

Decision of:	EXECUTIVE
Decision Number:	EX33/2023
Relevant Officer:	Karen Smith, Director of Adult Social Services
Relevant Cabinet Member	Councillor Neal Brookes, Cabinet Member for Adult Social Care
Date of Meeting	11 September 2023

ADULT SOCIAL CARE CHARGING POLICY

1.0 Purpose of the report:

1.1 The report seeks approval for an updated version of the Adult Social Care charging policy. Proposed changes are highlighted in the recommendations below and are to keep the policy in line with associated central government guidance and also to respond to a Local Government Ombudsman adjudication relating to how the Council charges for homecare services.

2.0 Recommendation(s):

- 2.1 To approve the updated policy attached at Appendix 3a to the Executive report including changes which set out the following:
- The use of streamlined processes through lighter-touch assessments in all instances where finances can be verified through secure access to Department of Work and Pensions and HMRC online systems.
 - A revision to the client notice period from 14 to 7 days for suspended or cancelled care visits in line with care at home provider contractual requirements.
 - The introduction of a reconciliation process to ensure contributions to the cost of care do not exceed the cost to the Council.

3.0 Reasons for recommendation(s):

3.1 Lighter touch financial assessments reduce the burden of information gathering from service users and their families/representatives, reducing delays in calculating contributions to the cost of care. This allows for more informed decision-making in relation to care and reduces the need for provisional charging arrangements pending assessment outcomes, providing more accurate budget forecasts.

When care at home is suspended following admittance to hospital, care providers are required to hold a package of care at home open for a period of 7 days to reduce discharge delays and provide consistency of care. The policy required client contributions to continue to be made for a period of up to 14 days on suspension of care visits. This has now been changed to 7 days to align with care provider requirements.

The reconciliation process has been introduced following a recent Local Government Ombudsman (LGO) decision. Invoices for client contributions had continued to be issued in relation to visits that had not taken place on the request of the service user's family. The Council had not been notified that the visits had been cancelled, but the care provider did not charge the council a fee for the visits so the service user should not have been required to pay. The process introduced will check the contributions against the fees charged and either credit ongoing charges or refund the client.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 The policy could alternatively be left unchanged. This would mean that it was increasingly out-of-date which is contrary to good practice. It would also expose the Council to reputational risk in not having dealt promptly with the Local Government Ombudsman decision on homecare charging.

5.0 Council priority:

5.1 The relevant Council priority is: "Communities: Creating stronger communities and increasing resilience".

6.0 Background information

6.1 The charging policy sets out how the Council will deliver its obligations to financially assess individuals as per the Care Act 2014 and the associated statutory guidance. The previous version was approved in January 2020 so was due to be updated.

6.2 The key objective of the charging policy is to make the financial assessment process as transparent and easy-to-understand as possible as well as to ensure that it reflects the up-to-date guidance on how local authorities should charge for care commissioned/provided.

6.3 It was originally intended that the major change would be the introduction of the lifetime contributions limit, however this proposal was postponed at central government level so has not been included in the policy. The remaining changes are relatively minor ie the greater use

of lighter touch financial assessments to speed up and simplify the process and the removal of the clause whereby cancelled homecare visits (ie cancelled by the service user for whatever reason) were chargeable for the first two weeks. The updated policy does also reference some points for further development i.e. the introduction of reconciling invoices against homecare visits and investigating the potential to move towards a gross payment system for residential care.

6.4 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 Appendix 3a Updated Adult Social Care Charging Policy

8.0 Financial considerations:

8.1 There are no financial considerations other than the objective of speeding up the payment process once the Council agrees to carry out a financial assessment.

9.0 Legal considerations:

9.1 There is no change in terms of the Council's legal duties and the proposed policy is in line with all of the associated central government guidance.

10.0 Risk management considerations:

10.1 Risk of not updating and not complying with Local Government Ombudsman adjudication on charging. Risk would be reputational but with scope for sanctions to be applied in the event of non-compliance.

11.0 Equalities considerations and the impact of this decision for our children and young people:

11.1 Given that Blackpool residents seeking financial support with the cost of care are likely to be economically disadvantaged then this policy should address inequality.

12.0 Sustainability, climate change and environmental considerations:

12.1 No impact on sustainability, climate or environment.

13.0 Internal/external consultation undertaken:

13.1 Limited consultation carried out in October 2022, mainly Council officers and agencies directly involved in advice and support to people seeking financial assessment for their cost of care and support. Response generally positive, some minor changes made on points of

detail. At the time of the consultation the policy had introduced the concept of a lifetime cap on an individual's payments for their own care, a national proposal subsequently withdrawn as part of the Chancellor's Autumn Statement last November.

14.0 Background papers:

14.1 No additional background papers.

15.0 Key decision information:

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 11/2023

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 1 September 2023 Date approved:

18.0 Declarations of interest (if applicable):

18.1 None.

19.0 Summary of Discussion:

19.1 Ms Karen Smith, Director of Adult Services, presented the report to the Executive. Ms Smith highlighted that an updated policy had been considered necessary to ensure best practice and to address issues raised for a small number of clients. The introduction of a lighter touch financial assessment by using information already held and the introduction of a reconciliation process to ensure that contributions do not exceed the cost of care were considered positive by the Executive.

20.0 Executive decision:

20.1 The Executive agreed the recommendation as outlined above namely:

1. To approve the updated policy attached at Appendix 3a including changes which set out the following:
 - The use of streamlined processes through lighter-touch assessments in all instances where finances can be verified through secure access to Department of Work and Pensions and HMRC online systems.
 - A revision to the client notice period from 14 to 7 days for suspended or cancelled care visits in line with care at home provider contractual requirements.
 - The introduction of a reconciliation process to ensure contributions to the cost of care do not exceed the cost to the Council.

21.0 Date of Decision:

21.1 11 September 2023

22.0 Reason(s) for decision:

22.1 Lighter touch financial assessments reduce the burden of information gathering from service users and their families/representatives, reducing delays in calculating contributions to the cost of care. This will allow for more informed decision-making in relation to care and reduces the need for provisional charging arrangements pending assessment outcomes, providing more accurate budget forecasts.

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The reconciliation process has been introduced following a recent Local Government Ombudsman (LGO) decision. Invoices for client contributions had continued to be issued in relation to visits that had not taken place on the request of the service user's family. The Council had not been notified that the visits had been cancelled, but the care provider did not charge the council a fee for the visits so the service user should not have been required to pay. The process introduced will check the contributions against the fees charged and either credit ongoing charges or refund the client.

23.0 Date Decision published:

23.1 12 September 2023

24.0 Alternative Options Considered and Rejected:

24.1 The Executive noted that the policy could alternatively be left unchanged. The Executive considered this undesirable as it would mean that the policy would become increasingly out-of-date which would be contrary to good practice. It would also expose the Council to reputational risk in not having dealt promptly with the Local Government Ombudsman decision on homecare charging.

25.0 Executive Members in attendance:

25.1 Councillor Williams, in the Chair

Councillors Benson, Burdess, Farrell, Hobson, M Smith and Taylor

26.0 Call-in:

26.1

27.0 Notes:

27.1 The Following Non-Executive Members were in attendance: Councillors Hunter, Marshall and Webb.