

Minutes



To: All Members of the Adult Care & Health Cabinet Panel, Chief Executive, Chief Officers, All officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Elaine Manzi
Ext: 28062

ADULT CARE & HEALTH CABINET PANEL WEDNESDAY 10 JANUARY 2018

ATTENDANCE

MEMBERS OF THE PANEL

E M Gordon; S Gordon; F Guest; K M Hastrick; T Howard; D J Hewitt; F R G Hill (*Vice Chairman*); J S Kaye; N A Quinton; R H Smith (*substituting for E H Buckmaster*); R G Tindall; C B Wyatt-Lowe (*Chairman*)

OTHER MEMBERS IN ATTENDANCE

None

Upon consideration of the agenda for the Adult Care & Health Cabinet Panel meeting on 10 January 2018 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: No conflicts of interest were declared by any member of the Cabinet Panel in relation to the matters on which conclusions were reached at this meeting.

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Cabinet Panel meeting held on 14 November 2017 were confirmed as a correct record and signed by the Chairman.

2. PUBLIC PETITIONS

- 2.1 There were no public petitions.

ACTION

3. CHANGES TO CHARGING ARRANGEMENTS FOR COMMUNITY BASED ADULT SOCIAL CARE

Officer Contact: Helen Maneuf, Assistant Director Planning & Resources ([Tel:01438 845502](tel:01438845502))

- 3.1 Members received a report detailing the outcomes of the public consultation by Adult Care Services on social care charging arrangements for community based social care, which had concluded on 31 December 2017. Members were asked to consider the consequent outlined recommendations for implementation to be agreed by Cabinet.
- 3.2 The panel noted that in total, the consultation survey had been shared with 9,632 service users and carers and had been returned by 2,187 service users and carers, which equated to 22.7% of the total amount of service users and carers consulted. In addition to this, there had been three public meetings attended by the Executive Member and Director of Adult Care Services and a meeting with family carers organised by Carers in Hertfordshire to discuss the proposals, which had resulted in a formal submission.
- 3.3 Members discussed the five proposals outlined within the report. It was advised that further to 40% of respondents providing negative feedback to proposal one, relating to charges for those receiving Higher Rate Attendance Allowance and Higher Rate Disability Living Allowance, this proposal had now been significantly amended to ensure that this would only be charges incurred where the local authority was providing night time care needs. It was highlighted that this change would mean a reduction of income forecast in the original proposal from £2.8m to £310k per annum.
- 3.4 Members were advised that officers had not considered any changes to the other four proposals outlined in the report.
- 3.5 Assurance was received that service users would only have their higher rate DLA / AA taken into account to pay for the night-time care needs that they received from the council.
- 3.6 Further explanation was provided to the Panel on the eligibility requirements for receiving Attendance Allowance (AA) and Disability Living Allowance (DLA), as outlined by the Department of Work & Pensions (DWP). It was noted that the public meetings had been positive in raising awareness of applying for these benefits and ongoing work would be undertaken via the Money Advice Unit to continue this and support with service users and carers with applying.
- 3.7 It was noted that if the charges were implemented there was a risk of some service users refusing to pay for costs for services that

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they needed, but assurance was received that these individuals would be closely monitored to ensure that the refusal to pay and therefore not receiving services did not present a safeguarding risk.

3.8 It was stressed to Members that the Executive Member and officers were very conscious of all the potential impacts the proposed change in policy could have, and they were also very aware that these changes were being implemented at a time when other reform changes were being undertaken in areas such as housing and welfare benefits. Members were assured that the impact of the changes would be monitored very closely, and support would be offered to any service user or carer experiencing a detrimental impact

3.9 Members also expressed concern with regard to the complexity of the forms that are required to be completed to receive benefits and requested that service users and carers should also be signposted to the services of the Citizens Advice Bureau.

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Officers

3.10 Further to Member discussion it was agreed to consider a paper being presented to a future meeting of the Adult Care & Health Cabinet Panel detailing the impact of the changes implemented through the proposed social care charging and the level of success in encouraging service users to apply for AA or DLA.

Iain
MacBeath /
Helen
Maneuf

3.11 It was noted that the Association of Directors of Adult Social Services (ADASS) and the Local Government Association (LGA) had yet to provide any formal national response or guidance to local authorities needing to implement social care charges.

3.12 In response to a Member question it was established that the financial assessment undertaken by the authority was set on the baseline of the minimum level of living allowance income threshold set by the government which currently was set at £189 per week for a single adult and £288 for a couple. Members were advised that for a couple where only one partner is receiving services, only half of the level of income allowance is taken into account. It was further noted that the authority can authorise a level of flexibility regarding the financial assessment depending on the individual circumstances of the service user.

3.13 Members were advised that the nature and thresholds surrounding DLA and AA assessments and the subsequent funding received from them were outside of the authority's jurisdiction.

3.14 Members discussed the proposed charging policy for double handed care and during Member discussion, further explanation was provided on the meaning and purpose of double handed care and the point outlined in the report that Hertfordshire were the only known authority to have continued to provide funding for double

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-handed care to date was reiterated. It was noted that the increase in cost for service users for the charges that were now being proposed to be implemented for this could possibly be at least partially mitigated through DLA and AA funding, and assurance was received that the department were also considering case by case cost effective alternative options to which healthcare staff could undertake the role of the second carer.

- 3.15 In response to a Member question, it was noted that currently 147 service users receive double handed care. Member concern that this proposed charge would affect service carers and carers most in need of support was noted.
- 3.16 There was cross party acknowledgement that the report reflected both the positive and negative comments arising from the consultation. It was further acknowledged that due to the need for the consultation to be anonymous it would be difficult to fully analyse any themes from specific groups of service users.
- 3.17 Further to a Member question, the Panel heard that it would also difficult to analyse whether there would be an increase in the requirement for residential placements as a consequence of the proposed charges being implemented, although the change proposed to the AA / DLA proposal would mitigate this substantially, and it was reiterated that there would be ongoing close monitoring of any consequential impacts that occurred.
- 3.18 Further to a Member query regarding the additional impact of Universal Credit, it was noted that this would not affect anyone over the age of 65.
- 3.19 Members discussed the proposed charging policy for flexi care. In response to a Member challenge regarding the fairness of the breadth of the medium banding range illustrated at point 4.36 of the report, it was explained that most service users had 7 hours and above of flexi care which was the reasoning for the decision on the banding structures.
- 3.20 During further discussion, and further opposition challenge, it was noted that the Executive Member and officers were in regular contact with local MP's, where a wide range of service issues were raised with the view to them being discussed at parliament to formulate central government thinking. Assurance was received that the issue of social care charging had been and would continue to form part of these discussions.

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3.21 The Chairman thanked the panel for their informed and considered questions and debate, and acknowledged the subject of social care charging was an extremely difficult and emotive topic for all parties to have to consider. Members were reminded that to date the authority had managed to mitigate social care costs by undertaking extensive transformation policies within the department and due to this the need to review charges for social care services within Hertfordshire had taken longer than it had in other authorities. It was stressed to Members that this was not a decision that had been undertaken lightly, and not without a thorough consultation process, which as Members had heard, the outcomes of which had shaped the final recommendations presented in the report.

3.22 Members were invited to vote on the recommendations to Council which were:

The following changes to the council's policy charges for non-residential (community based) adult social care services be made, to take effect from 15 April 2018:

- i.) To include the Higher Rate of Attendance Allowance and Disability Living Allowance ONLY where people receive care to meet night time needs, when determining how much they can afford to pay towards their cost of care;
- ii.) For people receiving 'double-handed care', to charge based on the cost of both care workers providing the service, rather than only one as at present – to their maximum assessed contribution;
- iii.) To change the charging base for people in flexi-care accommodation:
 - For people in the 'low needs' band to three hours per week
 - For people in the 'medium needs' band to 8.5 hours per week
 - For people in the 'high needs' band to fifteen hours per week
- iv.) To charge a weekly fee of £3.25 for users of telecare services provided by Serco who do not receive any other social care services;

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v.) To charge £2 per journey or £4 per day for transportation to and from day care;

Conclusion:

3.23 Members voted on each of the recommendations to Cabinet as outlined in the report as follows:

The following changes to the council's policy charges for non-residential (community based) adult social care services be made, to take effect from 15 April 2018:

i.) To include the Higher Rate of Attendance Allowance and Disability Living Allowance ONLY where people receive care to meet night time needs, when determining how much they can afford to pay towards their cost of care;

EIGHT Members voted **IN FAVOUR** of this recommendation.
FOUR Members voted **AGAINST** this recommendation.

ii.) For people receiving 'double-handed care', to charge based on the cost of both care workers providing the service, rather than only one as at present – to their maximum assessed contribution;

EIGHT Members voted **IN FAVOUR** of this recommendation.
FOUR Members voted **AGAINST** this recommendation.

iii.) To change the charging base for people in flexi-care accommodation:

- For people in the 'low needs' band to three hours per week
- For people in the 'medium needs' band to 8.5 hours per week
- For people in the 'high needs' band to fifteen hours per week

Members voted **UNANIMOUSLY** in favour of this recommendation.

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iv.) To charge a weekly fee of £3.25 for users of telecare services provided by Serco who do not receive any other social care services;

ELEVEN Members voted **IN FAVOUR** of this recommendation.
ONE Member chose to **ABSTAIN**.

v.) To charge £2 per journey or £4 per day for transportation to and from day care;

EIGHT Members voted **IN FAVOUR** of this recommendation.
ONE Member voted **AGAINST** this recommendation.
THREE Members chose to **ABSTAIN**.

4. OTHER PART I BUSINESS

There was no other Part I business.

KATHRYN PETTITT
CHIEF LEGAL OFFICER

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