

Cabinet – 13 December 2023

Adult Social Care contributions policy for community and residential

Portfolio: Councillor Pedley - Adult Social Care

Related portfolios: All

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

1.1 A significant activity of work has been undertaken to improve business processes and the experience of customers who require a financial assessment, to determine whether they are required to contribute towards the cost of their adult social care. This activity aligns to the following Council Plan 2022/2025 priorities:

- Priority 5 - All services will be innovative, high-performing and efficient, using technology, insight and new ways of working to bring equitable services to our customers.
- Priority 6 - The Council will deliver trusted, customer focused, and enabling services, which are recognised by customers and our partners for the value they bring.

1.2 To build upon these improved business processes, Adult Social Care is proposing to make general changes to the Council's Contributions Policy. These general changes will provide more clear and transparent guidance on how Walsall assesses customers for Adult Social Care financial contributions for residential and community care services.

2. Summary

2.1 In December 2021 Cabinet were asked, subject to consultation, to approve the Adult Social Care Charging Policy 2022. Delegated authority was also approved to align the Policy to meet the requirements of the national Adult Social Care Reforms to be introduced in October 2023. Subsequently, the Social Care Reforms have been delayed and further business processes and

systems are required to implement some of the charges and processes detailed in the 2022 Charging Policy.

- 2.2 As work continues to develop the Charging Policy underpinned by new and revised end to end finance processes being scoped by Adult Social Care Continuous Improvement Programme, it is recommended that the Adult Social Care Contributions Policy is updated, with a Charging Policy being introduced at a later date.

3. Recommendations

- 3.1 That Cabinet approves the updated Adult Social Care Contributions Policy, to go live on Monday 5 February 2024.
- 3.2 That Cabinet notes the progress made to date to improve business processes and the experience of customers who require a financial assessment.

4. Report detail - know

Context

- 4.1 The current Adult Social Care Contributions Policy was agreed by Cabinet in 2017. An internal review of the Policy was undertaken from August 2021 to November 2021. The review identified a number of potential changes to the Policy and Cabinet approved the commencement of public consultation in advance of deciding whether to implement these changes.
- 4.2 Following the public consultation, a draft 2022 Charging Policy was developed. A Charging Policy covers the charging framework for care and support under section 14 of the Care Act 2014, that gives local authorities the power to charge for care and support provided to adults in a number of ways. It has a wider scope than a Contributions Policy, which sets out how an adult is assessed to determine how much they will contribute towards their adult social care costs.
- 4.3 In trying to operationalise the 2022 Charging Policy, it was established that further work would be required to take all the elements of the Charging Policy forward. The delays to the introduction of the Social Care Reforms also impeded this work. A decision has been made therefore to update the current 2017 Contributions Policy in the interim.
- 4.4 Although the current 2017 Community Contributions Policy is legally compliant, an updated Walsall Adult Social Care Contributions Policy is necessary to reflect best practice, provide more clarity on how some elements of the Policy work and reflect the Council's updated business processes and procedures. These would be regarded as general changes to the policy that do not require consultation. Clarity and enhancements reflected in the 2024 Contributions Policy include:

- Removal of website links to Statutory Provisions which are unusable, replaced by the stating the relevant legislation
 - Updated definition of aids and minor adaptations except from charging and contributions, in line with the Care Act
 - Updates to services the Council currently offers
 - A summary section explaining what a financial assessment is and the updated Council business process
 - A section explaining when a light touch financial assessment would be undertaken, in line with Statutory Provisions
 - Separate sections which detail the community financial assessment calculation and the residential financial assessment calculation, in line with Statutory Provisions and what financial information is taken into consideration
 - A detailed explanation of when a full charge will be applied resulting from the customer failing to provide all requested information
 - A section added to explain how property is considered in financial assessment calculations. Although this is detailed in the Statutory Provisions, the 2017 Policy was not clear on how this is applied.
- 4.5 The financial assessment process which underpins the Contributions Policy is now wholly administered and managed by the newly formed Financial Assessment and Charging Team in Adult Social Care, removing the data capture form process from social care practitioners, freeing up capacity within care management. This new business process has been in place since May 2023.
- 4.6 Customers receiving residential services will be assessed and contributions calculated according to the Statutory Provisions. For people who receive community services to remain at home, the Council can make some choices about the way they calculate a customer's contribution towards their care. The updated policy will not see any changes as to how the Council already calculates a customer's contribution towards their care, but more clarity on how this is done.
- 4.7 Walsall will offer more than one way for customers to complete their financial assessment including online and by telephone where customers need more support. These channels have been piloted by the Financial Assessment and Charging Team and have already dramatically reduced the processing time for financial assessments and Council costs associated with printing and postage.
- 4.8 Customers will be offered a benefits maximisation assessment alongside their financial assessment. This will ensure that a customer's total household income is maximised, essential at a time when the cost of living is high; but in doing so, will also maximise the customer financial contributions income the Council receives.
- 4.9 Where customers require support to complete benefit applications, the service will refer the customer to Citizens Advice Sandwell and Walsall Welfare Benefits Caseworkers, who can provide specialist welfare rights information, form completion, appeals, tribunal support and case preparation.

- 4.10 Significant work has already been undertaken to prepare for an updated Contributions Policy and to enable customers to understand their obligation to make a financial contribution towards their care, as early possible in adult social care journey.
- 4.11 Customers will receive contact from the Financial Assessment and Charging Team following a referral from the social care practitioner during the care needs assessment stage. Social care practitioners should request a financial assessment to be undertaken if:
- The customer is new to Adult Social Care
 - The customer is known to Adult Social Care but does not have a current service in place
 - The customer is known to Adult Social Care and a change in service provision is required – community to residential.
 - Where a customer has had a change in circumstances
- 4.13 The Financial Assessment and Charging Team will also review an adult's financial assessment annually or at the request of the customer due to a change in circumstances.
- 4.12 A new customer booklet has been produced and will be provided to all customers. Customers will be asked to sign and return the customer declaration, which will be held on their social care record.
- 4.14 Council web pages associated with paying towards Adult Social Care are being updated to provide more information to all residents. Online customer support videos and the ability to complete the financial assessment online will be available using BetterCare Finance.
- 4.15 Project activity started in February 2023 to reduce Council client contributions debt levels by undertaking targeted case reviews. This work will be concluded by the end February 2024. The benefits of targeted resources to proactively monitor client contributions and to engage with adults early has been acknowledged. It is proposed to incorporate permanent resources to undertake this function as part of the Financial Assessment and Charging Team from 2024.

Council Plan priorities

- 4.16 This proposal links to the Council's corporate priority 'People have increased independence, improved health and can positively contribute to their communities; and Walsall 2024 "A community that cares" outcome by supporting people "...to be able to live independent lives and stay in their homes and communities as long as possible through provision of quality and timely support".

- 4.17 The principles and actions contained within this report are in full accordance with the Marmot objective enabling all people to maximise their capabilities and have control over their lives.

Risk management

- 4.18 There is a risk that some customers, carers, residents and groups will experience a level of anxiety or confusion about the Contributions Policy, even though there are no fundamental changes to the Policy.
- 4.19 Walsall Council will seek to mitigate these risks by providing customer information and advice in relation to the Policy via various channels including the Council's website.

Financial implications

- 4.20 Through a more clear and transparent policy, improved financial assessment business processes and procedures and more support for customers, should reduce customer contributions debt.

Legal implications

- 4.21 The legislative framework, which currently governs the Contributions Policy and associated business processes is dominated by the Care Act 2014, which, together with the related statutory instruments and regulations, provides a single framework for charging for care and support. Section 14 of the Act affords local authorities the power to charge individuals in receipt of care and support services, for these services where the local authority is permitted to charge. The same section also details which types of care and support Local Authorities are not permitted to charge for.
- 4.22 The details and time scales for the Social Care Reforms is likely to impact the future legislative landscape with respect to charging for care and support. Future changes to the Contributions Policy may therefore be required.

Procurement Implications/Social Value

- 4.23 There are no procurement implications arising out this report.

Property implications

- 4.24 There are no property implications arising out this report.

Health and wellbeing implications

- 4.25 The Council will take into consideration the mental capacity of customers and residents as well as any illness or condition they may have, when communicating with them and their ability to contribute towards their adult social care costs. In line with the Care Act 2014, and the principles set out in the

Mental Capacity Act 2005, the Council will assume that customers and residents have mental capacity and can make decisions for themselves unless it is established otherwise. In such cases, appropriate support will be identified.

Reducing Inequalities

- 4.26 A further Equality Impact Report will be completed as required.

Staffing implications

- 4.27 There are no staffing implications arising out of this specific report.

Climate Impact

- 4.28 There are no climate change implications arising out of this report.

Consultation

- 4.29 There are no consultation implications arising out of this report.

5. Decide

Option 1 – Do not update the current Contributions Policy

- 5.1 The Council could maintain the current policy (2017), but this may lead to criticism from the Local Government and Social Care Ombudsman if someone suffers an injustice as a result of the policy failing to reflect best practice and updated guidance.
- 5.2 The current policy lacks detail in some areas as how the policy is discharged, which causes confusion to both Council officers and customers. The updated Policy seeks to address this.
- 5.3 The current policy does not align with new business processes.
- 5.4 This option is not recommended.

Option 2 - Update the current Contributions Policy

- 5.5 The general updates will reflect best practice, provide more clarity on how the policy is discharged, as well as reflect the improved financial assessment business processes.
- 5.6 This general update will provide more clarity on how customers engage with the financial assessment process. By providing more clarity and support for customers through the financial assessment process, it is believed that customers will make more timely payments and reduce the chances of

occurring debt. This will therefore relieve pressure on Adult Social Care and other Council budgets.

5.7 This option is recommended.

6. Respond

6.1 That Cabinet is asked to approve the updated ASC Contributions Policy, which is attached as Appendix 1. The proposed go live date is Monday 5 February 2024.

6.2 That Cabinet acknowledge the work undertaken and in progress to improve financial assessment business processes and procedures.

6.3 That Cabinet notes that further activity is being undertaken to implement a comprehensive Charging Policy for Adult Social Care Charging.

7. Review

7.1 The service will continue to monitor the effectiveness of both the Policy and the associated business processes and procedures.

Appendices

Appendix 1 – Adult Social Care Contributions Policy 2024

Background papers

None

Author

Dionne Williams
Interim Finance and Charging Manager
✉ Dionne.Williams@walsall.gov.uk
☎ 652577

Signed



Kerrie Allward
Executive Director
30 November 2023

Signed



Councillor Pedley
Portfolio Holder for Adult Social Care
30 November 2023

