

CABINET

17 October 2023

REVIEW OF THE CHARGING FOR CARE AND SUPPORT POLICY

Report of the Portfolio Holder for Adult Care and Health

Strategic Aim:	All	
Key Decision: Yes	Forward Plan Reference: FP/110823	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr D Ellison, Portfolio Holder for Adult Care and Health	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves a review of the Charging for Care and Support Policy for Rutland with the aim of providing a new transparent, and consistent policy for charging adults receiving care and support services in Rutland.
2. Approves the proposal to launch a public consultation necessary to inform the content of the final policy.
3. Approve the delegation of the final public consultation content to the Strategic Director for Adult Services and Health in consultation with the Portfolio Holder for Adult Care and Health.

1. PURPOSE OF THE REPORT

- 1.1 To seek approval to undertake a review of the Charging for Care and Support Policy for Rutland, with the aim of providing a new transparent and consistent policy for charging adults receiving care and support services in Rutland.

- 1.2 To seek approval to launch a public consultation necessary to inform the content of the final policy.
- 1.3 To seek approval to delegate the final public consultation content to the Strategic Director for Adult Services and Health in consultation with the Portfolio Holder for Adult Care and Health.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Care Act 2014, the Care and Support Statutory (Charging and Assessment of Resources) Regulations 2014 and the detailed Statutory Guidance on Charging and Financial Assessment, provide detailed rules that the Council must follow. Within this framework, the Council has a degree of discretion as to how it operates the charging framework, and this is detailed in the policy.
- 2.2 The Charging for Care and Support Policy for Rutland was amended in 2015 (Report 241/2015) and again in 2016 (Report 117/2016). A full rewrite of the policy has not been undertaken, this means that the policy is now dated and isn't providing the clarity and transparency that is expected by service users, officers, and other interested parties.
- 2.3 The current policy is attached at Appendix A for reference.

3. THE AIM OF THE REVIEW

- 3.1 The review of the policy is guided by several aims, detailed as follows:
 - 3.1.1 To ensure that the Council has an up-to-date policy by considering the latest best practice, law, and guidance.
 - 3.1.2 To consider any relevant legal developments.
 - 3.1.3 To make better use of modern technology.
 - 3.1.4 To ensure that the policy is written in plain language, transparent, and consistent for service users, officers, and other interested parties.
 - 3.1.5 To ensure that the policy reflects the Council's aims and objectives, detailed in the Corporate Plan.
 - 3.1.6 To consider the cost to the Council in adopting a new policy given that the Council's medium term financial position remains challenging.

4. PROPOSED CHANGES

- 4.1 The differences between the current policy and the proposed new policy are detailed in Appendix B. There is no intention to provide a draft policy currently. This will be written and presented to Cabinet following the public consultation. This will ensure that the consultation is meaningful, relevant and that the views gathered from the consultation are fully considered.
- 4.2 The identified differences determine which areas we need to consult on and the general basis of what the question needs to be. In summary this is:
 - 4.2.1 The way in which we carry out a financial assessment is changing. A paper form is

being replaced with an online form. We need to understand what support service users will need if they can't complete an online form.

- 4.2.2 We would like to offer online self-assessments and light touch financial assessments and would like to seek view on whether service users think this would be beneficial and why.
- 4.2.3 We would like to know if certain groups of people who share common characteristics, should be able to retain more of their income.
- 4.2.4 We already have a framework in place for Disability Related Expenditure (DRE) and most of this is straightforward to determine. e.g. payments for a gardener when the service user is unable to tend to it themselves to keep the garden neat and tidy. For some items of DRE that are more complex, we would like to seek views on our approach to considering DRE.
- 4.2.5 We need to ask about waiving charges for service users and in what exceptional circumstances would this be considered, or if a service user is suffering from severe financial hardship what factors should we consider.
- 4.2.6 To seek views on the potential cost of making changes to the charging policy in the context of growing demand for care and support services, people living longer with complex needs and the financial challenges the Council is facing.

5. CONSULTATION

- 5.1 Whilst there is no provision in the Care Act (2014) itself requiring the Council to consult on local practice there are several areas of decision making highlighted in the Care and Support statutory Guidance where consultation is advised. This includes decisions about a Council's charging policy.
- 5.2 The Council needs to undertake a 'sufficient' consultation which provides for public participation in the decision-making process, particularly those with care and support needs. There needs to be conscientious engagement with stakeholders in respect of the options.
- 5.3 In accordance with best practice, the consultation period would run for 12 weeks. The primary stakeholders in the consultation are the current and future service users living in Rutland, their carers, their representatives, family and friends and the providers of care services. It will also be of interest to citizens and the voluntary sector more broadly.
- 5.4 The consultation will provide:
 - 5.4.1 The context, the start and end dates, who is invited to respond, what will be done with the responses and next steps.
 - 5.4.2 The questions will have a narrative to explain what we are asking and why, and where possible an example or scenario.
 - 5.4.3 The questions may be closed (e.g. yes, no, don't know) with the opportunity to tell us why they have given their answer in a free text field or multiple choice options depending on the nature of the question being asked.

- 5.4.4 We will ask questions to understand the make-up of the respondents to ensure there is fair representation from individuals and groups of people who share common characteristics.
- 5.4.5 There will be an option to provide contact details to be informed of the outcome.
- 5.5 The consultation will be undertaken online with paper forms being made available. A direct mailing will be sent to all current service users or to their representative along with current service providers. The consultation will be promoted on social media and the Councils website.
- 5.6 An easy read version of the consultation form will be made available, and the Council will engage with groups who may find it difficult to represent their views to enable access to the consultation.
- 5.7 Cabinet are being asked to approve a public consultation from 1st November 2024 to 24th January 2024. This is a period of 12 weeks.
- 5.8 Cabinet is being asked to recommend to Council to delegate the approval of the public consultation content to the Strategic Director for Adult Services and Health in consultation with the Portfolio Holder for Adult Care and Health.

6. ALTERNATIVE OPTIONS

- 6.1 Cabinet can choose not to review the policy at this time. This is not recommended due to the issues highlighted at point 3.1.
- 6.2 Cabinet can also choose to progress some proposals and not others. However, it is recommended that as many proposals as possible progress to consultation even if Cabinet have a strong view at this stage. It is important that Cabinet understands fully the view of respondents before deciding what should be included in the final policy.

7. FINANCIAL IMPLICATIONS

- 7.1 There is limited financial impact to progressing options to consultation and costs can be met from existing budgets.
- 7.2 Any changes to the policy has the potential to have a financial impact on the Council and service users. This impact will need to be carefully modelled and the implications fully understood.

8. LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Care Act 2014, the Care and Support Statutory (Charging and Assessment of Resources) Regulations 2014 and the detailed Statutory Guidance on Charging and Financial Assessment, provide detailed rules that the Council must follow.

9. DATA PROTECTION IMPLICATIONS

- 9.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no new risks or issues to the rights and freedoms of natural persons.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment has not been completed at this time. This will be undertaken when the new policy is drafted.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no community safety implications arising from this report.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no health and wellbeing implications arising from this report.

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 It has been several years since the Council reviewed its charging policy. There is a compelling case to undertake a public consultation and adopt a new policy.

14. BACKGROUND PAPERS

14.1 There are no additional background papers to the report.

15. APPENDICES

15.1 Appendix A Charging for Care and Support Policy

15.2 Appendix B Analysis of proposed content

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.