

CABINET	AGENDA ITEM No. 6
25 FEBRUARY 2013	PUBLIC REPORT

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CONSULTATION ON THE PROPOSED CHANGES TO ELIGIBILITY CRITERIA AND CHARGES FOR ADULT SOCIAL CARE

R E C O M M E N D A T I O N S
<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1) Note the responses received to the consultation with social care users, carers, staff and partners (appendix 1) on proposals to revise the council's eligibility criteria for council supported social care services, to extend access to reablement and the range of preventative services available to people with care needs who fall below eligibility criteria, modifications to the Adult Social Care charging policy and the removal of the subsidy to the home meals service. 2) Agree the following recommendations for implementation, which have been amended to reflect feedback received, together with the findings from the Equality Impact Assessment: <ol style="list-style-type: none"> a) Raise eligibility criteria for Adult Social Care from high/moderate to critical/substantial in line with Department of Health categories with effect from April 2013 for new service users and for existing service users from the date of their annual review or sooner if there is a change in circumstance which merits earlier review; b) Provide access to a period of reablement to all existing and new service users who would benefit; c) Offer a longer term transition plan to younger adults with long term conditions including those who fall below critical/substantial needs; d) Re-commission and further invest in 'a preventative offer' available to the wider community; e) Introduce the banded disability disregard (as specified in section 4.8); f) Introduce a charge for assistive technology ranging from £2.88 to £6.44 per week depending on the equipment provided; g) Change the qualifying pension age of 60 to "Pension qualifying pension age" to reflect national changes which will come into force; h) Introduce an administrative charge of £5 per week where the local authority acts as appointee for service users who lack capacity in line with good practice guidance issued by the association of Public Authority Deputies; i) In the light of feedback, modify the proposal regarding the subsidy on home meals to allow for a phasing of its removal in respect of hot meals over two years, resulting in an increase from £3.20 to £4.20 per meal from 1 April 2013 rising to £5.20 from 1 April 2014; and j) Increase the charge for frozen home meals from £2.00 to £2.60 per meal from 1 April 2013.

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following agreement from Cabinet on Monday 10 December 2012 to commence consultation on proposed changes to the charging structure

and the eligibility criteria for adult social care services. This consultation has now been completed.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to receive and to consider the results of the consultation on a number of measures designed to increase the emphasis on promoting independence and prevention amongst people with developing social care needs and to revise the eligibility criteria for Adult Social Care from April 2013.
- 2.2 To receive and to consider the results of the consultation on a number of changes to the Adult Social Care charging policy, including a review of the Disability Related Expenditure Disregard in the financial assessment, the introduction of new charges for assistive technology and the appointeeship service, and the removal of the subsidy for the home meals service.
- 2.3 This report is for Cabinet to consider under its Terms of Reference No 3.2.1, to take responsibility of the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. RESULTS OF CONSULTATION ON CHANGES TO ELIGIBILITY CRITERIA AND CHARGING POLICY IN ADULT SOCIAL CARE

- 4.1 On 10 December 2012, Cabinet agreed to commence consultation on changing Adult Social Care eligibility criteria from high/moderate to critical/substantial and to look at how the impact of such changes could be moderated by the extension of reablement and a preventative offer designed to meet the needs of the wider community, including self-funders, to increase independence and reduce dependence on ongoing statutory support. This approach is very much in line with the Council's approach to personalisation.
- 4.2 Cabinet further agreed to consult on a series of changes to charging. This was in line with the previous review of charging policy in 2011 to allow care charges to rise to the level of their actual cost for those service users who can afford to pay (either because they have capital above the funding threshold of £23,500 or have high incomes); and approved phased increases of these charges for existing service users over three financial years to protect them from the impact of steep increases.
- 4.3 The charging proposals out to consultation were in addition to the final phased increases for respite, day care and homecare.
- 4.4 Cabinet gave approval to the consultation and agreed that two letters should be sent out to service users and carers, the first before Christmas to signal the proposals, and the more detailed information and questionnaires to be sent out early in the New Year.
- 4.5 Revising Eligibility Criteria
- 4.5.1 Questionnaire responses to the proposal to change eligibility criteria to critical/substantial to ensure its resources are targeted on those most in need showed that 70.4% of respondents agreed.
- 4.5.2 There was, however, a significant level of concern raised by individuals, carers, staff and partner organisations about adults with life-long conditions - particularly those with a learning disability - who might no longer qualify for support but who would be vulnerable if left unsupported to be able to work (either paid or voluntary), manage to live independently

and could be at risk of social isolation. There was concern that the offer of reablement would be of too short a timescale to provide real benefit to this group of service users. In response to this, there has been a revision to the recommendations so that a transition plan with clear outcomes can be offered to support individuals over a longer time period. At the end of this period, based on need, individuals can be supported to access the revised “preventative” services together with a focused review of any elements of substantial risk that may require ongoing statutory support.

4.6 Extending the offer of Reablement

4.6.1 Questionnaire responses to the question about widening the offer of reablement to everyone who might benefit resulted in 90.1% agreeing with the proposal.

4.7 A Preventative Offer for the wider population and those with moderate needs

4.7.1 Questionnaire responses about whether the council should help people with moderate needs by giving money to support the voluntary sector to provide services that can be purchased resulted in 77.8% agreeing with the proposal. The list of ideas of what might be included in a preventative strategy designed to stimulate debate resulted in a ranking with 86.8% of respondents stating that easy access to equipment that helps you stay independent and safe as the most important, with 74.9% stating that keeping their home clean, safe and in good repair came second. These were followed by breaks for carers 74.2%. Over 70% of people wanted support in getting out and about in the community. Over 69% of people wanted information and advice about available services and help to work out what would work best for them or someone they cared for. There was also a very good take up from people wanting to contribute to the co-production of a preventative offer and a wide range of ideas and feedback on this.

4.8 Revising the disability related expenditure disregard

4.8.1 Questionnaire responses to the proposal to introduce a banded disability related expenditure (DRE) disregard showed that 57% of respondents agreed that the proposal was fair and equitable.

4.8.2 Concerns were raised by some consultees about the potentially intrusive nature of questioning needed to establish an individual’s disability related expenditure if the flat rate disregard was discontinued, and also the increased administrative burden to the financial assessment process. The introduction of a banded DRE disregard structured and linked to receipt of disability benefits would, therefore, address these concerns, and would continue to ensure that the process of financial assessment is not made unduly complex for service users. The proposed level of banded disregard to be applied from April 2013 is as follows:

Welfare benefit	Disregard
Lower rate of Disability Living Allowance	£10
Middle Rate of DLA/Low rate of AA	£15
High rate of DLA/AA	£25

4.8.3 The banded disregard will not prevent consideration of additional disability related expenses in individual cases and all service users will be given the opportunity to identify their own costs in excess of the banded disregard awarded.

4.8.4 National good practice and standard allowances will continue to be used in determining disability related costs and will be referred to in cases where the service user does not agree with the Council’s banded figure that has been applied. Evidence of actual expenditure may be requested at the Council’s discretion and service users will have the right to request a review of the DRE amount used in their financial assessment calculation if they disagree; and will further be able to make use of the Council’s complaints system if required.

4.8.5 The introduction of the banded disability related expenditure disregard will have the effect of increasing many service users' care charges, although the increased charge will remain at an affordable level because no service user paying a charge should be left with less income than Government prescribed protected income levels (Income support figure + 25%). It is estimated that approximately 600 service users may experience a charge increase; potentially generating additional revenue of up to £228,000 in 2013/14.

4.9 Introducing a charge for assistive technology

4.9.1 62% of the questionnaire respondents supported the proposal to include assistive technology as a chargeable service - although a number of comments were received at the consultation events in support of including Council funded assistive technology at no charge to the service user as part of the preventative offer. However, in order to ensure that the charging policy is consistent and keeps pace with changing care services technology, it is appropriate to include this as a chargeable service from April 2013. It is important to note that service users will only make a contribution towards any assistive technology services used if their financial assessment confirms that they can afford to do so. There are currently 229 service users in receipt of assistive technology, the majority of whom are in receipt of care charges and paying their maximum assessed charge. There are about 60 service users who would be affected. This change could generate additional revenue in the region of £9,000 in 2013/14.

4.10 Harmonise the qualifying age for pension credit

4.10.1 This proposal received very few comments during the consultation, and was accepted as a straightforward procedural requirement to reflect and keep in step with national welfare reform. On that basis, therefore, this proposal will be incorporated into the revised charging policy recommendations.

4.11 Introduce a charge for the appointeeship client money management service

4.11.1 Consultees generally felt that this was a fair and equitable proposal – but raised some concerns about the ethical issues involved in accessing a client's finances to pay Council charges. These concerns can be addressed by the Council's commitment to comply with national guidance on these matters and by ensuring that a charge would not be applied if this would cause financial hardship to an individual. The Council also manages client income as Court Appointed Deputy and raises charges and pays these from clients' finances under direction and with approval by the Court of Protection; so this is already established practice. Given these safeguards, a charge will, therefore, be introduced for the appointeeship service from April 2013, taking into account the individual's personal financial circumstances. It is expected that this will raise £13,000 by introduction of a charge of £5 per week in 2013/14.

4.12 Remove the subsidy for hot and frozen meals

4.12.1 This proposal generated significant feedback and comment. Responses to the meals question in the consultation questionnaire showed that a small majority (54%) disagreed with the proposal to remove the meals subsidy. Some respondents believed that the service was extremely valuable and should not be withdrawn, and were concerned that the subsidy may be withdrawn all at once, and that the increased cost of meals would be unaffordable for service users. In recognition of these concerns, therefore, it is recommended that instead of withdrawing the hot meal subsidy in full immediately, it will instead be withdrawn over a phased two year period whilst a range of alternative options are explored to which service users can be signposted. It is not, however, proposed to phase in the withdrawal of the subsidy for the frozen meal option which will rise from £2 to £2.60 per meal as of 1 April 2013.

4.12.2 In the meantime, the new on-line service directory will have a section which promotes a broader range of options for home meals available to those that require them. A range of suggested alternatives to the hot meals delivery service has already been proposed during

the consultation. The department will be encouraging such developments, including the expansion of luncheon clubs, provision of meals in the community from residential care homes and community groups, signposting towards other, commercial, meals suppliers including hot meals and frozen or chilled ready meals (e.g. supermarkets) and good neighbour schemes.

5. CONSULTATION

5.1 The consultation on the proposed changes, Eligibility and Charging in Adult Social Care, officially opened on Friday 14 December 2012 and closed on Wednesday 13 February 2013.

5.2 What did we consult on?

5.2.1 We wanted to understand the impact that the proposed changes to eligibility criteria and charges would have and gather ideas on preventative services that could be considered for development.

5.3 How did we consult?

5.3.1 Information was placed on the Peterborough City Council website. Two letters were sent to all service users and carers, one pre-Christmas and the second in early January, informing them about the consultation, providing the questionnaire and supporting documentation, the dates of the focus groups and other ways of contributing to the process. These were sent to over 3000 service users and their carers. Information was available in easy read, large print, audio or plain text. Emails were sent to 80 partner organisations in the voluntary and community sector and to providers inviting them to focus groups and supplying the background information and questionnaires so that they were informed and could respond to questions being aired. In total, 15 presentations, briefings and focus groups were held at different venues and times of day. Adjustments were made to timings and venues as a result of early feedback. Advertisements were also placed in the Peterborough Telegraph to encourage awareness and take-up.

5.3.2 The focus groups presented the proposals and provided the opportunity to gather views and ideas. Members of the project team also discussed people's concerns and thoughts within small groups or on an individual basis at the service user sessions. Dedicated voicemail and email accounts were set up. All messages were fed into the consultation and individual queries were responded to, e.g. assistance to fill in the questionnaire where contact details were provided. The proposals were also discussed at the Learning Disability, Carers, Mental Health and Older People's Partnership Boards.

5.3.3 All Adult Social Care staff were notified by two emails (pre and post Christmas) and a news item was on Insite informing all Council staff. The emails and Insite provided links to the letters, briefing papers and questionnaire – this ensured staff were informed, able to provide their feedback and also answer any questions.

5.4 How many people did we reach? What types of people did we reach?

5.4.1 Over 3000 questionnaires were sent out to service users and carers. Over 700 were returned completed, the majority of which (75%) were from service users and 16% from carers.

5.4.2 28 questionnaires were received from staff, 9 from partner organisations and 3 from members. Over 200 people attended presentations, briefings and focus groups. 125 people responded to the consultation email address and voicemail. All responses were logged and responded to individually where requested and contact details were supplied.

5.5 How their views have been incorporated into our revised proposals?

- 5.5.1 The opinions and views gathered at the focus groups and partnership boards were collated together with comments made in emails and letters and added to the results of the completed questionnaires, providing approximately 1000 individual views and ideas. The quantitative results are appended to this report and full results are available to view on the Council website.
- 5.5.2 The extent of positive contributions from so many people with a direct interest in Adult Social Care has provided an invaluable source of information to inform the recommendations within this report. The response and feedback at the focus groups has also provided a wealth of views and ideas which will shape and influence the "preventative offer" currently under development.
- 5.5.3 Discussions and feedback from staff enabled us to get a better understanding of the information, training and support they would need to implement the changes and enable them to support service users effectively. They discussed the issues experienced with previous changes and the lessons learnt to enable a robust plan to be created if the proposals are to proceed.

6. ANTICIPATED OUTCOMES

- 6.1 Approving the recommendations will result in a more efficient and effective service that includes additional preventative services to ensure that those who do not meet the eligibility criteria are able to access other support.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Consultation with those affected by a change to eligibility criteria and/or charging has resulted in a sound understanding of the impact of the changes proposed. There has been an excellent level of response and that has given a clear mandate for implementation for most of the recommendations and has allowed for revisions to others. Generally, although there were some suggestions for cuts to other areas of Council expenditure so that Adult Social Care could be protected, there was support for using finite resources to protect those in the greatest need.
- 7.2 The consultation also enabled views and evidence to be gathered about the effectiveness of the current range of preventative services and how these could be developed should the decision be made to implement a change in criteria. The comments and contributions to this are extremely helpful in informing the commissioning approach.
- 7.3 The aim of the proposals was to align with expected national guidance on eligibility, ensure prioritisation of available resources to those in greatest need, deliver required savings and increased income and to ensure that the availability of resources and service implications are understood and balanced.
- 7.4 The extension of reablement is a positive measure. There was a high level of concern about the impact on younger adults with lifelong conditions who may no longer be eligible for support. Many individuals in this group were worried about being able to work or gain access to employment opportunities, manage their finances, continue to live independently or be at risk of increased social isolation without support. For this reason, it is proposed that a longer term transition plan is put in place to maximise opportunities for independence and to ensure that there is sufficient access to support from the developing 'preventative offer'.
- 7.5 The recommendation in relation to disability disregard expenditure has been placed at a banding level which, in response to concerns about the assessment becoming 'too intrusive', will not be so.
- 7.6 The recommendation in relation to removing the meals on wheels subsidy has also been adjusted to a phased implementation whilst alternative options are developed. There was some adverse publicity in respect of this item as initially it was reported in the press that the proposal was to 'end the service' rather than remove the subsidy. The questionnaire

responses were close on this. However, it is felt that phasing the withdrawal of the subsidy for hot meals may be an acceptable compromise.

- 7.7 There was also good evidence that individuals wanted to contribute to the process and felt they were being listened to. Many were not yet confident that their views would result in changes to the proposals but are keen to pursue active engagement.

8. ALTERNATIVE OPTIONS CONSIDERED:

- 8.1 Consideration was given to waiting for the Department of Health guidance on eligibility expected in 2015. However, it was felt that reviewing the criteria now places the authority in a sound position to be prepared for the national changes being signalled in line with available resources.
- 8.2 Leave the charging policy unchanged. This option was rejected because the charging policy would be inconsistent in its treatment of different care services.
- 8.3 Full implementation of the proposals that went out to consultation. This was rejected as the revisions have been made as a direct result of feedback from a wide range of stakeholders and take careful account of evidence and feedback on the impact of changes for service users and carers. Accepting the revisions will serve to enhance and build a sound relationship between the Council and its stakeholders.

9. IMPLICATIONS

9.1 Financial

- 9.1.1 The changes proposed would reduce the savings anticipated by £42,000 in respect of the proposal to phase the removal of the subsidy on hot meals over two years rather than one year, in line with the outcome from the consultation. The table below summarises the position.

Proposal	Saving pre-consultation	Saving post-consultation
	£	£
Eligibility changes	350,000	350,000
Disability related expenditure disregard	228,000	228,000
Assistive technology charge	9,000	9,000
Appointeeships charge	13,000	13,000
Meals charges	87,000	45,000
Total	687,000	645,000

- 9.1.2 Adult Social Care will make up the shortfall in the saving arising from this change through increased savings in supplies and services spend within the Adult Social Care budget.
- 9.1.3 These savings will contribute to meeting the significant financial pressures faced by the Council in relation to increasing demand for social care services at a time of financial restraint. Failure to identify areas where costs can be reduced or income increased will place significant pressure on Adult Social Care's ability to manage within the resources available and to meet priority needs.
- 9.2 Legal
- 9.2.1 The Council has carried out the consultation in accordance with the Consultation Principles - Guidance (July 2012) published by HM Government. The consultation was extensive, timely and considered and undertaken at a time when proposals were still at a formative stage, within the acknowledged constraint that adult social care can only find savings and

efficiencies by a relatively small number of methods. The consultation included scope for variation to the proposals and prompted the respondents to suggest alternatives. This is evidenced from the recommendations in this report.

- 9.2.2 The national FACS (Fair Access to Care Services) guidance advises that when drawing up eligibility criteria for social care, councils should have due regard to their race, gender and disability duties. The recommendations in this report have been arrived at having regard to both this statutory guidance and that published by the DoH in 2010 (Putting People First: Guidance on eligibility criteria for adult social care).
- 9.2.3 The Council has acted in accordance with its duty to consult on its eligibility criteria, proposals for charges and closure of services under FACS guidance and under the Community Care Assessment Directions 2004. The FACS guidance advises that, although final decisions remain with councils, to promote greater clarity and transparency, they should consult service users, carers and appropriate local agencies and organisations about their eligibility criteria and how information about the criteria is presented and made available.
- 9.2.4 Councils have a duty under the Community Care Assessment Directions 2004 to consult the person being assessed (and their carers where appropriate) to take all reasonable steps to reach agreement with the person about the kind of support to be provided; and inform the person about the amount of the payment (if any) which they will be required to contribute.
- 9.2.5 The Council has undertaken an extensive consultation exercise, the responses to the consultation have been properly considered and are appended to this report. The responses to the consultation must be carefully taken into account before any decision on the proposals contained in this report can be taken.
- 9.2.6 Councils are advised in the national FACS framework that they should make decisions regarding eligibility for services within the context of a human rights approach, considering people's needs, not just in terms of physical functionality but in terms of a universal right to dignity and respect. The proposals for eligibility criteria address this duty through their use of the FACS criteria to assess eligibility.

9.3. **Diversity and Equality**

- 9.3.1 A full equality impact assessment has been carried out in respect of the proposed changes and amendments to the recommendations have been made as the impact of the proposals has been evidenced and assessed.

10. **BACKGROUND DOCUMENTS**

The full report of the consultation feedback.
The Equality Impact Assessment.
The Cabinet report of 10 December 2012.