

Cabinet – June 2022

Adult Social Care charging policy, minimising debt and maximising income

Portfolio: Councillor Keir Pedley

Related portfolios: All

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1. To provide Cabinet with a progress update on Adult Social Care charging policy and associated activity.

2. Summary

- 2.1. Adult Social sought approval from Cabinet in December 2021 to commence consultation on proposed changes to the Walsall Adult Social Care Charging Policy. Prior to this, in September 2021, Adult Social Care provided Cabinet/CMT with an update on activity that has been undertaken, in reviewing the Adult Social Care (ASC) charging policy and the operational changes that would be required to maximise income and minimise debt.
- 2.2. In December 2021 Cabinet approved:
 - a. Commencement of consultation on proposed policy changes; that the consultation seeks to gather feedback on proposals to amend the current charging policy and most substantively to set a fee for the arrangement of brokerage services, which will be paid on each occasion a self-funding service user requests the Council arrange a care package on their behalf. If approved, and subject to consultation, it is proposed that the arrangement fee will be introduced from May 2022.
 - b. That following consultation, Cabinet delegates to the Executive Director of Adult Social Care, in conjunction with the Portfolio Holder for Adult Social Care, authority to make appropriate changes to the Adult Social Care Policy by way of updating and bringing the Policy in line with current legislation, regulations and guidance.
 - c. Cabinet also noted further changes are envisaged for the Adult Social Care Charging Policy, due to national policy changes aimed at the health and social care sector. This will result in a further report to Cabinet during 2023, to reflect the impact of these

changes and alignment of residential and community care charging to the Local Authority Circular, a requirement to ensure that charges to individuals in receipt of Adult Social Care services are equitable, whilst maximising income that the council can realise.

3. Recommendations

- 3.1. That Cabinet notes the activity undertaken thus far, in relation to debt; streamlining process and maximising income.
- 3.2. That Cabinet approve interim process revisions continue to be implemented, in order to continue to improve trajectory across debt management and income maximisation; improve customer satisfaction and process efficiency.
- 3.3. That Cabinet approve the Adult Social Care Charging Policy changes are consolidated into one Adult Social Care Charging Policy, which fully reflects the Health and Social Care financial reforms, considers the March 2021 consultation outputs and brings alignment of residential and community care charging Local Authority Circular.

4. Report detail - Know

- 4.1. The Council agreed the existing Adult Social Care Charging Policy in 2017. An internal review of the Policy was undertaken from August 2021 to November 2021. The review has 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. The consultation concluded on 1st March 2022. The consultation outputs are attached in appendix 1.
- 4.2. Since the last Cabinet Report pertaining to Adult Social Care Charging, the Health and Care Bill is now a Health and Care Act, the implications of which are now being fully analysed. It is therefore, proposed the aforementioned consultation outputs from March 2022 are utilised to inform future developments of the Adult Social Care Charging policy aligned to national social care financial reform. This will in turn ensure one comprehensive set of changes are implemented across the borough for residents in receipt of social care, whether council commissioned or self-funded.
- 4.3. The Act sets out an extensive set of revisions in terms of adult social care financial reform, which will fundamentally change the way in which local authorities across the country assess, administer and process citizen's individual financial contribution to lifetime costs of care.
- 4.4. The scale and impact of the changes are being modelled across the Walsall demographic.
- 4.5. A summary of the Act and extent of the changes linked to social care financial reform are as follows:
 - Contributions to the cost of care cap introduced, this includes all citizens who currently self-fund and self-commission their care
 - Everyone can request local authorities arrange their care irrespective of status and self-funders care cost alignment to principle of personal budget
 - Daily living costs in residential care not counted towards the care cap

- Care accounts will be required with the production of individual statements and monitoring against care cost contributions cap, to ensure nobody exceeds the financial cap life time care cost contribution
 - Capital limit threshold changes – proposed to increase
 - Unfreezing social care allowances aligned to inflation
- 4.6. Consultation on the Health and Social Care Reforms concluded 1st April 2022; this was followed by the Bill being passed and becoming the Health and Social Care Act 2022. The national implementation timetable is June 2022-23; there are a small number of trailblazer local authorities across the country, of which Walsall will continue to connect with through regional and local forums, in order to understand and take learning; all local authorities are invited to pilot changes from April 2023; full implementation is October 2023. Therefore, a challenging timeline lies ahead in order to fully assess impact and implement the changes in a compliant way.

Interim Changes to existing policy

- 4.7. In light of the extensive information now available in relation to the Social Care Financial Reform as summarised above, Adult Social Care are progressing with pace interim changes, in order to reduce debt and maximise income in an efficient way.
- 4.8. This includes streamlining the way individual financial assessments are re-assessed, whilst at the same time maximising benefits; rolling out refreshed electronic learning packages for staff to ensure responsibilities are well understood and executed; ensuring financial assessments are completed at the earliest point for any new care packages across community or within a residential setting. This aims to maximise income and avert further debt accruing.
- 4.9. Activity is also underway to reduce debt levels by undertaking targeted case reviews and bringing greater alignment to community care statutory annual reviews.
- 4.10. Activity is also well underway on developing a future form and function model which will optimise digital solutions; centralise delivery of all administration; management and oversight; future proofing in line of the social care reforms.

Council Corporate Plan priorities

- 4.11. This proposal links to the Council's corporate priority 'People have increased independence, improved health and can positively contribute to their communities.'
- 4.12. 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

- 4.13. There is a risk that some customers, carers, residents and groups will experience a level of anxiety or uncertainty about the impact of social care financial reforms
- 4.14. Walsall Council will seek to mitigate these risks by:

- Designing and communicating the consultation in a way that encourages contributions and concerns to be raised through that medium rather than through complaints.
- Carefully explaining the implications of the changes, in the context of reducing public finances and the expectation that all the community's needs will be met.

Financial implications

- 4.15. At this stage, the full financial implications of the national legislative changes in relation to the Social Care Financial Reforms, are not fully understood. Initial modelling work is underway subject and financial impact will be clearer once further guidance is published.

Legal implications

- 4.16. The legislative framework, which currently governs the contents of these policies, 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 provides the power to charge for services meeting carers' needs, by providing services directly to the carer. There are also certain types of care and support, which Local Authorities are not permitted to charge for.
- 4.17. The legislative impact of social care financial reforms will of course be adhered to going forward.

Procurement Implications/Social Value

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

Property implications

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

Health and wellbeing implications

- 4.20. The Council will take into consideration the mental capacity of clients and residents as well as any illness or condition they may have, when communicating with them. In line with the Care Act 2014, and the principles set out in the Mental Capacity Act 2005, the Council will assume that clients, residents will have mental capacity and can make decisions for themselves unless it is established otherwise, in which case appropriate support will be identified. The Council is in the process of re-modelling their wellbeing services, which will provide additional support around financial wellbeing and benefit maximisation.

Staffing implications

- 4.21. There are no staffing implications arising out of this specific report. However, as referenced in previous cabinet reports, any future delivery model developments, to respond to legislative changes, whole system improvements in reducing debt and maximising income, could result in staffing implications. Any envisaged changes will be undertaken in accordance with the Council's HR policies and procedures.

Reducing Inequalities

4.22. A further Equality Impact Report will be completed as required.

Climate Change

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

Consultation

4.24 There are no specific consultation requirements pertaining to this Cabinet update.

5.0 Decide

5.1 As this is an update to Cabinet there are no specific decision to make.

6.0 Respond

6.1 Subject to Cabinet agreeing with this report recommendations, interval updates in relation to readiness for Social Care Reform will be submitted for approval, in a timely way.

6.2 Cabinet will also receive a refreshed Adult Social Care Charging Policy in due course, which reflect the new legislation.

Background papers none

Appendices:

Appendix 1 – March 2022 Consultation outputs

Appendix 2 – Cabinet Report December 2021

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