

Service and Community Impact Assessment (SCIA)

Front Sheet:

Directorate and Service Area:

Adult Social Care

What is being assessed (e.g. name of policy, procedure, project, service or proposed service change):

Contributions Policy for Adult Social Care

Responsible owner / senior officer: Ben Threadgold**Date of assessment:** November 2017**Summary of judgement:**

This assessment considers the potential impact of changes to the Adult Social Care Contributions Policy on individuals, communities, staff, other council services and providers.

The Adult Social Care Contributions Policy was introduced in January 2014 and was last revised in July 2016. It outlines how the council ensures a fair approach in assessing the contributions made by individuals towards the social care services they receive.

Following the introduction of a new Adult Social Care finance system, and in considering ongoing practice from implementing the existing contributions policy, the council is proposing to review the Contributions Policy with a view to ensuring equity and sustainability whilst also maximising cost efficiencies. The review will also seek to identify any inconsistencies in current policy. It will be completed in line with the legislation set out in the Care Act (2014).

The review will focus on areas that the Care Act allows discretion for Councils. It will therefore particularly consider current policy in relation to disability related expenditure, arrangement fees, 12 week property disregards, couples, full cost recovery of home care costs, and non-statutory services.

On the assumption that changes in the existing policy will be identified, it is likely that if implemented these are likely to have both positive and negative impacts.

Potentially positive impacts could include; some people seeing a reduction in their contribution, the policy being more equitable, it addresses any inconsistencies in approach. Any changes increasing the councils income, or reducing its expenditure, would help to sustain Adult Social Care.

Potential negative impacts could include; some people seeing an increase in their assessed contribution and in some cases may be impacted by more than one change in policy, causing a cumulative increase in contribution. However, in line with national guidance, no service users would be left with income below the minimum income guarantee required to meet their living costs and care needs.

Anyone identified as potentially negatively affected by proposed changes in policy would be contacted by the council's Financial Assessment Team to offer the person a full reassessment of their finances. If appropriate the council would also review the person's care package to explore alternative ways of meeting their needs.

Any changes in policy would have the potential to impact on staff, other services and providers. In particular, these would be associated with awareness of the consultation period and implementation of the new policy if any changes are agreed. However, these are likely to be less significant and could be mitigated through consultation, engagement and implementation plans.

Once any changes to policy are identified, the council will implement a full public consultation as well as engagement and implementation plans to ensure the full impact of these changes are assessed. This assessment will be reviewed as policy changes are identified and agreed, following the consultation period to ensure the consideration of potential impacts remains accurate, and to reflect any new impact identified or changes in policy.

Detail of Assessment:

Purpose of assessment:

The purpose of this assessment is to consider the impact of the proposed revisions to the Adult Social Care Contributions Policy, which includes changes to current policy that will affect people using services, providers and council services / staff.

This assessment also fulfils the Council's requirements under Section 149 of the Equalities Act 2010, as set out below.

Section 149 of the Equalities Act 2010 ("the 2010 Act") imposes a duty on the Council to give due regard to three needs in exercising its functions. This proposal is such a function. The three needs are:

- o Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- o Advance equality of opportunity between people who share a protected characteristic and those who do not.
- o Foster good relations between people who share a protected characteristic, and those who do not.

Complying with section 149 may involve treating some people more favourably than others, but only to the extent that that does not amount to conduct which is otherwise unlawful under the new Act.

The need to advance equality of opportunity involves having due regard to the need to:

- remove or minimise disadvantages which are connected to a relevant protected characteristic and which are suffered by persons who share that characteristic,
- take steps to meet the needs of persons who share a relevant protected characteristic and which are different from the needs other people, and
- encourage those who share a relevant characteristic to take part in public life or in any other activity in which participation by such people is disproportionately low.
- take steps to meet the needs of disabled people which are different from the needs of people who are not disabled and include steps to take account of a person's disabilities.

The need to foster good relations between different groups involves having due regard to the need to tackle prejudice and promote understanding.

These protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation
- marriage and civil partnership

Context / Background:

The Adult Social Care Contributions Policy was introduced in January 2014 and was last revised in July 2016. The policy outlines how the council ensures a fair approach in assessing the contributions made by individuals towards the social care services they receive.

Following the introduction of a new Adult Social Care finance system, and in considering ongoing practice from implementing the existing contributions policy, the council is proposing to review the Contributions Policy with a view to ensuring equity and sustainability whilst also maximising cost efficiencies. The review will also seek to identify any inconsistencies in current policy. It will be completed in line with the legislation set out in the Care Act (2014).

On the assumption that changes in the existing policy will be identified, it is likely that if implemented these are likely to have both positive and negative impacts

Proposals:

The council is proposing to review the existing contributions policy, with a particular focus on areas that the Care Act 2014 allows discretion for councils. These include the following areas:

Disability Related Expenditure

Disability Related Expenditure is any additional living costs a person incurs due to their age or disability. This forms part of the overall financial assessment which determines how much a person can afford to contribute towards their care costs.

Currently the council completes an individual Disability Related Expenditure assessment for every person and makes an allowance for this cost regardless of whether a person is claiming disability benefits or not.

Arrangement Fees

Legislation introduced in the Care Act 2014 enables the council to charge an arrangement fee for people with eligible needs, who have financial assets above £23,250 and ask the council to arrange their care. The arrangement fee takes into account the cost of negotiating and/or managing the contract with a provider and covers any administration costs incurred. The council cannot charge for carrying out assessments, preparing support plans and reviews of support. Arrangement fees cannot be applied to residential care.

The council currently charges two levels of arrangement fee depending on the level of its involvement. These are both one off fees.

Level 1 - £150 - Where the council sources the care but the person enters in to a private arrangement with the care provider.

Level 2 - £500 - Where the council sources the care and manages the ongoing provision of care and support

12 Week Property Disregards

The 12 Week Property Disregard is based on national legislation and means that when a person first enters a care home, the value of their property is not taken into account during this initial twelve week period. The aim of the disregard is to give people moving into a care home time to decide what they want to do with their property.

Under the current policy the council offers a 12 Week Property Disregard to everyone, including self-funders who have placed themselves in a care home a number of years previously and who have already had time to consider what they wish to do with their property.

Couples

The council currently offers people living with a partner in their own homes the option of receiving both a single and joint financial assessment. It then uses the assessment with the lowest contribution to the benefit of the person being assessed.

Full Cost Recovery

When recharging the cost of home care the council currently uses an average hourly rate of £19.40 per hour. Often this does not reflect the actual amount the council is charged by care providers, which means in some cases the council is partially subsidising the cost of care, where in other cases people are paying more for their care than the true cost.

Non-statutory services

The council currently commissions a number of non-statutory services which can be used to meet a person's eligible needs, examples include:

- Telecare
- Laundry
- Blitz Cleans

These can currently be accessed by people who have eligible care and support needs, as well as people who don't, and are not directly linked to care and support plans or necessarily considered as part of financial assessments.

Evidence / Intelligence:

The review of the contributions policy will be based on an analysis of current practice within Oxfordshire County Council. The council will also consider the policies used by other local authorities, the National Association of Financial Assessment Officers and in conjunction with the guidance set out in the Care Act. It will also analyse data and information about existing users of adult social care to help understand potential impact of any proposed changes, and to help shape proposals.

The Contributions Policy will be subject to public and stakeholder consultation and the outcome of this will inform further development of the policy. The consultation will include online consultation and stakeholder engagement through numerous forums and existing workshops / meetings / events. There will also be targeted communications to those people identified as most likely to be impacted by the proposed changes.

Alternatives considered / rejected:

Feedback from staff indicates that some areas of the Contributions Policy aren't clear and there have been inconsistencies in its application and interpretation as a result.

In some cases the council's policy is more generous than is required under the Care Act and there is a monetary cost in taking this approach. In order to ensure the sustainability of Adult Social Care in Oxfordshire the council can no longer absorb the monetary cost of a policy that is more generous than is required under current legislation. It is for this reason that doing nothing is not an option.

Impact Assessment:

Impact on Individuals and Communities:

Any proposed changes in policy will be applied to everyone needing adult social care, regardless of their age, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, sexual orientation, marriage and civil partnership. However, it is more likely to affect older people and people with disabilities due to the nature of people who need social care.

Whilst amendments to the policy are therefore unlikely to affect any one group in particular, it is likely that some people would see a change in the amount they are assessed to contribute towards their care, with some paying more, some paying less and with no change for others.

Department of Health guidance states that contributions to care costs should not reduce a person's net income below levels of income equal to basic levels of Income Support or the Guarantee Credit of Pension Credit plus 25%. This means that people on low incomes and from areas of deprivation are likely to contribute less towards the cost of their care. Any amendments to the contributions policy would in line with this approach and would ensure that people are always left with a minimum level of income before they are expected to contribute towards their care.

The council will write to anyone affected by proposed changes in policy and offer the person a reassessment of their finances to ensure it captures the most up to date information. It will ensure that the person is not left with less than the minimum income stipulated in the Care Act. Where appropriate it will review the person's care package to look at the alternative ways of meeting the person's needs.

Risks	Mitigations
<p><u>General</u></p> <p>People using services are not aware of the consultation or able to contribute to it.</p>	<p>There will be a communication and engagement plan as part of the consultation. This will include a variety of options for people to contribute including engagement with support agencies as well as the online consultation.</p>

People using services are not aware of the changes in policy.

Increases in contributions as a result of policy changes are unaffordable for individuals.

Summary and easy read versions of the policy will be provided as part of the consultation

As part of the policy implementation guidance and information will be produced for people using services and their representatives.

All existing and future information provided to people will be reviewed to ensure it communicates the policy clearly.

Anyone directly impacted by changes in policy will be contacted directly. If a person feels their costs are higher than the standard allowance, the council will offer them an individual assessment to examine these costs in more detail.

The council's Financial Assessment Team will offer the person a full reassessment of their finances and will contact their social worker in the event that they wish to reduce or cancel their care.

No individual's finances will fall below the guaranteed minimum income level sufficient to live on and meet their care needs.

If appropriate the council will review the person's care package to explore alternative ways of meeting their needs.

The waiver scheme may be used in exceptional cases where the change in policy causes serious financial hardship.

The public consultation will seek to identify any impacts on individuals not considered in this assessment, so appropriate action can be taken.

If approved the Implementation of policy will include a period of at least three months to allow time to prepare and work with individuals to limit the impact.

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Impact on Staff:

There is likely to be an initial increase in workload for staff in the Financial Assessment Team in dealing with the financial reassessments and the queries resulting from any changes in policy. This could in turn impact on the team's day to day workload. An implementation plan will be put in place to ensure the team is sufficiently resourced to cope with the increase in workload during this period.

There is also a risk that staff are not aware of any changes in policy and do not implement it effectively. A communication plan will be put in place to ensure that staff are fully briefed on the changes in policy. This will include training sessions as well as guidance and procedure documents. There will also be a review of other policies, procedures and guidance available to staff to ensure these are updated or removed where they are no longer relevant.

Risks	Mitigations
<p>Increased workload for Financial Assessments Team in having to reassess people currently using services in accordance with the new policy could impact on waiting times for assessment for new clients</p> <p>Staff are not aware of the new policy, and cannot implement it / communicate it to people using services appropriately.</p>	<p>Briefings and training for staff as part of implementation plan following agreement of policy</p> <p>Additional staff will be employed in the Financial Assessment Team for the period leading up to and immediately after implementation.</p> <p>Communications and engagement plan as part of consultation will include communication and training with staff.</p> <p>Review of other policies, procedures and guidance available to staff, including the Council intranet and internet sites, to ensure that they align and consistently enforce the new policy</p> <p>Implementation and training plan will be developed for staff in bringing in the new policy.</p>

Impact on other Council services:

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Any proposed changes in policy may have an impact on Adult Social Care Teams where people receiving services approach their social worker about the changes in policy. The council will ensure that all Adult Social Care Teams are fully briefed about any change in policy and where to direct people in the event of any queries.

It is also possible that implementing the new policy could lead to increased complaints from clients and carers, and legal challenge. However, as any changes in policy will be considered in line with the guidance set out in the Care Act as well in consultation with various teams across the council including with colleagues in finance and social care, these risks are not considered to be significant.

Risks	Mitigations
Increase in workload for Social Workers in terms of queries, reassessments and waivers	The council will ensure that social workers are aware of the new policy and where to direct people in the event of queries.
Increase in the number of complaints for the council's Complaints Team.	The council will aim to mitigate this by contacting those people affected as part of the communications plan.
Potential increase in debt cases for Debt Recovery Team if people refuse to pay for any increase in their contribution.	The council will ensure its Complaints Team is fully briefed and aware of the change in policy. Those likely to be adversely affected will be contacted as part of the consultation, and offered a re-assessment and help to consider alternative care provision to reduce costs if appropriate

Impact on providers:

There is a risk that if providers are not told of or do not understand any policy changes they may give incorrect information to people using services. However, they will be made aware of the consultation as well as any resulting policy changes.

Any specific providers directly affected by proposed changes will be contacted directly as part of the consultation, and the council will seek to work with them throughout the implementation period to mitigate any risks identified.

Risks	Mitigations
If care providers are not aware of the change in policy they give people using services incorrect information.	Care providers will be included in the public consultation.
	Providers will be fully briefed on any subsequent policy changes.

<p>Changes may impact directly on specific providers, in terms of demand for services</p>	<p>All communications given by providers to people using services will be updated.</p> <p>The council will work with providers to ensure they are full briefed on any changes in policy and any impact it may have on them, and will work with providers to help mitigate any impacts where possible.</p>
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Person responsible for assessment: Ben Threadgold

Version	Date	Notes (e.g. Initial draft, amended following consultation)
1	November 2017	Initial draft