561,000.

7. Since the Charging Policy was implemented in August 2016, to the beginning of July 2017, nearly 900 **new** assessments have been undertaken. Of the 3,500 service users initially estimated as requiring a **re**assessment under the new Policy, it is now known about 900 will not in fact require a reassessment (for example, if the customer had died; if the customer has moved into residential care; if services are for carers, which are exempt from charging). This left a total of 2,600 to be completed by April 2018. As at the beginning of July, approximately 600 of these reassessments had been completed, with a further 188 completed but held pending, awaiting the outcome of new benefits claims.
8. With new assessing staff now in place and fully trained, it is expected that the remaining reassessments will all be completed by April 2018. However, the Cabinet Member has requested a business case be put forward to increase the number of financial assessors on a temporary basis, so that the remaining reassessments can be completed ahead of the original schedule and we can be sure that a) charging has been applied equally across all existing customers and b) the financial benefit for the Council is maximised.
9. Whilst the implementation of the new Charging Policy has increased the amount that individuals are required to contribute, the scale of the increase in contribution is not wholly attributable to the differences in the new Policy. Some customers had not been reassessed for a considerable period of time, and a small number never assessed. As such, some people should have been contributing an increased amount for a considerable period. Some were identified as having additional income (such as pensions or benefits) which would have been considered under the previous policy but had not been declared to the Council.
10. The Charging Policy assumes individuals having an agreed Minimum Income Guarantee (MIG), calculated by the local authority. The Care and Support (Charging and Assessment of Resources) Regulations 2014 are updated annually and determine the base figures used to calculate the MIG, however, local authorities do have discretion to set the MIG at a rate that they choose based on local considerations.
11. In April 2017, The Cabinet Member considered the guidance in relation to the Minimum Income Guarantee (MIG) for people below pensionable age. The national guidance allows (but does not enforce) local authorities in their calculations to allow customers *both* an enhanced disability premium and a disability premium when calculating the MIG. The Cabinet Member agreed that the Financial Assessments and Benefits Team should, in addition to the enhanced disability premium, also allow for the disability premium (£32.25 per week for a single person and £45.95 where one of a couple qualify) when calculating the MIG.
12. It was estimated that the additional premium would benefit up to 330 customers, and, taking account of both premiums within the calculation would allow these customers an additional £32.25 per week within their MIG before

charges would apply. Anyone in this group who had already been reassessed under the new Policy was prioritised for a further reassessment, so that the MIG calculation and the charge could be adjusted accordingly.

### **Healthwatch Review of Implementation**

13. In March 2017, Healthwatch was commissioned to undertake an exercise on the impact of the implementation of the new policy, focussing on people who had been financially assessed or reassessed within the six months to February 2017. The Healthwatch Report – Wiltshire Council Charging Policy for Adult Social Care - has been published separately by Healthwatch and is attached as Appendix 1.
14. A total of 90 people responded to the Healthwatch engagement exercise, representing 10% of all service users financially assessed or reassessed under the revised policy by the end of February 2017. Inevitably, people who engaged were generally those who were most unhappy with the process or the outcome of the financial assessment. They would also not have had the benefit of the decision taken about the MIG and the enhanced disability premium, so may have required a reassessment for that reason.
15. Although representing a relatively small proportion of customers, Healthwatch's work has been extremely helpful, and very quickly highlighted a number of areas where processes and information could be changed in order to improve the experience for customers. Many of the issues raised were dealt with quickly and are now embedded in practice. One example of improvements to the implementation includes the production of a leaflet now sent out before every financial assessment/reassessment (Getting Ready for your Finance and Benefits Assessment) to explain the process. The leaflet was produced with the support of Healthwatch. Another example relates to the Council's requirement to set a Minimum Income Guarantee. A full list of actions taken to improve the implementation of the new policy is included as Appendix 2.

### **Environmental impact of the proposal**

16. There are no specific environmental implications of the proposal

### **Equality and diversity impact of the proposal**

17. A full Equalities Impact Assessment was undertaken as part of the original policy development process.

### **Risk assessment**

18. The Healthwatch review has supported the fair application of the Policy and minimised any risk of misunderstanding or misapplication for individuals.

### **Financial implications**

19. The additional charges generated from assessments and reassessments under the new Charging Policy so far is an annualised figure of £2.3m. However, there is no direct correlation between additional charges and additional income for the Council. This is because Wiltshire Council does not collect contributions/charges for care at home directly but pays service providers the net cost of care and contributions will offset financial commitments rather than generate additional income for the Council. Some customers will also become “full cost payers” as a result of the new policy, and may choose to arrange their own care, rather than have their care managed by the Council.
20. There are no financial implications from the review as the application of the new Charging Policy has continued throughout and beyond the period of the review.

### **Legal implications**

21. The Legal Service has been fully engaged in the development of the new Policy.

### **Conclusion**

22. The Committee is requested to note the information contained in this report.
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### **Appendices**

Appendix 1 - Healthwatch Report – Wiltshire Council Charging Policy for Adult Social Care.

Appendix 2 - Charging Policy Implementation – Council response to Healthwatch issues raised.

### **Background papers**

None