Division(s): N/A

Performance Scrutiny Committee – 14 March 2019

Updates following implementation of the revised Adult Social Care Contributions Policy

Report by Director of Adult Services

RECOMMENDATION

1. The Committee is RECOMMENDED to note the report.

Executive Summary

2. This report provides an update following the implementation of the revised Adult Social Care Contributions Policy on 1st October 2018. This includes information on how changes to the Contributions Policy for Adult Social Care services have been implemented and the impact it has had on residents and their carers.

3. This report details the effect that changing this policy has had on people, staff and council services.

Introduction

4. The Adult Social Care Contributions Policy outlines how the Council ensures a fair approach to assessing the financial contributions made by people with eligible care needs towards the cost of the care they receive.

5. The policy is based on national legislation as set out in the Care Act 2014.

6. Social care is not necessarily a free service and the Care Act 2014 permits the Council to recover a reasonable charge if people have sufficient resource to contribute towards their care costs.

7. In May 2018 Cabinet approved a set of changes to the Adult Social Care Contributions Policy. This came after a 10-week public consultation that involved letters, focus groups and a dedicated advice line. The changes were:

   - Allow 25% of a person's disability benefit for disability related expenditure in a person's financial assessment but offer an individual assessment of these costs if a person feels their disability related expenses are greater than this.

   - Reduce the initial fee the Council charges for arranging a person's care from £150 to £140 and introduce an annual fee of £210 where the Council is asked to manage the ongoing provision of care and support.

- Only offer a 12-week property disregard (where the Council does not include the value of person's property in their financial assessment for the first 12 weeks of care) to new residents entering a care home for a permanent stay or where there is an unexpected change in a person's financial circumstances.

- Financially assess everyone on an individual basis and no longer offer couples assessments.

- Charge people a contribution based on the actual cost of services rather than an average hourly rate.

Key Issues

Effect on people who use services

Numbers of people affected

8. In June 2018 the Financial Assessments Team began the preparation work ahead of the implementation of the policy. They reassessed 4,184 people:

   - 957 (22.9 %) people whose contribution had decreased
   - 1596 (38.1%) people whose contribution remained the same
   - 1,632 (39%) people whose contribution had increased

9. Everyone was informed of the outcome of their assessment via a letter and where people were unable to deal with their own affairs contact was made through the person's representative or advocate. The letters highlighted the importance of checking the assessment and contacting the Financial Assessment Team if it contained inaccuracies.

10. People were told of changes to their contribution three months before the policy went live on 1st October 2018. This allowed time for them to contact the Financial Assessment Team for a reassessment if required, to rearrange their finances or to arrange their care privately if they wished.

Support for people with increased contributions

11. The Financial Assessment Team also undertook further work with those people who were most impacted by the changes.

12. They contacted 104 people whose contribution increased by more than £30/week via telephone to offer individual disability related expenditure assessments. Most people's reassessments took place before the 1st October 2018 but where it took place after, and the person's contribution had decreased, any reduction in charges was backdated so that no one was adversely affected by the timing of the assessment.

13. The team conducted a total of **1,392 assessments between 1st July and 31st December 2018**. Many of these were face-to-face visits and would have offered people a chance to speak to someone about the policy changes and the principles behind them. It also gave the opportunity for the assessment

officer to understand the person's situation and work with their social worker if there were extenuating circumstances.

14. Prior to the implementation of the new policy there were concerns that an increase to assessed contributions may lead to some people cancelling their care.

15. If a person requested to cancel their care, the care agency involved would contact the Care Brokerage Team and advise them of this. The person's case would then be reviewed accordingly to determine if this was appropriate. During this time, care would continue to be provided. If the person continued to decline support and there were concerns regarding this it would be discussed with the person, their relatives and other professionals which could include partners in health. Appropriate assessments would be completed accordingly e.g. capacity assessments.

16. The council has a duty of care to the individual as set out in the Care Act therefore care would not stop because of the person's concerns about associated costs. There are no indications that more cancellations than normal occurred as a result of these changes.

Supporting people with changes to their Disability Related Expenditure

17. The Financial Assessments Team worked closely with social workers and managers to assess people with high disability related expenditure. These cases were reviewed and individual assessments were undertaken to ensure that they continued to receive the appropriate level of allowance.

Support for people not receiving disability benefits

18. In addition, 153 people saw an increase in their contribution because they were not receiving disability benefits and were therefore not eligible for disability related expenditure. To help with this, the Council commissioned Oxfordshire Specialist Advice Service (OSAS) to help support these people to apply for benefits that they may be entitled to.

19. OSAS contacted these people to assist them in their application and found that many were appropriately assessed and actively helped 33 more individuals and their families or carers to claim additional support.

20. **To date OSAS has helped these people to get a total of over £110,000 annually**.

Supporting people with exceptional circumstances

21. In some cases, while the financial assessment is correct according to national guidance and local policy, other factors may affect a person's ability to pay their assessed contribution, for example social, psychological or health issues or other circumstances. The Adult Social Care Waiver policy can be used to allow a waiver of some or all of the charges for a specific period. Such cases were dealt with jointly between financial assessment officers and social workers to consider the waiver requests and to inform the individual of the outcome.

Effect on staff

22. Extra training was given to the Financial Assessments Team to help them deal with queries resulting from the policy changes. Additional financial assessment officers were employed on a temporary basis from the start of the implementation period to assist with the increased number of calls and assessment requests.

23. Adult Social Care operational teams, the Customer Service Centre and Comments and Complaints Teams were briefed prior to the implementation of the policy to ensure they could deal with any queries from people affected. All of these teams worked together to ensure that that the policy was well understood and where queries were raised they were answered with sensitivity and understanding.

Complaints received

24. In measuring the impact of the implementation, we have looked at the number of complaints received. The Comments and Complaints Team have received 22 formal complaints that related to charging client contributions between 1st April 2018 and 31st January 2019. This is six more than the preceding year.

25. All people who have made a formal complaint have been individually spoken to, and we have made every effort to resolve the issues with them.

26. The Financial Assessments Team were instrumental in preventing many potential complaints from materialising. They were tasked with explaining the changes to people and offering advice as a first point of contact. As a result, they dealt with most people’s queries over the phone or, where appropriate, via a reassessment visit.

Financial and Staff Implications

27. Prior to implementation it was estimated that the annual saving resulting from the changes to the policy would be up to £1.8 million per annum. Uncertainty about the impact of the changes and reassessments that might be requested a smaller saving totalling £1.5 million was included in the Medium Term Financial Plan.

28. The savings are currently projected to be £1.665 million per annum from 2019/20 based on the initial 3 months of data. The original and current projected savings are set out below:

Policy change	Pre-implementation forecast	Post-implementation forecast
Disability Related Expenditure & Assessment of couples	£1.4m	£1.085m

Arrangement fees	£0.005m	£0.025m
12-Week Property Disregards	£0.060m	£0.140m
Recovering the full cost of services	£0.360m	£0.415m
TOTAL	**£1.825 million**	**£1.665 million**

29. This means that we would expect to make ongoing savings of at least the amount built into the MTFP, which are classed as income generation under transformation savings. Actual income for 2018/19 is in-line with budgeted expectations.

30. Reassessments requested as a result of changes to disability related expenditure allowances meant that projected savings are lower than originally forecast. This is because the Financial Assessment Team ensured that people who contacted them were given the option of an individual DRE assessment.

31. It is also likely that some of the people that were included within the original forecast are no longer receiving care at home, e.g. they may have moved into a care home or passed away.

32. Any new people receiving a service will have been assessed under the new criteria but savings for these people cannot be projected as it is not known what they would have been assessed to pay under the old policy.

33. A 25% allowance for Disability Related Expenditure has proven to be appropriate in the vast majority of cases. This is evidenced by the fact that since 1st October 2018 only 14.8% of new assessments have requested an individual assessment.

Equalities Implications

34. N/A

Kate Terroni
Director for Adult Services

Background papers:
[Cabinet Agenda, decisions and Minutes Tuesday, 22 May 2018]

Contact Officer: Jason Felstead
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