

## **Service and Community Impact Assessment (SCIA)**

### **Front Sheet:**

**Directorate and Service Area:**

**Social and Community Services**

**What is being assessed (eg name of policy, procedure, project, service or proposed service change):**

**Contributions Policy for Adult Social Care**

**Responsible owner / senior officer:**

**Lucy Butler (Deputy Director for Adult Social Care)**

**Date of assessment:**

**4 September 2013**

### **Summary of judgement:**

This assessment considers the impact of the proposed Contributions Policy for Adult Social Care on individuals, communities, staff, other Council Services and providers. There will be an overall financial impact to the council through reduced income, but the new policy will be more consistent and treat clients fairly in applying the same principles to those in residential and non-residential services as far as possible. The new policy also strongly supports the Council's commitment to helping people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget.

A number of policy changes are likely to have a positive impact on service users by reducing their contributions towards the cost of their care (eg assessing couples and respite differently), and offering services free of charge to some users that were previously charged for (eg the Alert service).

Some potentially negative impacts are identified, namely removing the free care period for new clients meaning they will start making contributions up to four weeks earlier than previously, and a small number of people whose contribution will increase as a result of introducing a flat rate of charge for home support. The full impact of this was assessed as part of the consultation period, and the individuals affected were contacted directly to offer support and possible reassessment to help

reduce their contributions if appropriate through alternative ways to meet their care needs effectively.

Potential impacts on staff, other services and providers associated with awareness of the consultation period and implementation of the new policy once agreed are identified, but these are not considered to be significant and can be appropriately mitigated through implementation plans. This view was supported by the consultation responses.

This assessment has been revised following the consultation period to ensure the consideration of potential impacts remains accurate, and to reflect any new impact identified or changes in the proposed policy. As a result, the proposal to make the Alert Service free to all has been amended so that less people will receive it free of charge, but this will be targeted to those who are most vulnerable and least able to pay.

## **Detail of Assessment:**

### **Purpose of assessment:**

The purpose of this assessment is to consider the possible impact of the new draft Contributions Policy for Adult Social Care, which includes changes to current policy and practice in some areas that will affect service users, 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:

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

Oxfordshire County Council aims to support and promote strong communities so that people live their lives as successfully, independently and safely as possible. The Council aims to promote independence and choice, be fair and equitable and give service users more power and control over their lives.

Social care is not a free service and national funding arrangements make it clear councils need to collect income locally to contribute to the cost of services.

Legislation permits an Authority to recover a reasonable charge for social care from service users who satisfy the Authority that they have insufficient means for them to pay for the service

Income from charging for services where it is appropriate to do so and in keeping with legislation is therefore an essential part of Oxfordshire County Council's financial strategy

In setting its contributions policy and determining the contribution to be paid by an individual the Council cannot be less generous in the treatment of capital than the provisions set out in the national Charging for Residential Accommodation Guide.

Under Fairer Charging guidelines, Council's should take account of no more than the full cost of providing the service. The Council calculates this based on the average cost of providing this service across the county, and this is reviewed on an annual basis.

Charges made by the Council cannot reduce an individual's net income below defined basic levels of Income Support or the Guarantee of Pension Credit, plus 25%.

The Council's current contributions policy for adult social care was set at the introduction of personalisation, as part of the Transforming Adult Social Care programme.

The lessons learnt from a number of years of implementing personal budgets and direct payments, as well as changes in national policy, mean that it is timely to review the contributions policy. This is also an opportunity to address inconsistencies that have been identified in current policy and implementation, and through the recent audit of adult social care, such as people paying providers directly for day opportunities and double-handed care being charged different rates from people paying through personal budgets.

### **Proposals:**

The new policy essentially restates existing principles as the basis on which we seek contributions from individuals towards the cost of their care. This is primarily through contributions to their personal budget, but also includes services that incur a charge either from the provider or from the Council.

As before, anyone eligible for care and support from the Council will have a personal budget. A Personal Budget is the amount of money allocated to an individual to provide the support they require, based on an assessment of needs. Service users will make a single contribution towards the cost of their care based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care they require to meet their needs, the Council will fund the difference. Service users may also purchase additional care at their own expense.

This personal budget is used to purchase services to meet the individual's eligible needs. Service users may take this money in the form of a Direct Payment, or ask the Council to arrange services on their behalf, or use a combination of both.

People who do not have a personal budget will have their level of contribution set against their costed support plan, which sets out their care needs. This contribution will be based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care they require to meet their needs, the Council will

fund the difference. Service users may also purchase additional care at their own expense.

The proposals means there will be an overall financial impact to the council through reduced income, but the new policy will be more consistent and treat clients fairly in applying the same principles to those in residential and non-residential services as far as possible. The new policy also strongly supports the Council's commitment to helping people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget.

However, there are a number of areas where changes are proposed, which will have implications for service users and the Council:

### **Charges for Services**

The policy includes details of the services for which charges will apply, based on distinguishing between preventative services (that will be offered free of charge) and those that are either subsidised universal services or available exclusively to people with personal budgets (both of which will generally be charged by the provider and paid by the service user from their own funds or from a personal budget).

This is important in clarifying for service users which services will incur a charge, and whether the council or the provider is responsible for setting and collecting these charges. It will also avoid situations where service users are charged different amounts depending on whether they are using a personal budget or paying the provider directly.

The policy also includes a presumption that any new services will be chargeable unless:

- They are universal or preventative services
- The cost of recovering charges will exceed the income raised
- There are statutory or legislative reasons for not charging at all or not charging the full amount to some users of the service
- Charging full costs would result in no uptake of a service
- Charging for a service would act as a deterrent to taking up an essential service

It is also proposed to introduce a single, flat rate per hour for home support that will determine the size of an individual's personal budget. This will replace the current variable rate that means shorter visits are charged proportionately more than longer visits.

People with complex needs who require two carers to manage their personal care and manual handling will now be charged the cost of having two carers, subject to their assessed contribution, whereas currently people who pay for their care are charged for 1.5 carers, and people who pay through a personal budget are charged for two carers.

All charges for services, including the flat rate per hour for home support, will be reviewed and set on an annual basis by the County Council Cabinet.

There is no maximum weekly contribution rate, although individuals will only pay the lesser amount of the full cost of their care or their assessed contribution

Individuals assessed with no available income for contributions will not have to contribute towards the service, although anyone living in a care home who is receiving the state retirement pension will be required to pay a contribution. For those assessed as needing to make a contribution, the minimum weekly contribution level will be £2.00 per week

### **Free Care Period**

The Council currently offers a 4-week period of free care, prior to undertaking a financial assessment and contributions starting. It is proposed to remove this and to undertake financial assessments as soon as possible, with the exception of intermediate care services such as reablement which legislation dictates must have a 6-week period before charging commences.

Oxfordshire County Council believes that people who need care should know how much that service will cost as soon as possible after their care needs have been assessed. Charges will not begin until a financial assessment has taken place. If the financial assessment is not carried out before the individual begins to receive services they will be provided free of charge until the assessment takes place, unless the delay is because the individual refuses to cooperate with the assessment.

The Council previously set a nominal charge to the client where financial assessments were not completed within four weeks and they started receiving services – they were then charged their assessed contribution from the time the financial assessment was completed. However, a recent Local Government Ombudsman ruling has shown this to be challengeable as being outside Fairer Charging legislation, so this nominal charge was suspended in June 2013. This will reduce the Council's income, however this will be offset against doing assessments sooner and therefore individuals' contributions starting earlier than four weeks.

These changes will only impact on new clients and are anticipated to generate approximately £50k additional income for the Council per annum

### **Couples**

Currently, clients are charged individually unless they are dependent on their spouse, whereby they are automatically assessed as a couple. There are currently 576 clients who are part of a couple.

It is proposed that in future financial assessments will normally be undertaken as a single person. However clients living with a partner in their own homes will also be offered a joint assessment. This will require details of all savings, income and expenses held individually or jointly. We will then financially assess at whichever rate is better for the service user.

Couples assessments do not apply to couples living together or separately in care homes. For these people, each will be separately financially assessed under Charging for Residential Accommodation Guidance as appropriate

For couples that are receiving joint benefits only joint assessments will be offered. This assessment will be based on both partner's income, capital and living costs. Assessing clients in receipt of joint benefits will always be most beneficial for these clients due to the level of income that is disregarded as part of the assessment.

It is anticipated that this will reduce the Council's income by approximately £220k per annum

### **Alert Service**

The Alert Service provides alarm systems to people who may need to summon an emergency response or support. These are currently charged for, but are considered to be an important preventative service supporting the independence of people living in their own homes.

It is proposed to provide these services free of charge for people who are considered to be vulnerable and with limited means to pay for the service. People who are in receipt of Housing Benefit, Income Support or (Guaranteed) Pension Credit (and this may be extended in future to those receiving Universal Credit, as this is rolled out) will receive the service free automatically, without the need for a Fairer Charging Assessment

Anyone not in receipt of these benefits will be able to access the service in the same way as they do now, either by making an agreed contribution following a Fairer Charging assessment (which may still result in a free service) or by paying full costs (between £5 and £22 depending on the level of service). Alternatively people who would have to pay the Council's full charges can choose to receive the service privately, through a provider of their choosing.

It is anticipated this will reduce the Council's income by approximately £16.5k per annum.

### **Respite**

The Council has discretion about how to charge for respite care, including temporary stays under 8 weeks. The council can charge under residential or non-residential charging legislation, or set what it considers to be a 'reasonable amount'. Currently assessments are undertaken using residential guidance (Charging for Residential Accommodation Guidance).

It is proposed to include charges for respite care under non-residential guidance (Fairer Charging Guidance) as this supports our aims of helping people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget. It also means that on average people will be better off, as charges for respite care under residential legislation are typically £60-£80 per week for clients on low incomes whereas the minimum charge under Fairer Charging guidance is £0 per week.

It is anticipated that this change will reduce the Council's income by approximately £150k per annum. This may also help with speeding up when financial assessments are carried out by the Financial Assessment Team and offset the risk to the Council of removing the free care period.

### **Personal Injury Awards and Trust Funds**

It is proposed that in existing proceedings where claims are made against defendants in legal proceedings alleging wrongdoing or negligence (such as insurance companies or the NHS), the Council will give consideration to intervening in those proceedings where appropriate.

It is also proposed to take settlements (both interim and final) into account when assessing the financial circumstances of a service user where it is considered reasonable to do so. It is also proposed that the Council will consider whether to recover the cost of care from a trust fund, where reasonable to do so, having regard for the terms of the trust.

Guaranteed Income Payments made under the Armed Forces Compensation Scheme to disabled ex-service personnel will not be taken into account.

### **12 Week Property Disregard**

The Council currently offers a 12 week period of grace for people moving into a care home, whereby the Council continues to fund the cost of care at the previously assessed level for a period of up to 12 weeks before undertaking a new financial assessment. This helps to alleviate the risk that a client is reassessed as needing to contribute significantly more than previously as a result of the value of their property being taken into account, prior to having released the value of their property through completion of the sale. If the sale is not complete after the 12 week period, the Council will provide interim or deferred payments secured by a legal charge over the property under Charging for Residential Accommodation Guidance (CRAG). The amount secured by the legal charge will be repayable to the Council immediately on sale of the property and may be subject to an additional interest charge as set out in the Deferred Payment Agreement or the provisions of HASSASSA 1983.

It is proposed to extend the same 12 week property disregard and deferred payments to clients moving elsewhere (for example into Extra Care Housing or to move in with relatives). However, clients moving into accommodation other than a care home that do not agree to the Council securing a charge over their property if the sale is not completed within 12 weeks will not be offered an initial 12 week property disregard option, and will be reassessed with the value of their property taken into account.

### **Evidence / Intelligence:**

The proposals have been developed based on analysis of current practice within Oxfordshire County council and other local authorities, including financial modelling and feedback from staff and service users. They have been developed with service user representation on a working group, and discussion with senior officers, elected members and partner agencies through internal forums and Joint Management Groups for Older People, Physical Disability and Learning Disability.

The draft Contributions Policy was subject to public and stakeholder consultation during June, July and August 2013, the outcomes of which have informed further development of the policy. The consultation plan was been developed with support

from the Consultation Institute, and includes public meetings, online consultation and stakeholder engagement through numerous forums and existing workshops / meetings / events. There were also targeted communications to those service users identified as most likely to be adversely impacted by the proposed changes.

The consultation responses were broadly supportive of the policy and the changes being proposed. However, as a result of the consultation changes were made to the proposal for the Alert service, and elements of the policy redrafted to clarify points that the consultation suggested were not clear.

### **Alternatives considered / rejected:**

There has been feedback from staff, service users and carers that the Council's current policy and practice around charging and seeking contributions towards the cost of care is not clear, and there have been inconsistencies in its application and interpretation as a result. There are also elements of the existing policy and practice that recent case law shows are outside the Fairer Charging Guidance that sets the basis for seeking contributions, so it is not appropriate to do nothing.

A number of other potential changes to existing policy and practice have also been considered and discounted as either having too great an impact on service users, being too costly for the Council to implement, or not within the scope of the policy to resolve (eg impact of changes under the Welfare Reform Act). Similarly, changes to Government policy on the funding of Adult Social Care from 2015 onwards are not yet clear enough to consider fully, and will be considered as part of reviewing this policy following implementation and on an annual basis thereafter.

As part of the consultation, it was proposed to make the Alert service free to charge to anyone. However, responses to the consultation questioned how the most vulnerable people or those least able to pay the costs of the service would be prioritised, and the potential cost to the Council as a result of significantly increased number of service users.

As a result, the proposal has been amended so that service users who are in receipt of Housing Benefit and either Income Support or (Guaranteed) Pension Credit (and this may be extended in future to those receiving Universal Credit, as this is rolled out) will receive the service free automatically, without the need for a Fairer Charging Assessment.

Anyone not in receipt of those benefits will be able to access the service in the same way as they do now, either by making an agreed contribution following a Fairer Charging assessment (which may still result in a free service) or by paying full costs (between £5 and £22 depending on the level of service). Alternatively people who would have to pay the Council's full charges can choose to receive the service privately, through an organisation of their choosing.

We believe that this change will reduce the numbers of referrals to the Fairer Charging team, thus reducing waiting times for a financial assessment for people

with more complex care needs, whilst maintaining the preventative intention of the service and targeting it at those least able to pay for the service from their own resources.

## **Impact Assessment:**

### **Impact on Individuals and Communities:**

The Contributions Policy and assessments for eligibility for social care do not take account of an individual's age, gender, race, religion or belief, sex, sexual orientation, financial circumstances, or where they live. However, they do take account of factors that influence an individual's care and support needs, such as disability and any dependents.

There will be an overall financial impact to the council through reduced income of approximately £340k per annum, but the new policy will be more consistent and treat clients fairly in applying the same principles to those in residential and non-residential services as far as possible. The new policy also strongly supports the Council's commitment to helping people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget.

Under the Contributions Policy, all individuals are offered the opportunity to have a full financial assessment to calculate their level of contribution towards the cost of their care based on their income, savings and capital assets. Department of Health guidance states that contributions to care costs should not reduce a services user'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.

Similarly, the Contributions Policy allows for reasonable additional expense the individual incurs due to a disability or condition to be accounted for in the financial assessment. The aim is to allow for reasonable expenditure needed for independent living by the service user. The list of possible items is extensive and examples are given in information provided to the service user.

There are specific impacts on individuals that have been identified as a result of changes in the proposed Contributions Policy in the following areas:

#### **Charges for Services**

The policy includes details of the services for which charges will apply, based on distinguishing between preventative services (that will be offered free of charge) and those that are either subsidised universal services or available exclusively to people with personal budgets (both of which will generally be charged by the provider and paid by the service user from their own funds or from a personal budget).

This is important in clarifying for service users which services will incur a charge, and whether the council or the provider is responsible for setting and collecting these charges. It will also avoid situations where service users are charged different amounts depending on whether they are using a personal budget or paying directly.

Approximately 15,000 people are receiving care and support from Adult Social Care at any one time, of which approximately 4,700 people are receiving a service that is charged for. Of these:

- 498 are full cost payers (includes 32 clients who have assumed to be full cost as they have not responded to requests for financial assessment visits or have not provided all their financial information)
- 1920 are paying an assessed contribution
- 2090 are paying £0 towards the cost of their care
- 194 are paying a nominal charge whilst awaiting assessment

These figures exclude an additional 369 clients who are automatically assessed as contributing £0 under the Councils current Fairer Charging policy:

- 109 are excluded from charges for aftercare services under section 117 of the Mental Health 1983
- 199 are funded through the Independent Living Fund
- 61 are funded entirely by the NHS under Continuing Healthcare

It is proposed to introduce a single, flat rate per hour for home support. This will replace the current variable rate that means shorter visits are charged proportionately more than longer visits. This change will only affect people who are paying the full cost of their care, but as the Council has been effective in reducing the cost of home support and the actual cost charge to individuals had not been reduced by the same amount it means that the new rate will in fact be lower than many people are currently paying.

Most clients will pay less for the vast majority visits, but clients paying the full costs of their care will pay more for double-handed visits lasting over 36 minutes on weekdays and single-handed visits lasting over 50 minutes on weekdays where they choose to use their personal budget in this way. In reviewing the actual packages of care that clients receive, in most cases the reduction in the charges for other visits would compensate for this additional cost.

Based on the hours delivered in 2012/13 around 500 people would actually have paid more, although the majority of these (475) would have seen an increase of less than £2 per week. Only approximately 25 people would have seen an increase of £5 per week or more, and the maximum loss encountered by any individual was £13 per week. These 25 individuals were contacted directly as part of the consultation to fully understand the impact this may have, and will be contacted again following agreement of the policy to offer support in considering alternative care packages that may reduce this additional contribution if appropriate.

Many vulnerable adults and/or those with complex needs require 2 carers to manage their personal care and manual handling. Currently the Council charges people who

pay for their care for 1.5 carers, and people who pay through a personal budget for 2 carers.

In the interests of fairness and equity, and removing any disincentive to service users using personal budgets, it is proposed to charge individuals the cost of having two carers, subject to their assessed contribution. In reality this will represent little change for clients as they are already paying either the full cost of their care, or the cost is already greater than their assessed contribution.

### **Free Care Period**

Removing the Free Care Period for all services other than intermediate care services (which will continue to be provided free of charge for up to 6 weeks) will impact on new clients, and will apply to all clients irrespective of background. However, all clients will also be eligible for a financial assessment, which will assess the level of contribution to the cost of care an individual will be expected to make. Anyone with savings and capital of less than £23,250 is unlikely to pay the full cost of their care, and anyone with less than £14,250 is unlikely to contribute anything to the cost of their care.

Based on figures from 2012/13, approximately 1100 people would begin contributing to the cost of their care up to four weeks earlier than previously. This includes 194 who are currently paying a nominal charge whilst awaiting financial assessment.

### **Couples**

It is proposed that in future financial assessments will normally be undertaken as a single person. However clients living with a partner in their own homes will also be offered a joint assessment. This will require details of all savings, income and expenses held individually or jointly. We will then financially assess at whichever rate is better for the service user.

For couples that are receiving joint benefits only joint assessments will be offered. This assessment will be based on both partner's income, capital and living costs. Assessing clients in receipt of joint benefits will always be most beneficial for these clients due to the level of income that is disregarded as part of the assessment.

Couples assessments do not apply to couples living together or separately in care homes. For these people, each will be separately financially assessed under Charging for Residential Accommodation Guidance as appropriate

A review of current service users against the new policy has shown that there are currently 576 clients who are part of a couple. There are currently 229 service users in receipt of joint benefits, of which 73 are assessed as making a financial contribution and 155 are assessed as making no contribution. The change in policy will not increase the contributions of any clients, and will reduce the contributions of approximately 60 clients by up to £350 per week.

### **Alert Service**

There are approximately 4,350 users of the Alert Service, of which around 3,600 are in receipt of Housing Benefit and 726 (17%) have received a financial assessment (the rest being screened out by the provider as not being eligible for support from

Adult Social Care). Of those assessed, 72% are assessed as not having to make a contribution to the cost. This means that only 5% of the total number of users of the Alert Service are contributing towards the cost of the service.

Approximately 36 current users are in receipt of Housing Benefit and either Income Support or (Guaranteed) Pension Credit. Providing the service free of charge to these individuals will reduce their contributions by between £5 and £22 per week.

### **Respite**

The Council has discretion about how to charge for respite care, including temporary stays of less than 8 weeks. The council can charge under residential or non-residential charging legislation, or set what it considers to be a 'reasonable amount'. Currently assessments are undertaken using residential legislation.

It is proposed to include charges for respite care under Fairer Charging (non-residential) guidance as this supports our aims of helping people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget.

It also means that on average people will be better off, as charges for respite care under residential legislation are typically £60-£80 per week for clients on low incomes whereas the minimum charge under Fairer Charging guidance is £0 per week. Some people will be assessed as contributing the full cost of their care under both residential and non-residential guidance, so the amount they pay would be unchanged, whilst others would have more expenditure that could be taken into account and so the reduction would be greater.

In 2011/12 there were 644 people took a total of 1929 episodes of respite care. 359 made a contribution towards the cost of their respite care, and so would have benefited from the proposed change.

### **Personal Injury Awards and Trust Funds**

It is proposed that in existing proceedings where claims are made against defendants in legal proceedings alleging wrongdoing or negligence (such as insurance companies or the NHS), the Council will give consideration to intervening in those proceedings where appropriate.

It is also proposed to take settlements (both interim and final) into account when assessing the financial circumstances of a service user where it is considered reasonable to do so. It is also proposed that the Council will consider whether to recover the cost of care from a trust fund, where reasonable to do so, having regard for the terms of the trust.

Guaranteed Income Payments made under the Armed Forces Compensation Scheme to disabled ex-service personnel will not be taken into account

These changes are likely to increase income to the Council, and in some cases this could be significant sums, but it is difficult to quantify how much this will be per annum. However, these sums are awarded to individuals in recognition of their

ongoing care needs, and so will not negatively impact on clients by increasing their contributions beyond their ability to pay.

### **12 Week Property Disregard**

In line with Government guidance, the Council currently offers a 12 week period of grace for people moving into a care home, whereby the Council continues to fund the cost of care at the previously assessed level for a period of up to 12 weeks before undertaking a new financial assessment. If the sale is not complete after the 12 week period, the Council will provide interim or deferred payments secured by a legal charge over the property under Charging for Residential Accommodation Guidance. The amount secured by the legal charge will be repayable to the Council immediately on sale of the property and may be subject to an additional interest charge as set out in the Deferred Payment Agreement or the provisions of HASSASSA 1983.

It is proposed to extend the same 12 week property disregard to clients moving elsewhere (for example into Extra Care Housing or to move in with relatives). However, if clients moving into accommodation other than a care home do not agree to to the Council securing a charge over their property if the sale is not completed within 12 weeks will not be offered this option.

This is a positive change for service users, as it helps reduce the risk that they need to contribute significantly more towards the cost of their care before they have the income from the sale of their property. It also means clients will be treated in the same way wherever they are moving, and may mean they can move home sooner as they no longer need to wait for the sale to be completed.

It is difficult to assess the precise number of people this will affect, as the likely numbers this will apply to is unclear. The gross costs are difficult to assess, since these can vary far more than the cost of residential / nursing care, and the net costs are also difficult to estimate as by selling a property clients are likely to be assessed as contributing some or all of the cost of their care when they may previously not have been.

However, for comparison, in 2012/13 the Council spent £880k offering a 12 week property disregard to 124 people moving into residential care. Although their properties were disregarded, they were already assessed to contribute something to the cost of their care so the net cost was only £346k. For interim funding the Council “spent” almost £6 million in 2012/13, (on 490 people) but the eventual net cost will be zero as the money is reclaimed following the sale of the properties.

The proposal is also positive for the Council, as it may encourage people to move into alternative accommodation rather than a care home, including Extra Care Housing. This proposal may also help people move into Extra Care Housing sooner as they don't need to wait for their property to be sold, reducing the risk of empty properties for which the Council is responsible for paying the provider a core charge.

### Summary of proposed changes

Change proposed	Impact on service users	Impact on the Council
<p><b>Charges for services</b> Clarifying which services will incur a charge and whether the council or the provider is responsible for setting and collecting these charges, and introducing a single, flat rate per hour for home support</p>	<ul style="list-style-type: none"> <li>• Most clients will pay less for the vast majority visits, but more for double-handed visits lasting over 36 minutes on weekdays and single-handed visits lasting over 50 minutes on weekdays if they choose to use their personal budget in this way.</li> <li>• Based on the charges made in 2012/13 there approximately 25 clients whose total contribution would have increased by more than £5, with the maximum increase being £13 per week.</li> </ul>	<ul style="list-style-type: none"> <li>• Need to make clear to existing and future providers the presumption that service will be charged for, with the charge being set and collected by the provider</li> </ul>
<p><b>Free Care</b> Removing the 4 week Free Care Period for all services other than intermediate care services (which will continue to be provided free of charge for up to 6 weeks)</p>	<ul style="list-style-type: none"> <li>• These changes will only impact on new clients, who will begin contributing to the cost of care up to 4 weeks earlier than previously</li> </ul>	<ul style="list-style-type: none"> <li>• Generate approximately £50k additional income for the Council per annum by starting contributions sooner</li> </ul>
<p><b>Couples</b> Offering couples a joint assessment as well as an assessment as an individual, and charging whichever is most beneficial to the client (with the exception of couples in receipt of joint benefits, who will only be assessed as a couple)</p>	<ul style="list-style-type: none"> <li>• It is anticipated that this will reduce the contributions of approximately 60 clients by up to £350 per week</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce the Council's income by approximately £220k per annum.</li> </ul>
<p><b>Alert</b> Providing the service free of charge to people in receipt of Housing Benefit and either Income Support or (Guaranteed) Pension</p>	<ul style="list-style-type: none"> <li>• Reduce the contributions of approximately 36 users by between £5 and £22 per week.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce income for the council by approximately £16.5k per annum</li> <li>•</li> </ul>

Credit		
<b>Respite</b> Charging for respite care, including temporary stays under 8 weeks, under non-residential guidance	<ul style="list-style-type: none"> <li>Support people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget.</li> <li>Reduce the charges many people pay for respite care, particularly those on low incomes. week.</li> </ul>	<ul style="list-style-type: none"> <li>Reduce the Council's income by approximately £150k per annum.</li> </ul>
<b>Personal injury awards and Trust Funds</b>	<ul style="list-style-type: none"> <li>Likely to increase the contributions of clients, but these are awarded to individuals in recognition of their ongoing care needs, and so will not negatively impact on clients by increasing their contributions beyond their ability to pay</li> </ul>	<ul style="list-style-type: none"> <li>Likely to increase income to the Council, and in some cases this could be significant sums, but it is difficult to quantify how much this will be per annum.</li> </ul>
<b>12 week property disregard</b> Extending the disregard and deferred payments currently offered to clients moving into care homes to clients moving elsewhere (Extra Care Housing, in with family, sheltered housing)	<ul style="list-style-type: none"> <li>Helps to alleviate the risk that a client is reassessed as needing to contribute significantly more towards the cost of their care than previously as a result of the value of their property being taken into account, prior to having released the value of their property through completion of the sale.</li> </ul>	<ul style="list-style-type: none"> <li>Enable those home owners with eligible care needs to move into Extra Care Housing more quickly, thereby reducing the cost to the Council of paying the core charge to the on-site care provider due to empty properties.</li> </ul>

### Impact on Individuals and Communities

Risks	Mitigations
Service users do not understand the new policy or its implications	<ul style="list-style-type: none"> <li>Guides for service users will be produced as part of the implementation of the policy, including summary and easy read versions</li> <li>All existing and future information provided to service users will be reviewed to ensure it</li> </ul>

	<p>communicates policy clearly</p> <ul style="list-style-type: none"> <li>• Service user engagement in development of policy and accompanying guidance</li> </ul>
Increases in contributions as a result of policy changes are unaffordable for individuals	<ul style="list-style-type: none"> <li>• Identified and will engaged directly with limited number (less than 30) likely to see an increase in contributions as part of consultation to understand impacts not identified in developing the proposals and take appropriate action</li> <li>• New financial assessments will be offered, including considering alternative ways to meet assessed needs and reduce cost</li> <li>• Implementation of policy will not be until 1 January 2014 to allow time to prepare and work with individuals to limit impact</li> <li>•</li> </ul>
Increased complaints in response to new policy and its implementation / impact on service users and carers	<ul style="list-style-type: none"> <li>• Majority of proposed changes have a positive impact for service users, and were supported by the responses to the consultation</li> <li>• Those likely to be adversely affected were contacted as part of the consultation, and offered a re-assessment and help to consider alternative care provision to reduce costs if appropriate</li> </ul>

No differential impact has been identified on particular individuals or communities, including those that share protected characteristics, other than those identified above.

### Impact on Staff:

The most significant risk is that staff are not aware of the new policy, or confident in implementing it effectively and consistently. In addition to a communication plan as part of the consultation period that included staff, there will be a detailed implementation plan for the new policy following its agreement by Cabinet that will include appropriate briefings and training sessions for staff. There will also be a 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.

Risks	Mitigations
Staff (social workers, financial assessments team, Customer Service Centre) are not aware of the new policy, and cannot implement it / communicate it to service users appropriately	<ul style="list-style-type: none"> <li>• Communications and engagement plan as part of consultation included communication with staff</li> <li>• Briefings and training for staff as part of implementation plan following agreement of policy</li> <li>• 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</li> </ul>

	<ul style="list-style-type: none"> <li>Implementation of new policy from January 2014 to allow time to brief / train staff and ensure policies reviewed and in place</li> </ul>
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### Impact on other Council services:

It is possible that implementing the new policy will increase the workload for the Financial Assessments Team, who will be required to reassess existing clients under the new policy. It is proposed to bring additional staff into the team in the period leading up to and immediately after implementation.

It is also possible that implementing the new policy could lead to increased complaints from clients and carers, and legal challenge if it does not resolve issues with fair application of charging policies. However, as the changes in the policy are broadly positive for clients and carers, and legal and finance colleagues have been involved in developing the policy, these risks are not considered to be significant. The proposals were also supported by the responses to the consultation.

Risks	Mitigations
Increased workload for Financial Assessments Team in having to reassess all existing service users under the new policy could impact on waiting times for assessment for new clients	<ul style="list-style-type: none"> <li>Implementation and training plan will be developed for staff in bringing in the new policy</li> <li>Additional staff will be brought into Financial Assessment Team for period leading up to and immediately after implementation</li> <li></li> </ul>
Increased complaints in response to new policy and its implementation / impact on service users and carers	<ul style="list-style-type: none"> <li>Majority of proposed changes have a positive impact for service users</li> <li>Those likely to be adversely affected were contacted as part of the consultation, and will be contacted again as part of the implementation of the policy to offer a re-assessment and help to consider alternative care provision to reduce costs if appropriate</li> </ul>
Policy changes do not resolve issues with fair application of charging policies, leading to legal challenge	<ul style="list-style-type: none"> <li>Involvement of legal and finance colleagues in development of policy to ensure it addresses issues within legal framework</li> <li>Policy will be reviewed following implementation, and at least annually thereafter</li> </ul>

### Impact on providers:

The main risks for providers are that they are not clear about the expectation they will be responsible for charging and collecting contributions for services, and that this expectation may impact on their willingness or ability to provide services and bid for new contracts. However, they will be made aware of the consultation and their opportunity to comment, and in many cases they are already operating in this way in Oxfordshire and elsewhere in the country. Market development and relationships

with existing providers will be used as part of the commissioning process to ensure any negative impacts are mitigated as much as possible.

<b>Risks</b>	<b>Mitigations</b>
Providers are not clear about expectation that they will be responsible for charging and collecting contributions for services	<ul style="list-style-type: none"> <li>• Expectations will be made clear in new and renewed contract specifications</li> <li>• In many cases this is no different to the current situation, and is set within existing contracts</li> <li>• Communications and engagement plan included providers to ensure they were aware of proposals and able to feed into consultation</li> <li>• Implementation plan following agreement of policy will also include communications with providers</li> </ul>
New contracts will all be on the presumption of charging by provider – may therefore impact on their willingness and ability to provide the service, and/or cost of doing so.	<ul style="list-style-type: none"> <li>• Market development and provider engagement as part of commissioning process</li> <li>• Current situation in many contracts so unlikely to have significant impact</li> </ul>
Brokers and other support agencies not aware of or able to adapt support according to new policy and changes	<ul style="list-style-type: none"> <li>• Communications and engagement plan included providers to ensure they were aware of proposals and able to feed into consultation</li> <li>• Implementation plan following agreement of policy will also include communications with providers</li> </ul>

<b>Action plan:</b>		
<b>Action</b>	<b>By When</b>	<b>Person responsible</b>
Development of communications and stakeholder engagement plan for consultation period, including targeted individuals	21 <sup>st</sup> June	Rachel Taylor / Ben Threadgold
Public meetings and public consultation on draft policy	24 <sup>th</sup> June to 16 <sup>th</sup> Aug	Rachel Taylor
Cabinet approval of new policy following consultation	17 <sup>th</sup> Sept	Ben Threadgold
Develop implementation plan for policy, and accompanying policies, procedures and guidance	Sept 2013	Caroline Parker / Ben Threadgold
Implement new policy	Jan 2014	Lucy Butler / Caroline Parker
Review of policy	No later than Jan 2015	Ben Threadgold

<b>Monitoring and review:</b>
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**Person responsible for assessment: Ben Threadgold**

Version	Date	Notes (eg Initial draft, amended following consultation)
1	28 May 2013	Initial draft
2	4 June 2013	Amended prior to consultation in light of working group and communications group feedback
3	23 June 2013	Amended to reflect further amendments to policy prior to consultation
4	4 September 2013	Amended following consultation outcomes and changes to proposals as a result