

**NORTH YORKSHIRE COUNTY COUNCIL****CARE AND INDEPENDENCE OVERVIEW AND SCRUTINY COMMITTEE****4 APRIL 2011****CALL IN OF DECISION TAKEN BY THE EXECUTIVE MEMBER – ADULT & LIBRARY SERVICES - 14 MARCH 2011 RELATING TO UNIT COSTS FOR ADULTS SERVICES – REVISED SCHEDULE OF CHARGES FOR FULL COST PAYERS****1.0 PURPOSE OF REPORT**

To enable the Committee to consider whether or not it would wish to refer the decision relating to unit costs for adults services back to the decision making person or Executive, or to the full Council and, if so, the nature of its concerns about the decision.

**2.0 THE DECISION OF THE EXECUTIVE MEMBER ADULT & LIBRARY SERVICES - CONCERNING UNIT COSTS FOR ADULT SERVICES.**

2.1 On 14 March 2011 the following decision was taken:-

To apply revised fees, as set out in an attached schedule, for NYCC managed care services for 2011/12.

The reason for the decision was that in the past a report has been presented to the Executive Member for Adult & Library Services to approve a rate for in-house residential care for older people and people with learning disabilities. This existed under the former Charging regime, to enable a charge to be levied to 'Maximum cost payers' ie those people receiving the service who had savings in excess of £23,350 (2010/11 rate) or sufficiently high income levels.

With the advent of personal budgets and greater freedoms for those receiving support via social services there is a need to be more transparent about the associated cost of purchasing services from NYCC and also the basis for subsequent personal care charges.

2.2 A copy of the report upon which the Executive Member – Adult & Library Services based his decision is shown at Appendix A, and the decision record at Appendix B. For background information, a copy of a report considered by the Executive at its meeting on 8 March 2011 is attached at Appendix C.

**3.0 THE CALL IN**

On 21 March 2011, written notice was received from 7 Members stating that they wished this decision of the Executive Member to be called in. Signatories to the notice were County Councillors John Clark, Stuart Parsons, Mike Cockerill, Polly English, John Blackie, Bill Chatt and Peter Popple.

The reasons given for call in were:-

- There are no comparative existing charges given for year 2010/11

- The increase of the Day Centre charge and others are prohibitive
- This level of charges is liable to lead to such a reduction in take-up that the whole process would become unviable
- The potential costs of not providing the service are not included.

3.1 The Council's rules in relation to the call-in of an executive decision are set out in paragraph 16 of the Overview and Scrutiny Procedure Rules in the constitution.

#### **4.0 THE ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

4.1 It is for the Committee to consider the decision which has been subject to call in and then to decide whether, or not, it wishes to refer it back to the decision making person or body (the Executive) for reconsideration, setting out in writing the nature of its concerns, or whether, or not, it wishes to refer the matter to full Council.

4.2 If the Committee does not refer the matter back to the decision making person or Executive, or refer it to the Council, the decision will take effect on the date of the Overview and Scrutiny Committee meeting. The relevant parts of the County Council's Overview and Scrutiny Committee procedure rules are set out below.

#### **5.0 16. CALL IN**

Note: Powers of call in apply only to functions which are the responsibility of the Executive.

- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to do so, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker, they shall then consider the matter, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not refer the matter back to the decision making person or body the decision shall take effect on the date of the overview and scrutiny meeting.
- (f) Where the matter has been referred to full Council, but the Executive decides that the matter must be determined prior to the next Council meeting, they may proceed to determine the matter, and shall report the matter to the next Council meeting.
- (g) Subject to (f) above, if the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, (note: it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget) the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

#### **6.0 ISSUES TO BE DETERMINED**

- 6.1 That the Committee considers whether, or not, it wishes to refer the decision back to the decision making person or Executive for reconsideration and, if so, the nature of the Committee's concerns, or whether the Committee wishes to refer the matter to the full Council, or not.

CAROLE DUNN  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
NORTHALLERTON

25 March 2011  
JW

<u>Background Documents</u>	None
Author of Report	Jane Wilkinson

# APPENDIX A

## Schedule of Fees for ACS Managed Services

### **Background**

In the past a report has been presented to ACSEM to approve a rate for In-house residential care for older people and people with learning disabilities. This existed under the former Charging regime, to enable a charge to be levied to 'maximum cost payers' i.e. those people receiving the service who had savings in excess of £23,250 (2010–11 rate) or sufficiently high income levels.

With the advent of personal budgets and greater freedoms for those receiving support via social services there is a need to be more transparent about the associated cost of purchasing services from NYCC.

The accompanying table outlines the schedule of fees for NYCC managed services applicable for 2011 – 12.

### **Why do we need to publish?**

Two reasons; Personalisation agenda, as a greater number of people receive personal budgets they will require financial information on the relative costs of the services available to meet their needs. Personal choices will be made based on a whole range of factors including cost: consequently this information must be available.

Secondly, the proposed charging regime considered by Executive on 8 March 2011 is predicated on the full cost of services being delivered to meet peoples' service needs. The attached schedule brings together for the first time the fee levels for ACS managed services.

These rates will also apply as the maximum charge to those people with sufficiently high income or savings in excess of the capital guideline set annually by the Department of Health (£23,250 for 2010-11). The most significant change will be on respite care for people with learning disabilities where the previous maximum charge was significantly lower (£121.66 per night) than the proposed rate based on the real cost of provision. Currently there are four people supported by NYCC with levels of income and/or capital high enough to be impacted by this change.

### **Recommendations**

ACSEM is asked to note the content of the report and approve the Schedule of Fees for 2011 – 12.

Debbie Hogg  
3 March 2011

Enc    Schedule of Fees for 2011 – 12

**Fee Schedules for NYCC Managed Services 2011 - 12 (Rounded)**

**Personal Budgets - In-house rates to use**

<u>EPH</u>	Unit	2011-12 Budget OE Unit Cost				
Day Care	Per place per day	£25.70	Composite rate			
Respite - EPH	Per 24 hour period	£61.20				
		£428.40	<i>Weekly rate (also to use for std charge)</i>			
 <u>LD</u>						
Day Centre	Per place per day	£49.10				
Respite	Per 24 hour period	£197.10				
		£1,379.70	<i>Weekly rate (also to use for std charge)</i>			
 <u>PCAH</u>						
<u>Per Contact visit</u>		Differential Contact Cost Rates Per visit				
		15 min visit	30 min visit	45 min visit	60 min visit	Overall Average
Days	Per contact visit	£6.90	£10.20	£13.50	£16.90	£19.80
Nights	Per contact visit	£8.60	£12.90	£17.20	£21.50	£25.00

# APPENDIX B

Reference Number: ACS05/11

## NORTH YORKSHIRE COUNTY COUNCIL

### DECISION RECORD

**Re: Unit costs for adults services – revised schedule of charges for full cost payers**

This record is produced in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

**This form should be used to record:**

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **KEY decisions taken by an OFFICER (either alone or in consultation with an Executive Member)**

**(One form per decision)**

*The following executive decision has been taken: -*

To apply revised fees, as set out in the attached schedule, for NYCC managed care services for 2011/12.

By whom: County Councillor Chris Metcalfe.  
(insert name of Meeting, Member or Officer)

On: 14 March 2011  
(insert date decision taken)

Reasons for decision: -

In the past a report has been presented to ACSEM to approve a rate for In-house residential care for older people and people with learning disabilities. This existed under the former Charging regime, to enable a charge to be levied to 'maximum cost payers' i.e. those people receiving the service who had savings in excess of £23,250 (2010–11 rate) or sufficiently high income levels.

With the advent of personal budgets and greater freedoms for those receiving support via social services there is a need to be more transparent about the associated cost of purchasing services from NYCC and also the basis for subsequent personal care charges.

*Details of any alternative options considered and rejected: -*

## **Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee in respect of that conflict.

Conflict	Dispensation?

Signed

County Councillor Chris Metcalfe

Publication Date: 15 March 2011  
**by Alison Jones**

Directorate Adult and Community Services

***Note: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).***

**Contact for further information: ...Debbie Hogg ([debbie.hogg@northyorks.gov.uk](mailto:debbie.hogg@northyorks.gov.uk))**

**Contact for copy of report considered ...**

**Carol Gibson ([carol.gibson@northyorks.gov.uk](mailto:carol.gibson@northyorks.gov.uk))**

To: The Business Support Officer, Legal and Democratic Services - for onward circulation to:

- All Members of the Council
- All Group Research and Communications Officers
- Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer
- Principal Officer Democracy and Governance
- Corporate Director – Finance and Central Services
- Head of Scrutiny and Corporate Performance
- Staff Officer to the Chief Executive Officer
- Scrutiny and Corporate Performance Officers
- Scrutiny Support Officers

**Fee Schedules for NYCC Managed Services 2011 - 12 (Rounded)**

**Personal Budgets - In-house rates to use**

<u>EPH</u>	Unit	2011-12 Budget OE Unit Cost
Day Care	Per place per day	£25.70 Composite rate
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 <u>PCAH</u>		
<u>Per Contact visit</u>		Differential Contact Cost Rates Per visit
		15 min visit   30 min visit   45 min visit   60 min visit   Overall Average
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## NORTH YORKSHIRE COUNTY COUNCIL

## EXECUTIVE

8 MARCH 2011

**CHARGING AND ASSESSMENT OF CLIENT CONTRIBUTIONS****Report of the Corporate Director Adult and Community Services****1 Purpose of the Report**

- 1.1 To inform the Executive about proposed changes to the way that the Adult and Community Services Directorate (ACS) charges for social care services provided in the community.
- 1.2 To provide the Executive with an update in relation to the actions to date.
- 1.3 To inform the Executive of the findings from the formal consultation exercise.
- 1.4 To make recommendations and seek approval regarding the implementation of the new charging policy.

**2 Executive Summary**

- 2.1 The current charging regime, 'Fairer Charging' came into operation in March 2003. This means that we assess a person's ability to contribute towards their care and support services, by completing a means- tested financial assessment.
- 2.2 Adult and Community Services currently collect £6.3m for 2010 – 11 in respect of existing clients for home care, day care and transport.
- 2.3 The changes to the way that ACS charge are necessary as a result of guidance issued by the Department of Health 'Fairer Contributions'. This is linked directly to the Personalisation agenda.
- 2.4 'Fairer Contributions' means that Local Authorities are required to consider the total level of financial assistance being made available through the form of a personal budget. The guidance also advises Local Authorities to consider charging a realistic and consistent price for services and in doing so, adopt a revised and more equitable approach to charging for social care services.
- 2.5 The existing charging policy is not equitable. Currently a person who receives day time care and support in a day centre pays £2 per day, whereas that same person is assessed to pay £16 per hour for day time support, if it was delivered in their own home.
- 2.6 Local Authorities were advised to consider implementing the new charging regime, as outlined in Fairer Contributions, in March 2010.

### **3 Background**

- 3.1 A report was presented to the Overview and Scrutiny, Care and Independence Committee on 3 June 2010. This report outlined the proposed changes to the way we charge for services provided in the community and provided examples of the effects this may have on weekly contributions for some clients.
- 3.1 The report was presented to the Area Committees during the period from June to September 2010. Officers discussed and explained the examples which had been included in the report and also emphasised the fact that everyone's financial assessment was individual to their own personal circumstances. It was therefore not realistic to provide this level information and the exact financial impact for all clients.
- 3.2 Members were reassured that the actual effects on clients weekly contributions will be monitored as part of implementation of the new policy and clients will be fully supported throughout the implementation phase.
- 3.3 A further report was then presented to the Care and Independence Overview and Scrutiny Committee on 4 November 2010.
- 3.4 In December a further consultation exercise commenced, with the Partnership Boards across all client groups. This exercise was completed on 31 January 2011. Findings from this exercise are recorded unedited refer to Appendix 1.

### **4 The current charging process (Fairer Charging)**

- 4.1 The current charging process (Fairer Charging), which was implemented in April 2003 in North Yorkshire, means that people are asked to undergo a means tested financial assessment to determine their ability to contribute towards the cost of their social care services. This is calculated using set rates for personal care delivered in a person's own home and at day care centres, currently £16 per hour and £2 per day respectively. There are other charges which are outside the current charging regime, for example transport and the intention is that these will continue to be excluded in the new arrangements until these aspects have been incorporated into the calculation for the personal budget.
- 4.1 As part of the completion of the financial assessment people are also offered a full welfare benefits check, advice and assistance, to ensure that they are receiving their full entitlement to welfare benefits.
- 4.2 It should be noted however that if people have capital of more than the current limit of £23,250 (set by the Department of Health annually) they are expected to pay the full cost for their services, at £16 and £2 respectively.
- 4.3 The financial assessment is usually completed within a person's own home. As part of that assessment consideration is also given to any additional costs which a person may incur as a result of their illness or disability. This is known as the Disability Related Expenditure (DRE).

- 4.4 Under the proposed new arrangements, this consideration will remain part of the means tested financial assessment to determine the amount a person can be considered to have available to pay towards the services they receive.
- 4.5 As part of the current policy, NYCC only take 90% of the remaining disposable weekly income as being available to pay towards the cost of the services being provided. A number of other local authorities have always taken 100% of this figure as being available.
- 4.7 Members of the committee are asked to note that the combinations of welfare benefit entitlement are many and varied, according to person's individual circumstances. Examples have been provided to illustrate the likely impact and the level of personal income retained.

## **5 The proposed changes to charging (Fairer Contributions)**

- 5.1 Currently the cost of service, for charging purposes is calculated depending on the composition of an individuals' care and support package and in accordance with the policy of the local council regarding charges for personal care at home and day care.
- 5.2 This cost is then compared with the individuals' available income, as described in Section 4. Currently, the individual weekly contribution is based on the lower value of the cost of service or the available weekly income.
- 5.3 Under the proposed new arrangements, the financial assessment process will remain the same, so the individuals assessed income is unaffected by these proposals.
- 5.4 The proposals actually relate to the basis on which the cost of the service is calculated. Services will be costed on a more accurate reflection of the true cost of the service, as provided in their costed support plan. Consequently this will remove hidden subsidies for services such as day care.
- 5.5 If the proposed changes are agreed it will mean there is a more realistic basis for the pricing of services.
- 5.6 New clients, who receive services on or after the implementation date, will be subject to a financial assessment under the proposed new approach once it has been agreed. To align with the first week of the new welfare benefits increases, it is proposed that the implementation date will be 9 April 2011.
- 5.7 To smooth the implementation and allow existing clients sufficient time to accommodate the changes, we are proposing to offer transitional protection from the date of implementation of this charge. This will take place one calendar year from the date of notification of the changes to the weekly contributions. Other normal increases in inflation and service changes will be administered separately in the traditional manner.

- 5.8 The proposed changes will not affect those people who receive after care services under Section 117 of the Mental Health Act 1983, nor will it affect the financial assessment currently in place for calculating how much a person can contribute towards respite services. Additionally community equipment and minor adaptations continue to be exempt from charging.
- 5.9 The new guidance also advises Councils to take note to charge more than the full cost of providing the service and in doing so exclude other related costs, for example the costs of completing the assessment and operating the charging system.
- 5.10 It should be noted that the weekly contributions may actually reduce as a result of the new charging policy, for those people who either change the preferred approach to achieving their needs or where the cost of securing their care is less than currently charged.
- 5.11 Personal budgets also exclude transport to and from, for example supported employment etc. Until these costs are incorporated into the costed support plan they will remain as a stand alone, flat rate charge.

## **6 Performance implications**

- 6.1 As at 16 February 2011 ACS are currently providing community based support to 12,791 people and we have estimated that this change of approach will apply to 8,000 of those people, 1235 of those are currently receiving day services only and choose to pay the flat rate charge so we do not have details of their financial circumstances. Consequently the full impact of these proposals cannot be assessed.

## **7 Policy Implications**

- 7.1 Implementation of these proposals is necessary as a result of the Department of Health (DH) Fairer Contributions guidance which was issued to all local authorities, with an anticipated implementation date of March 2010.

## **8 Options**

- 8.1 Do nothing; As the DH Fairer Contributions is guidance, NYCC could opt not to change the current charging policy. However the current inequalities between those receiving home based services and day services would continue, resulting in significantly different subsidies from local authority funding.
- 8.2 Implement the approach outlined in Section 5 of the report.
- 8.3 It is important to note that as part of the consultation representation has been made by the Older People's Champion Reference Group to consider extending the transitional protection for any resulting increases arising from these proposals over a period of three years. On the basis that this will make the increases more palatable and will not lead to sudden withdrawal of those using the services, from day care.

The impact of this option would create a longer period where disparities exist between charging regimes and old and new service users. In addition whilst protection would apply to existing service users this wouldn't apply to new services users and the Council may therefore be at risk of challenge if it appears to be in effect favouring one group over another.

## **9 Financial Implications**

- 9.1 We currently support approximately 8,000 people through provision of home care and day care services, which are subject to a financial contribution. The level of income from the existing charging arrangements equate to £6.3m for 2010 - 11 for home care, day care and transport.
- 9.2 An initial analysis based on the current financial data, at our disposal, indicated that a possible 31% of clients would continue not to contribute towards the services being provided. However, 69% of clients currently contribute and would therefore be subject to a partial increase in charge, this is however, dependent upon their personal financial circumstances and cost of the services.
- 9.3 In theory, this policy should attract additional income, however we also recognise that by introducing these changes it will bring about changes in behaviour and people will make choices about how they wish to spend their personal income. Consequently this could impact on the level of budgeted income and the viability of service provision if sufficient people chose to change their preferred approach to meeting their needs.

## **10 Legal Implications**

- 10.1 The Fairer Contributions Guidance is issued by the Department of Health under Section 7, Local Authority Social Services Act 1970 which directs that a Local Authority, in the exercise of its social services functions, shall act in accordance with guidance issued by the Secretary of State. It is therefore appropriate to create a charging policy which is in accordance with the Fairer Contributions guidance issued.

## **11 Consultation undertaken and responses**

- 11.1 The initial report was presented to all of the Area Committees during the period from June to September 2010.
- 11.2 Feedback from the Area Committees was then shared with the Care and Independence Overview and Scrutiny Committee in November 2010.
- 11.3 Consultation has now taken place with the various Partnership Boards which represent client groups. (Appendices 2-4 are examples of the consultation documents used). A facility for responding was included on the ACS section of the North Yorkshire County Council website. An article was also published in the 'Provider Bulletin', which was issued in January 2011.

11.4 There were three main questions included in the consultation:

1. Do you understand the need to change the way we charge for services?
2. Do you understand that the service charge in the future will be more closely aligned with the actual cost of the service being received?
3. Do you support the need to allow a period of protection?

11.5 A total of 19 responses were received, most of which were submissions from groups of customers/representatives as opposed to individuals. All respondents responded positively to the three questions. The responses were predominantly from Older People and Learning Disability Groups (see Appendix 1 – Summary of responses).

## **12 Implications on other Services/Organisations**

12.1 Should people decide to purchase services elsewhere or find an alternative solution this may mean the services become economically unviable. We will continue to monitor the impact this policy has on income and service delivery.

12.2 The decision to change the way we charge for services may be unpopular and create adverse reaction from customers and the wider audience. We may also attract negative publicity as an organisation.

## **13 Equalities Implications**

13.1 Under current legislation the County Council must demonstrate that it pays due regard, in its decision making process for the need to eliminate discrimination and promote equality with regard to the protected characteristics of disability, gender (including gender reassignment), race, and the promotion of good race relations. From 1 April 2011, the duty will be extended to include the protected characteristics of age, sexual orientation, pregnancy and maternity and religion and belief.

13.2 An Equalities Impact Assessment has been completed in draft form and the impact on clients will be monitored as part of the implementation of the new policy.

13.3 The proposed changes to the way we charge for services should be seen as a positive move, to ensure more equity between the charges for different types of service provision.

13.4 In addition based on the current usage of day care, we know that the main impact will be for older people and people with a learning disability. A recent analysis of 1235 people who only access day care services have identified that 55% were older people, 35% were clients with learning disabilities and the remaining customers were recorded as having either a physical disability or a mental health condition.

## **14 Reasons for recommendations**

14.1 The recommendations are necessary as a result of Fairer Contribution Guidance, issued in 2010 and to introduce equity in relation to calculating an individual's contribution to their personal budget.

## **15 Recommendations**

15.1 The Executive is asked to endorse the implementation of the proposed new charging policy, as detailed in Section 5. The policy would be applied from 9 April 2011.

Derek Law  
Corporate Director, Adult and Community Services  
8 March 2011

Author of the report - Linda Porritt, Benefits, Assessments and Charging Co-ordinator (Resources), ACS.

### Additional papers

Appendix 1 – Summary of responses from consultation exercise  
Appendix 2 – Consultation covering letter  
Appendix 3 – Questionnaire  
Appendix 4 – Explanatory note

### Reference material

Department of Health 'Fairer Contributions Guidance' – Calculating an Individual's Contribution to their Personal Budget. July 2009

Summary of Consultation responses as at 31/01/2011					
on proposed changes to the charging policy for social care and support provided in the community (UNEDITED)					
Sources include responses by email, website and hand written returns					
No	Capacity in which questionnaire completed	Question 1	Question 2	Question 3	Additional Comments / Observations
		Do you understand the need to change the way we charge for services?	Do you understand that the service charge in the future will be more closely aligned with the actual cost of the service being received?	Do you support the need to allow a period of protection?	
1	Employee	I do understand the need for change but I would be concerned about a "slippery slope" scenario evolving which may result in some people not being able to access services due to tight personal financial constraints (there will always be borderline cases which makes some people a lot worse off).	Yes	Yes	Putting a true value on our services is realistic and necessary. I'm wondering if this then realigns the true value of the people delivering these valuable services? Or is it a case that by understanding the value of the services we provide, more of these services will go out to tender, admittedly giving people greater choice, but potentially losing a handle on the quality of services provided. These are just my thoughts and not necessarily any use to your consultation.
2	Support Organisation	Yes	Yes	Yes :- Period of protection No:- Do not introduce changes retrospectively.	
3	Parent / Carer	Yes	If this is the case then services need to be appropriate to the client with enough services to meet the very complex needs.		Services need to be designed/organised to match needs. Also when having financial assessments people need to be told what things can be offset on allowances as this is not always the case & people having assessments done, don't know what things they can claim DLA for /offset i.e. more washing costs, needs to purchase more clothing, equipment etc. Assessor needs to explain these things clearly. It is also difficult to use direct payments to pay for a service if there are not enough services to purchase. Services need to be there to be able to access & people need to know about what services are available.
4	Customers in receipt of services	Yes	You say "will be" - but this is meant to be a consultation - not a foregone conclusion!	Yes - Insufficient information about level of protection, not very useful. Too many big words - blinding us with science! We need to know the actual proposed cost/increase to make a judgement.	Response form 9 Clients on one form - For some people it's just the attendance & if it goes up to £16 a day (not per hour) they will stop attending. For some people it is also Transport increases, and/or costs of meals - so overall it seems like you are trying to put people off attending. Also, you are not giving any proper information for us to decide about - yet you've already decided to do it. Not really a consultation. Please note - Most members of these groups (24 people) have severe physical and / or sensory disabilities. The answer given by NYCC to "How will the council make sure people can afford to pay the new charges" is no help at all. It implies that the amount they are getting will not change. They need hard facts re getting more money to cover the increases - they already are means tested.
5	Members of the partnership board, County and Hambleton and also Easingwold over 50s forum and Ryedale careers support	Yes, but it will also be seen as another method of saving money. I anticipate Day Care facilities run by voluntary organisations will be forced to close as numbers drop drastically as members stay at home alone.	Yes, but concern that workers travelling time will be included which will vary according to location of customer eg rural areas would be penalised.	It is very important that this is done as already people aware changes are coming are very worried they won't be able to afford it. What will you do if as is highly likely, frail or vulnerable people feel unable to pay consequently refuse all care.	If the limit of the cost of care is lifted people with high levels of needs will find they have to pay significantly more and will almost all try and cut down on the support they receive. Those living alone may well end up in residential care or die - Carers will find this role less pleasurable & may give up - A lot of carers are themselves elderly. What if people can't find their own paid carers at a cheaper rate.



6	Supported Housing	Yes	Yes	Yes, The nature of a group of tenants Means changes can impact their well being if they do not fully understand. The recent changes in the charges to day, of benefits cause confusion.	From a personal perspective as a carer faced with funding my fathers care. I spent my life savings on providing care for him and so I feel sometimes it not only impacts on the person but there is a wider picture here through my experience. I suffered financial hardship trying to maintain a level of care for my father (with no support) from the council. Health service in Doncaster.
7	Carers Organisation	Yes	Will costs be hourly or per day?	There has to be a period of protection for existing customers, because it will be a significant change in outgoings for some people. They might choose to opt out and will need time to source alternative arrangements. Where/how will people 'find different or cheaper form of care and support than they are currently receiving'? But yes, I can understand why it is being done. Presumably customers will be helped to apply for relevant benefits which might help them to pay towards their care?	
8	Carers Organisation	Couldn't really understand the explanatory notes, I don't think if I was a carer I'd really know what they were getting at, other than I might have to pay more. It's written in local government speak.	The examples were confusing - one explained an outcome if one system was used, but didn't say what would happen under the new regime so it wasn't clear what would be improved. It was agreed that it was "official speak" but it's a difficult subject and hard to simplify, I'm not sure how easy read it could be and still provide sufficient detail.	The team were looking at this as if it could go out to consultation for carers and service users. We do as an organisation understand the need for change and equity in service. Costs vary massively and at times seem very unfair for users of the service. There will be winners and losers as usual. I hope there will be a period of protection for people to look for alternatives and more consultation with the voluntary sector to see if certain gaps can be filled by the sector.  Also opportunities to bid for funding so the voluntary sector are able to deliver respite services or alternative ways of providing extra support.	
9	Customer and Joint vice chair of PSI Selby Group	Yes	Yes - I understand the need but I feel alot of vulnerable people will not, and the proposed cost could be too much money to pay.	There seems to be a lack of understanding by the authorities that any disability can cause allsorts of hidden costs. This means that any increase in care costs if as proposed (£25) will mean many more clients will be unable to access other needs i.e. gardening / cleaning	It is understood a small increase could be managed (£18) but (£25) would not. It would not only cause hardship but would cause much more depression and isolation as transport to designated clubs etc would not be affordable so causing more problems to those who already have many to deal with. Why not add £2 on the rates towards care and that would relieve the problem?
10	Speak Up (Advocacy Alliance Manager)	Yes	Couldn't it be a gradual increase? Doesn't the quality of the Day Care Service have to be improved to be worth £25 per day?	Yes	Is the £25 to cover the cost of Transport & Meal or will these be extra costs as they currently are? Who is going to check the quality of the day Services provided? More time may be needed for constant re-assessments by CM - at a time when cuts in staff are being made.
11	Linked Up (Northern Regional Manager)	Yes	Yes	Yes	This information has been quite difficult to understand, especially the full implication of how this may affect them.
12	North Star (Northern Regional Manager)	Yes. It makes us fair for everyone.	Yes	Yes to get people used to the idea. Help people to understand what it will be like.	Some people might find it difficult to understand this info. How can you make sure message is clear about what is happening & why.
13	Self Advocates Consulting Group - Harrogate	Yes	Yes	Yes	It's having to be done for a reason. Needs to be more information when any changes are made.

14	Organisation	Yes - any increase in charges should be phased in over time in 2/3 stages rather than giving a period of protection and then the whole increase charged at once. Reasons must be given clearly, suggest 'to maintain the viability of the services'. Bills must be sent out more quickly than at present for new customers who will be charged the increase from the outset. Sending out the bill after three or four months accumulation of increased charges will be horrendous.	Yes we understand that some charges e.g. Day Care are subsidised at present.	See answer to Question 1. All customers should be written to at the earliest opportunity to warn them of the price rise, see answer to Question 1 with a table showing the timescales for implementation.	We have real concern about the proposed increase in charges. Account must be taken of any reduction in benefits and the risk to the client if the increased charges mean services to maintain their independence at home are terminated by the client, with the knock on effect for the carer if it's respite or day care affected. The proposal for an increase in charges which was on the agenda at the Craven Area Committee should have been repeated here, this form is rather like responding in the dark. The examples previously given to the Craven Area Committee in 2010 showed that the amount of available income left to those assessed was unacceptable. At the lowest consideration a customer needs to be left with sufficient income to ensure a reason for living. Suggest that any means assessments takes account of any capital above the £23,250 limit. If increased charges mean that the capital will speedily go below the threshold, the assessment could be a waste of time....?
15	Representative of a customer	Yes	Yes	Yes	Services and accessing the community is really difficult for people with complex needs, my main concern are with these people and whether they again will be the ones who lose what little they have to maintain some sort of quality of life.
16	Physical and sensory impaired joint vice chair and personal	Yes - but yet again, even though there is a need to save money it seems as if it is those most vulnerable taking the brunt of the cuts.	Yes - but there is a fear that there will be so many clients who, despite means testing will feel they can't afford the fees.	Yes - That the most clients who are Service Users are not forced to take up the changes without a flexibility of choice and a full explanation of any change.	I feel that there should be some sensitivity with the possible changes. Also £25 seems a very big jump for care. If this was £18 ph this would be much better. If there has to be a rise then maybe if staged over 3 years would be more acceptable. P.S This was received today if you would extend the consultation time then we could email the forms to all our members.
17	The Old Bootstrap Meeting (Advocate, Hambleton & Richmondshire Advocacy)	Most said they did but several said 'no' the info was presented in easy read & explained with examples but for some more time was needed & over several visits to fully understand. "the ideas are very complicated" "I don't know what I pay for"	Most understood the need for fairness and equity but those who had difficulty with the whole concept could not say 'yes' they understood fully. The people who said 'no' would have required several sessions to understand the concept.	Yes - All understood that more time to plan for financial change was a good thing & would help people make payments due.	Several questions arose which I could not answer, these were - 1. Is transport to be included in the policy or only care and support. 2. Will the Fairer Charging affect providers of services like Mencap, who may then have to charge us more too? 3. How are the rules for Fairer Charging made and agreed? Then just a comment from a politically minded chap 'what the hell is David Cameron doing?' This raised the issue of this occurring during big cuts. The issue of equity of service was stressed. Reassurance was needed in the group about how it may personally affect them.
18	Yatton House Group- Advocate	Yes - most said yes to this as the info was explained in an easy format & with pictures but some (minority) found it hard to understand the concept of paying for services. Those who said 'no', it was due to the level of understanding. Perhaps more 1:1 explanation was needed. I left the document with workers to continue to try and explain.	Yes - Most agreed equity was needed & examples were given which they could relate to. Some, approx 4 people didn't understand equity. Those who said no, it was due to level of understanding.	Yes - Everyone agreed & understood this to be a good idea.	Questions which arose. 1. Will parents money be taken into account if you live at home. 2. Will people be reassessed regularly & how often? 3. Will people be able to afford to pay more when they have to pay more for petrol, food etc? Reassurance was needed in the group about the likelihood of the charges affecting them.
19	Older Peoples Partnership Board (group response)	Yes	Yes	Yes	Comments made as follows : If people pay more for Day Care will that improve the quality of the Day Care? Can the implementation period be over 3-4 years instead of over 12 months? Concern that if people stop going to Day Centres because they have to pay more, a lot of Day Centres will close, people will become more socially isolated, health will deteriorate quicker and more demands will be made on ACS services. If people refuse services because of the price increases, there will be more pressure on carers, caring roles may break down so there will be more demand for ACS services. Concerns about transport costs and rurality which does not feel equitable. Concern about how ACS are going to support people through the changes. People don't like change and find it frightening. General concern about a huge hike in the amount people will have to pay, so can it be a stepped change?



Linda Porritt  
Benefits, Assessments & Charging Co-ordinator  
White Rose House  
Northallerton  
North Yorkshire  
DL6 2NA  
Telephone: 01609 533816  
Fax: 01609 772610  
Email: [Linda.porritt@northyorks.gov.uk](mailto:Linda.porritt@northyorks.gov.uk)

10th December 2010

Dear Customer / Colleague

**Proposed changes to the charging policy for social care and support provided in the community**

North Yorkshire County Council, Adult and Community Services Directorate is proposing to change the way it charges for social care and support services provided in the community. These services include personal care provided in a person's own home and attendance at day care centres.

The proposals are being considered following receipt of a recent document entitled 'Fairer Contributions' which was issued by the Department of Health in response to Personalisation and the introduction of personal budgets. You will already be aware that a personal budget is unique to the person's care needs and enables an individual to choose whether they receive a cash payment or the services directly. This guidance recommends that the charges or client contributions are based on the cost of the service. Consequently the proposed changes will mean that in the future charges will more accurately reflect the true cost of the service being received.

The charge will still be based on an individual's ability to pay (i.e. it will be means tested) but it will also be more transparent and remove hidden cost subsidies. In addition those receiving home based and day care services will pay charges that are more equal.

The proposals have been presented for consideration at area and scrutiny council meetings during the period from June to November 2010. We are now at the stage of seeking views and opinions from a wider audience and this is why we are writing to you.

We very much value your input and we would like you to take the time to read the enclosed explanatory note 'Proposed Changes to the Charging Policy for Social Care and Support Services provided in the Community' and then to complete the brief questionnaire attached.

Please return the completed questionnaire by 31 January 2011, using the enclosed pre paid envelope or alternatively return the form by e mail to [linda.porritt@northyorks.gov.uk](mailto:linda.porritt@northyorks.gov.uk). If you do not feel that the attached documents sufficiently explain the proposed changes and would like further clarification, please contact Linda Porritt (Benefits, Assessments and Charging Co-ordinator) on 01609 533816.

With many thanks for your assistance

Yours sincerely

Linda Porritt  
Benefits, Assessments & Charging Co-ordinator

Enc Explanatory note  
Questionnaire

**Consultation on proposed changes to the charging policy for social care and support provided in the community**

Please read the attached document, 'Proposed changes to the way we charge for social care and support services', which outlines the proposals and the rationale for the proposed changes. Please will you answer the questions below. We would like to hear your views.

**Name**

**Address**

**Postcode**

**Date**

**Capacity in which you have completed this document (e.g. member of Partnership Board, Support Organisation, customer in receipt of services, representative of a customer)**

**Question 1**

**Do you understand the need to change the way we charge for services?**

YES/NO (if you have answered NO, please feel free to comment on your response, in the box below).

**Question 2**

**Do you understand that the service charge in the future will be more closely aligned with the actual cost of the service being received?**

YES/NO (please elaborate your response in the box below, if you so wish).

**Question 3**

**Do you support the need to allow a period of protection?**

If you have any views on the approach to be adopted please outline in the box below.

**If you have any additional comments / observations please outline these in the box below. Your views are important and will be considered before a final decision is made.**

**Thank you for taking the time to complete this form, please return it in the enclosed pre-paid envelope or alternatively you can email your response to [linda.porritt@northyorks.gov.uk](mailto:linda.porritt@northyorks.gov.uk).**

## **PROPOSED CHANGES TO THE CHARGING POLICY FOR SOCIAL CARE AND SUPPORT SERVICES PROVIDED IN THE COMMUNITY**

### **Explanatory note**

#### **December 2010**

North Yorkshire County Council is currently undertaking a formal consultation process in relation to proposed changes to the way we charge for social care and support services which are provided in the community. This includes services for personal care provided for someone in their own home and attendance at day centres. The changes are also in line with the introduction of Personalisation and personal budgets. A personal budget is unique to the person's care needs and enables an individual to choose whether they receive a cash payment or the services directly.

Currently the amount a person is asked to pay towards services is determined by completing a financial assessment. The assessment takes account of a person's income and outgoings. This is referred to as a 'means tested' assessment.

The way that the financial assessment is completed will not change under the proposed new arrangements.

The proposals relate more to the basis on which the cost of the service is calculated. The price of services will be based on a more accurate reflection of the true cost of the service. Consequently this will remove hidden cost subsidies for services currently provided in the community.

### **SOME POSSIBLE QUESTIONS AND ANSWERS**

**Q - Why is North Yorkshire County Council introducing the new charging policy?**

**A –** We are required to review the way we charge for services as a result of new Department of Health guidelines, which is called 'Fairer Contributions' arising from the Personalisation agenda. We are advised to make sure that the amount charged is fair and more equitable across the different services, i.e. home based care and support and day services. This means that the cost relates to the total package of support received and, as a result, this will reduce or remove hidden cost subsidies.

For example-

A person who is currently receiving one hour of care and support in their own home could be charged £16 per hour whilst the same person receiving up to seven hours care and support in a day care centre is charged a flat rate of £2 per day.

This does not reflect the true cost of the care being provided. It is worth noting that some other Councils currently charge up to £25 per day for day care and even though their starting point for charging may be significantly higher, they too will be required to bring the charge in line with the actual cost of the service being purchased.

**Q- What will this mean for those receiving the services?**

**A –** For customers who receive services, the amount they will be asked to pay will be determined following a ‘means tested’ financial assessment. As part of the financial assessment we will look at their income and their expenditure, welfare benefits and savings.

Those people who have capital above the limit set by central government (£23,250 for the current year, 2010/11) will be asked to pay the full costs of the service.

The changes will not affect the provision of the care and support. The new charges will more accurately reflect the true cost of providing the care and support services. While this may mean an increase in charges for some for others this could mean a reduction in the charge if they are able to find different or cheaper form of care and support than they are currently receiving.

**Q – How will the council make sure that people can afford to pay the new charges?**

**A –** We are not planning to change the way we calculate the amount that a person can afford to pay towards their services. Everyone will still be offered a means tested financial assessment

**Q – What will the council do to support and protect existing customers?**

**A -** If the proposals are agreed we will offer all of our existing customers a period of transitional protection following their annual reassessment of their support needs, so that they can make adjustments to ensure that they are able to pay the revised weekly contribution towards their services. The actual detail of this protection is yet to be agreed. However any new customers would be subject to the revised way of charging for services, from the outset.