



**CABINET**

**10 SEPTEMBER 2019**

**DIRECTOR OF NORTHAMPTONSHIRE ADULT SOCIAL SERVICES: ANNA  
EARNSHAW**

**CABINET MEMBER WITH RESPONSIBILITY FOR ADULT SOCIAL CARE AND  
PUBLIC HEALTH: COUNCILLOR IAN MORRIS**

Subject:	Adult Social Care (ASC) Fair Contributions Policy
Recommendations:	<p>Cabinet is asked to:</p> <ol style="list-style-type: none"> <li>1. Approve the commencement of a consultation process</li> <li>2. Note the content of this report</li> <li>3. Note the content of the EQIA</li> <li>4. Note that the ASC Fair Contributions Policy incorporating the agreed changes following consultation, will be presented to Cabinet for approval in February 2020</li> </ol>

**1. Purpose of report**

1.1 Cabinet is asked to agree to the commencement of a 12 week consultation process to allow stakeholders to consider the proposed changes to the Adult Social Care Fair Contributions Policy in line with national practice.

1.2 The major changes which Cabinet is being asked for agreement to consult on are:-

1.2.1 To undertake a review of the current Disability Related Expenditure (DRE) model to incorporate a single standard rate of DRE. It is recommended that the single standard rate of DRE should be set at £23 per week, which is at a level between the two current rates of disability benefits (lower/middle £18, higher £28). A personalised DRE assessment will be provided to any affected customers upon request.

1.2.2 To undertake a review of the Older Persons Standard Income Disregard to bring the Council in line with other authorities and the Department of Health, a deduction of £5.50 per week to the current standard rate.

1.2.3 To review the current model for residential college charges, so that all affected customers are charged a reduced amount for their care provisions, by charging under domiciliary rules.

**2. How this decision contributes to the Council plan**

The Council's vision is for Northamptonshire to be a county where everyone looks after each other and takes responsibility, where the vulnerable are protected and supported

and where the people who can help themselves receive the assistance they need to stay independent and healthy.

This initiative helps the Council to deliver this vision through the following strategic priorities outlined in the Council Plan
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| <ul style="list-style-type: none"><li>• Utilising the Council's assets effectively.</li><li>• Reducing inequalities and disparity of opportunities.</li></ul> |
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### **3. Background**

3.1 The Fair Contributions Policy (the "Policy") sets out the Council's policy and guidance on how the Council calculates a person's contribution towards their care and support. It was created in 2014.

3.2 The Policy is currently due for review and renewal providing the opportunity to update and incorporate new elements and bring it in line with national guidance and wider practice.

3.3 The Policy currently only details how contributions towards community based care are calculated. However the charging rules for residential care contributions, third party top-ups, standard rate charges, and deferred payment agreements are not currently covered. We will now address these gaps in a revised policy, which will provide openness and transparency as well as set out processes for the assessment and management of service users finances, although the processes themselves are not part of the consultation

3.4 The Council last changed the Policy in April 2018, when approximately 2,250 service users were impacted by a policy change. This was implemented after a 3 month consultation period.

3.5 Given that the proposals set out in paragraph 1 above will have a direct impact on current service users, as well as the potential to affect future service users, it is important that the Council seeks their views and provides the opportunity for them to feedback on how the proposals could affect them. A further report will be brought to Cabinet, who should take the response to consultation into consideration before making its final decision on the proposals.

3.6 Legal advice recommends that a consultation process on proposed changes take place, and the results and alternative proposals are taken into account in any final decision making process by Cabinet.

3.7 Consultation will also inform the final Equality Impact Analyses of the proposals and ensure that the Council actively seeks the views of people who share protected characteristics, as set out in the requirements of the Equality Act 2010.

### **4. Consultation and Scrutiny**

4.1 In making the recommendations contained in this report, consideration has been given to the extent of the change and to limit its impact as much as possible, based on an informed assessment of the client groups affected and the experience of other authorities. We propose to undertake a 12 week consultation with all

customer groups that may be affected by the proposals as well as other stakeholders. These will take place by means of:

- on-line and printed questionnaires (available in standard and easy-read format)
- public meetings in various accessible locations across the county
- meetings with key customer reference groups
- 1:1 consultations where required
- a dedicated telephone line to address concerns from service users as to the impact of the proposals

4.2 There are 885 service users who receive the lower standard rate of DRE of £18 per week and 2,239 who receive the higher rate of DRE of £28 per week all of whom could be affected by the proposed changes.

4.3 There are currently 2,124 older person's service users who have been afforded a standard income disregard allowance of £194.50 per week. Of these, 628 are currently not required to make a contribution towards their care and support. There will be 1496 people affected by the proposed change which will allow them an amount of £189.00 per week.

4.4 There were 10 people at residential colleges in 2018/19 who were assessed under residential charging rules.

4.5 Given that these customers identified in paragraphs 4.2 and 4.3 above would be directly affected by the changes proposed in this paper, they and their family members, where appropriate, will be contacted directly to inform them of the consultation and how they can respond with their views and any alternative proposals.

4.6 There are over 7,000 active ASC customers and all residents of Northamptonshire have the potential to be affected by these proposals now or at some time in the future, so we will-

Publicise the consultation through a variety of methods, namely:

- A letter, in easy read format, addressed to existing customers informing them about the consultation, its proposals and the timescale. This letter will give them the opportunity to respond on-line, request a printed questionnaire, attend one of the public meetings or attend a 1:1 meeting where necessary.
- Press releases issued to all local media advertising the dates and locations of public meetings, and setting out guidance for responding on-line.
- Publication on the Council's inline Consultation Register, which is where all our consultations are published.
- Various social media platforms.

4.2 Legal advice has and will continue to be obtained to ensure that the Council is legally compliant with the relevant legislation in its final proposals and, where appropriate, this will form part of the next report to Cabinet.

## **5. Equality Screening**

- 5.1 Draft Equality Impact Assessments have been completed for each of the proposals and can be accessed via the link at paragraph 5.4 below.
- 5.2 At this stage, the impact on customers who share the protected characteristics of age and disability has been assessed as unclear, due to the complex and varied needs of the clients in this category. An important outcome of the consultation will be to understand the impact that the proposals would have on customers if adopted. In isolation, some of the changes are relatively small but consultation and a more detailed impact analysis looking at customers who may be affected by more than one change will ensure that the full impact is known before the final decision is taken.
- 5.3 It is acknowledged that the potential impact upon service users in relation to the proposed changes to the Fair Contributions Policy is significant. It is for this reason we want to ensure that everyone has the option for a full financial reassessment upon request.
- 5.4 Any change to fees relating to ASC will also affect people with disabilities and health conditions who are entitled to support from ASC. This is acknowledged and underlines the importance of ensuring that all customers potentially affected by the proposed changes are informed of the consultation and encouraged to share their views and how they might be affected by the proposals so that Members can make an informed decision when the further report is brought back to Cabinet.

<https://www3.northamptonshire.gov.uk/councilservices/adult-social-care/policies/Pages/EqIAs.aspx>

## **6. Alternative Options Considered**

- 6.1 Please describe the alternative options considered and the reasons why they have been rejected.
- 6.1.1** There is one alternative option and that is to do nothing.
- 6.1.1.1 If no further action is taken the policy would remain unchanged.
- 6.1.1.2 The advantage of this option is that there would be no change for the customers.
- 6.1.1.3 The disadvantage is that the Council would not have the opportunity to explore any potential savings opportunities and align the Policy with neighbouring Local Authorities.

## **7. Financial Implications**

The consultation and legal advice together, are expected to cost approximately £13,000 which will be met through existing NASS revenue budgets (see table 1 below).

An initial indicative estimate has been prepared to scope out the financial implications of the consultation proposals for each element of the proposals (see table 2 below). A range of assumptions have had to be made to arrive at these indicative figures, including:

- The existing client levels remain consistent for each cohort
- The current individuals are typical of future clients both in terms of care needs, care costs, incomes and statutory allowances
- There are no changes to national allowances

Taking the above points into account, the initial estimates suggest the consultation proposals could result in additional client contributions of £769,896. However this figure could change depending on the outcome of the consultation process and the final decision of Cabinet. Changes in the make-up of future clients will also affect the actual figure.

The final report to Cabinet will provide an update of these figures reflecting the outcomes of the consultation process.

<b>1. Estimated Total Project Delivery Costs</b>	
Legal Review	£10,000
Consultation Communication	£3,000
<b>TOTAL</b>	<b>£13,000</b>

<b>2. Cashable Benefits Analysis (estimate per annum)</b>	
Review of current DRE model	£352,040
Review of the older persons standard income disregard	£427,856
Review of the current model for residential college charges	-£10,000
<b>TOTAL</b>	<b>£769,896</b>

What benefits will the proposal deliver?	<p>Please explain and quantify expected benefits arising from the proposal. Areas for inclusion...</p> <ul style="list-style-type: none"> <li>• Cost effectiveness</li> <li>• Efficiency savings (cashable and non-cashable)</li> </ul>
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## 8. Risk and Business Continuity Management

a) Risk(s) associated with the proposal

Risk	Mitigation	Residual Risk
Review of current DRE model	Active engagement with customers and all stakeholder  Listen to concerns during consultation period to mitigate confusion/concerns	Amber
Review of the older persons standard income disregard	Active engagement with customers and all stakeholder  Listen to concerns during consultation period to mitigate confusion/concerns	Amber
Review of the current model of residential college charges	No risks	Green

b) Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
Opportunities to increase potential income will not be realised	Red

## 9. List of Appendices

- Appendix 1: EQIA - Disability Related Expenditure
- Appendix 2: EQIA - Older Persons Standard Income Disregard
- Appendix 3: EQIA - Residential College Charges

Author:	Name: Ashley Leduc Team: NASS
Contact details:	Tel: 07912 891860 Email: ALeduc@northamptonshire.gov.uk
Background Papers:	
Does the report propose a key decision is taken?	YES
If yes, is the decision in the Forward Plan?	YES
Will further decisions be required? If so please outline the timetable here	Yes – February 2020 Cabinet
Does the report include delegated decisions? If so, please outline the timetable here	No

Is this report proposing an amendment to the budget and/or policy framework?	YES
Have the financial implications been cleared by the Strategic Finance Manager (SFM)? Have any capital spend implications passed through Capital Programme governance procedures?	YES Name of SFM: Mark Walker  YES
Has the report been cleared by the relevant Director?	YES Name of Director: Anna Earnshaw
Has the relevant Cabinet Member been consulted?	YES Cabinet Member: Ian Morris
Has the relevant scrutiny committee been consulted?	NO Scrutiny Committee:
Has the report been cleared by Legal Services?	YES Name of solicitor: Salma Kantharia
Have any communications issues been cleared by Communications and Marketing?	YES Name of officer: Liz Fitzgerald
Have any property Issues been cleared by Property and Asset Management?	N/A
Have the Procurement Implications below been referenced in the Paper: <ul style="list-style-type: none"> <li>• Have you evidenced compliance with the Council's Contract Procedures Rules?</li> <li>• Have you made clear in this paper where you are seeking Cabinet to approve an exemption from the Contract Procedure Rules and detailed the risks and mitigations?</li> <li>• Have you identified any EU or UK legislative risks such as non-compliance with the Public Contract Regulations Act 2015, transparency and open competition?</li> <li>• Have you identified the procurement risks associated with a contract?</li> </ul>	N/A
Are there any community safety implications?	No
Are there any environmental implications:	No
Are there any Health and Safety Implications:	No
Are there any Human Resources Implications:	No

Are there any human rights implications:	No
Constituency Interest:	N/A