

Healthier Communities Select Committee			
Title	Consultation on changes to charges and contributions to adult social care services		
Contributor	Executive Director for Community Services	Item	6
Class	Part 1 (open)	14 January 2015	

1. Summary and purpose of report

- 1.1 This report invites comments from Members of the Healthier Communities Select Committee on the proposals to amend the Council's policy on charging for home care and non-residential care services and on extending charging to users with learning disabilities in supported accommodation.
- 1.2 On 12 November, the Mayor considered a number of proposals to address an anticipated General Fund revenue budget deficit of £85m over the next three years. At that meeting, the Mayor agreed that officers should consult on proposals to change the way people in Lewisham are charged for adult social care services.
- 1.3 At an earlier meeting on 21 October, Members of the Healthier Communities Select Committee approved the proposed consultation arrangements which set out how officers would seek the views from users, carers, providers and stakeholders on the proposed changes.
- 1.4 As part of the formal consultation, Members of the Healthier Communities Select Committee are now asked to comment on the proposals. The Committee's views will form part of the consultation outcome report.

2. Recommendation

- 2.1 Members of the Select Committee are invited to comment on the specific proposals set out in the consultation document which is attached at Annex 1.

3. Budget background

- 3.1 The detail of the budget situation was set out in the report: Lewisham Future Programme 2015/16 Revenue Budget Savings Report, which was presented to Scrutiny Committees throughout October and to the Mayor on 12 November.
- 3.2 That report set out the budget challenges faced by the Council and outlined a range of savings proposals to enable a balanced budget for 2015/16 to be put forward to Council in February 2015. The proposals presented to Healthier Communities Select Committee and to the Mayor included the proposals to amend the Council's policy on charging for home care and non-residential care services (A5) and on extending charging to those LD users in supported accommodation (A2).

4. Policy context

- 4.1 The focus for Adult Social Care services continues to be on the provision of safe and high quality care to those with eligible needs whilst achieving a reduction in

spend. The Council also needs to ensure that it makes the best use of limited resources whilst offering residents access to high quality services that meet their eligible care or support needs in a personalised way.

- 4.2 In allocating resources to adult social care services, the Council seeks to ensure that those with the greatest need receive the community care services they need to maximise their independence and to enable them to live in their own homes in their local communities wherever possible.
- 4.3 If a client is deemed eligible for statutory social care services under FACS, a package of care may be put in place. In accordance with the Council's policy on charging, an assessment is carried out to determine whether or not the client has the financial means to contribute to the cost of their care.
- 4.4 In providing services to adults with social care needs, the Council must comply with the current legislation and guidance issued by the Department of Health and other relevant bodies.
- 4.5 This includes Fair Access to Care Services (FACS); Fairer Charging Policies for Home Care and other non-residential Social Services – Guidance for Councils with social services responsibilities and Fairer Contributions Guidance – calculating an individual's contribution to their personal budget. In accordance with guidance issued by the Department of Health, before deciding whether or not to implement a change to the charging policy, a consultation must be carried out. The consultation paper, containing background information, details of the proposals and a questionnaire, is attached at Annex 1.
- 4.6 From April 2015, the Council must also meet the new obligations and provisions introduced by The Care Act. The recently published Care and Support Statutory Guidance published under the Act sets out a new framework for charging for care.

5. Consultation proposals

- 5.1 The attached consultation paper sets out ten proposed changes to the Council's policy on contributions and charging for adult social care. In proposing these changes the aims are:
 - To increase total income as a contribution to the Council's overall savings target
 - To remove anomalies in the charging policy where some services are charged for and some are not; and
 - To bring charging for care at home more in line with charging for residential care.
- 5.2 The proposals include changes to: the income support buffer; the net disposable income; the maximum charge; charging for supported accommodation, respite care provided at home and transport; introducing charges for services provided to carers; charges for day centre attendance and meals. The consultation is also suggesting that charges for services are implemented from the first day services are provided.

- 5.3 Members are invited to comment on each of the ten proposed changes. A record of the comments made by Members will be included in the consultation outcome report.

6. Financial Implications

- 6.1 The Lewisham Future Programme 2015/16 Revenue Budget Savings Report sets out the financial issues that need to be taken into account in order for the Council to set a balanced budget in 2015/16.
- 6.2 The savings proposals attached to that report included a proposal to consult on changes to the Council's adult social care charging policy to achieve a saving of £275k and an additional saving of £50k in relation to charges for LD clients using supported living services.
- 6.3 All costs relating to the consultation have been met from the Strategy, Improvement and Partnership budget, Adult Social Care and Joint Commissioning budgets within Community Services. The funding set aside also included provision to respond to individual demands, for example for advocacy and translation.

7. Legal implications

- 7.1 Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives Local Authorities a discretionary power to charge adult recipients of non-residential services provided such charges are reasonable and they have regard to the Government's "Fair Access to Care Service" national guidance.
- 7.2 The Council must also comply with guidance issued by the Department of Health and other relevant bodies. This includes Fairer Charging Policies for Home Care and other non-residential Social Services – Guidance for Councils with social services responsibilities and Fairer Contributions Guidance – calculating an individual's contribution to their personal budget.
- 7.3 The guidance on Fairer Charging Policies recommends that consultation with users and carers about charging policies and increases or changes in charges should follow good practice advice. The advice set out in the Cabinet Office guidance states that timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response and where the consultation spans all or part of a holiday period policy makers should consider what if any impact there may be and take appropriate mitigating action.
- 7.4 The guidance adds that the amount of time required will depend on the nature and impact of the proposal and might typically vary between two and 12 weeks.
- 7.5 The Care Act rewrites much of the existing adult social care legislation. The new requirements of the Care Act do not come into force until 2015. The consultation has followed current legislative requirements and all proposals are in line with the new requirements of the Care Act.

8. Equalities Implications

- 8.1 The consultation seeks to ensure that there is meaningful consultation with those who might be affected by any change. Where necessary, support is being provided to ensure access to the consultation. Support includes the provision of accessible venues, translation services where requested, advocacy services where required, and a BSL interpreter at the consultation meetings. The information pack is available in large print and made accessible to those with learning disabilities. An audio version is also be available on request.

9. Environmental Implications

- 9.1 Although the information pack has been printed and sent to current service users, the consultation documents are also available online to download. Where possible, officers and facilitators are travelling to meet users at suitable locations such as day centres to avoid unnecessary travel by users and their carers.

10. Conclusion

- 10.1 Consultation must take place on the proposals set out in the paper at Annex 1 before any changes can be implemented and any potential savings realised. Comments from Committee Members are invited on these proposals.

If there are any queries on this report please contact Sarah Wainer, Head of Strategy, Improvements and Partnerships on 020 8314 9611 or by email on sarah.wainer@lewisham.gov.uk.