

## North Yorkshire County Council

### Care And Independence Overview And Scrutiny Committee

10 November 2011

### Charging and Assessment of Client Contributions

#### Report of the Corporate Director – Health and Adult Services

#### **1 Purpose of the Report**

- 1.1 To inform members of the committee of the up to date position since the implementation of the new Fairer Contributions charging policy for community based services, provided by Health and Adult Services (HAS).
- 1.2 To provide members of the committee with feedback from customers as a result of the new charging policy.

#### **1 Background**

- 1.1 The new charging regime was implemented on 7 May 2011, following consultation via the Area Committees and reports being presented to Care and Independence Overview and Scrutiny Committee.
- 1.2 The new charging policy was implemented as a result of guidance issued by the Department of Health 'Fairer Contributions'.
- 1.3 Fairer Contributions required the Local Authority to consider the total level of financial assistance being made available to an individual through the form of a personal budget. The guidance also advises Local Authorities to consider charging a realistic price for services and remove hidden subsidies which in turn provide a more equitable approach to charging for services.
- 1.4 Customers whose first day of service was on or after 7 May 2011 have been assessed to pay the maximum weekly amount that they are able to contribute, in line with the new charging policy. This maximum amount is determined through the completion of a means tested financial assessment.
- 1.5 The means tested financial assessment has been in place since 2003 and this aspect of the charging policy for community based services has not changed.
- 1.6 Customers who were already in receipt of community based services prior to 7 May 2011 are gradually being transferred to the new charging regime. To smooth the transition, all of those existing customers received written communication advising them that we were planning to change the way we charge for services. This letter was issued at the end of March 2011.

## 2 Implementation of the new policy

- 2.1 Existing customers who have a review or any other reassessment of their current support services are now being subject to a new financial assessment completed under the new charging regime and then being advised of the new weekly contribution they will be asked to pay. They are also being given a period of twelve months transitional protection before the new contribution is collected. A further letter will be sent 8 weeks prior to implementing the new charge to act as a reminder of the revised contribution to be paid
- 2.2 Appendix 1 of this report illustrates the change in weekly contributions for a sample of existing customers. It also includes the narrative to support each sample case, including customer comments.
- 2.3 As part of the EIA it was agreed that HAS would monitor the number of people who have cancelled services as a result of cost.
- 2.4 Appendix 2 indicates levels of activity within HAS, including the number of new customers who have been assessed as requiring community based support from HAS, as well as the number of clients supported pre 7 May 2011, whose support package has recently been reviewed.
- 2.5 As at 30 September 2011 HAS now support a total of 6095 clients by providing those community based services which attract a charge, 1556 of whom are aged 18 to 64 and 4539 aged 65+.
- 2.6 Services provided are broken down as follows:

Age Group	Type			Grand Total
	Day Care	Home Care	Day Care and Home Care	
18-64	439	812	305	1556
65+	600	3456	483	4539
Grand Total	1039	4268	788	6095

- 2.7 For the period 7 May to 30 September 2011 HAS provided support to 750 new clients by providing community based services, 54 of whom were aged 18 to 64 and 696 aged 65+. This demonstrated that of the 750 who started receiving service during the period (May to September 2011) 119 declined the service of which 19 (15%) related to financial reasons. Experience shows that this could be due to an overall improvement in their condition or the fact that family members or other informal carers take responsibility for supporting that person.
- 2.8 Appendix 2 outlines data in relation to activity arising from a completed assessment (Tables 1 & 2) and then following service initiation (Tables 3 & 4).
- 2.9 From this data it would therefore appear that the revised charging policy at this stage is not having a significant impact of the decisions and care choices.

- 2.10 There is however anecdotal evidence that the changes elsewhere in the care system i.e. introduction of reablement as the first service and pricing agreements with domiciliary providers are influencing care choices. This information is currently being examined further and will be included within the next report.

### **3 Duty to Involve**

- 3.1 Our Duty to Involve was documented in the Equality Impact Assessment (Appendix 3) and we are continuing to monitor the effects that the implementation of the new policy may have on our customers.
- 3.2 All customers have been supported throughout the change. They will also be advised again of the new contributions, approximately 8 weeks before their period of transitional financial protection expires.

### **4 Equalities Duties**

- 5.1 The Equalities Impact Assessment, completed in March 2011 and is attached at Appendix 3.

### **5 Recommendations**

- 5.1 Members are asked to note the contents of the report and in particular the impact the revised charging policy is having on care choices.
- 5.2 Members are asked to note that a second report will be presented in order to further update members on the impact of the new charging policy.

Appendix 1 - Case studies

Appendix 2 - Levels of activity within HAS

Appendix 3 - Equalities Impact Assessment

## **Case studies**

### **Mr M**

Mr M was in receipt of services prior to 7 May 2011. His care and support needs were reassessed and ultimately increased from seven hours per week personal care to 14 hours per week. As he was already paying the maximum he was able to contribute each week (i.e. £56.08) his contribution will not change. The cost of actually providing his support has increased to over £150 per week.

Customer comment - Mr M appreciated the need to remove hidden subsidies although as he was already paying the maximum he could possibly afford, he understood that he would not be directly affected.

### **Mrs K**

Mrs K was in receipt of one day care session prior to 7 May at a subsidised cost of £2.10. Her daughter asked for a review of her support package. On completion of the review her assessed support needs remained at one session of day care each week. The revised charge to the client, after twelve months transitional protection will be £25.98. As Mrs K's current weekly contribution is £2.10 she will continue to pay nothing towards her support until the transitional protection period ends. This is because we do not collect charges of less than £5 per week currently.

Customer comment - Mrs K's daughter was concerned at the increase from NIL to £25.98 and advised that when the transitional protection period expired she would have to reconsider their options as a family. She was reassured that Mrs K would continue to be supported and assisted to find alternative sources of support should this become necessary. She was also advised that 8 weeks before the new charge would become applicable, a reminder to that effect would be sent.

### **Miss J**

Miss J is now being supported by HAS (post 7 May 2011) through the provision of a complex package of support in the community, including five day care sessions per week and one hour each morning to provide personal care in her home. As a result of the means tested financial assessment Miss J will be asked to contribute £35 per week towards the cost of her support. The cost for actually providing that package of support equates to £257.50 per week.

Customer comment – Miss J was comfortable about paying the weekly contribution, appreciating the fact that the welfare benefits being paid were awarded in recognition of additional costs she incurred due to her illness.

**Levels of activity within HAS between 7 May 2011 (the date of the implementation of the new charging policy) and 30 September 2011**

**Table 1: New Services offered, following an assessment, but declined due to other considerations**

		Gender		
	Age Group	Female	Male	Grand Total
Central	18-64	1	1	2
	65+	13	9	22
Central Total		14	10	24
East	18-64	4	3	7
	65+	14	8	22
East Total		18	11	29
West	18-64	1	2	3
	65+	15	11	26
West Total		16	13	29
Grand Total		48	34	82

**Table 2: New Services offered, following an assessment, but declined due to financial considerations.**

		Gender		
Locality	Age Group	Female	Male	Grand Total
Central	18-64	0	0	0
	65+	1	2	3
Central Total		1	2	3
East	18-64	1	0	1
	65+	2	3	5
East Total		3	3	6
West	18-64	1	1	2
	65+	1	3	4
West Total		2	4	6
Grand Total		6	9	15

**Table 3: Client declined further service as a result of cost considerations.**

		Gender		
Locality	Age Group	Female	Male	Grand Total
Central	18-64	0	0	0
	65+	5	2	7
Central Total		5	2	7
East	18-64	0	0	0
	65+	5	2	7
East Total		5	2	7
West	18-64	0	0	0
	65+	2	3	5
West Total		2	3	5
Grand Total		12	7	19

**Table 4: Client declined further service as a result of other (non financial) considerations.**

		Gender		
Locality	Age Group	Female	Male	Grand Total
Central	18-64	3	0	3
	65+	20	7	27
Central Total		23	7	30
East	18-64	3	3	6
	65+	26	7	33
East Total		29	10	39
West	18-64	0	0	0
	65+	22	9	31
West Total		22	9	31
Grand Total		74	26	100



<b>Name of the Directorate and Service Area</b>	Adult and Community Services, Resources		
<b>Name of the service/policy being assessed</b>	<u>Charging for home care and other non residential services</u>		
<b>Is this the area being impact assessed a</b>	<b>Policy and its implementation?</b>	X	<b>Service?</b>
	<b>Function</b>		<b>Initiative?</b>
	<b>Project?</b>		<b>Procedure and its implementation?</b>
<b>Is this an Equality Impact Assessment for a</b>  (Note: the Equality Impact Assessment (EIA) is concerned with the policy itself, the procedures or guidelines which control its implementation and the impact on the users)	<b>Existing service or a policy and its implementation?</b>		
	<b>Proposed service or a policy and its implementation?</b>		
	<b>Change to an existing service or a policy and its implementation?</b>		X
	<b>Service or Policy carried out by an organisation on behalf of NYCC?</b>		
<b>How will you undertake the EIA?</b>  E.g. team meetings, working party, project team, individual Officer	A report has been submitted to elected members for comment. It has since been presented to all of the seven Area Committees, for further comment. It was then shared and discussed with representative groups and feedback was formally considered and recorded		
<b>Names and roles of people carrying out the Impact Assessment</b>	Debbie Hogg, Assistant Director (Resources) and Linda Porritt, Benefits, Assessments and Charging Co-ordinator		
<b>Lead Officer and contact details</b>	Debbie Hogg		
<b>Date EIA started</b>	20.9.10 (last updated 2.3.11 based on consultation exercise)		
<b>Date EIA Completed</b>	8 March 2011		
<b>Sign off by Service Head/ Business Unit Head</b>			
<b>Sign off by Assistant Director (or equivalent)</b>	(Signed by D Hogg)		
<b>Date of Publication of EIA</b>			
<b>Monitoring and review process for EIA</b>			



## Operating Context

Please consider issues around impacts (positive or negative) raised for **all [protected characteristics](#)** and show your evidence

### **1.1 Describe the service/policy**

What does the service/policy do and how? How would you describe the policy to someone who knows very little about Council Services?

If there is a proposal to change the service or policy, describe what it looks like now and what it is intended to look like in the future. What are the drivers for this proposed change?

Who does it benefit? What are its intended outcomes? Who is affected by the policy? Who is intended to benefit from it and how? Who are the stakeholders? identify those protected characteristics for which this service is likely to have an impact (positive or negative)

Are there any other policies or services which might be linked to this one? Have you reviewed the EIA for these policies/services? What do they tell you about the potential impact?

How will the policy be put into practice? Who is responsible for it?

This proposed policy would apply in relation to a persons' financial contribution towards the cost of support services provided in the community as opposed to within a residential or nursing home setting. These services include personal care at home, attendance at day centres and other day time support. The policy relates to the method by which we assess a customers' financial contribution towards their support services. The proposed new policy will mean that customers will be charged a more realistic and equitable price for the community based support services they receive, commissioned by Adult and Community Services. The reason we are proposing the changes is linked to the Department of Health guidance which advises all local authorities to review the way that they charge for services provided in the community.

The amount that a person contributes is determined following the outcome of a means tested financial assessment; however the degree of subsidy is not equitable. Currently most community based services are heavily subsidised and customers pay a nominal contribution towards those services. The amount that a person contributes is determined following the outcome of a means tested financial assessment. As part of the proposals we will still complete the same means tested financial assessment. The present charging regime means that for example, if a person receives day time support through attendance at a bespoke day centre, they pay £2 per day whereas a person receiving day time support within their own home pays £16 per hour. Both services are subsidised at varying levels currently

The change in policy will be implemented by the Benefits, Assessments and Charging service, in conjunction with the local Operational Social Care teams. Clients will be offered the routine review of their social care and support and at the same time they will be provided with a full reassessment of their financial circumstances to determine any potential change in their financial contribution towards services. At this point arrangements will be made, if necessary, to put in place a transitional protection period of twelve months from the date of the reassessment. This will ensure that all those who are adversely affected will have the opportunity to adjust to the new contributions towards their services.

The proposed change in policy will apply to and may affect all customers who receive day time support as described above. The proposed effective date is 9<sup>th</sup> April 2011

	<p>The customers who use these services are predominantly over pension age. The only group who will continue to be exempt from such charges are those who are supported within the boundaries and regulations of Section 117 of the Mental Health. As part of the Adult and Community Services Personalisation Agenda more people will be assessed and asked to pay a more equitable and realistic contribution. This will address the current inequity in terms of the way we charge for services</p>
<p><b>1.2 How do people use the policy/service?</b></p> <p>How is the policy/service delivered? How do people find out about the policy/service? Do they need specialist equipment or information in different formats? How do you meet customer needs through opening times/locations/facilities? Can customers contact your service in different ways? How do you demonstrate that your service/policy is welcoming to all groups within the community?</p> <p>Does the policy/service support customers to access other services? Do you charge for your services? Do these changes affect everyone equally? Do some customers incur greater costs or get 'less for their money'? Are there eligibility criteria for the service/policy?</p> <p>How do you ensure that staff/volunteers delivering the service follow the Council's equality policies? Does the Council deliver this policy in partnership or through contracts with other organisations? How do you monitor that external bodies comply with the Council's equality requirements?</p>	<p>The change in policy will not affect the way that we currently make arrangements for people to access the means tested financial assessment. This assessment is carried out in the location which is most appropriate to the individual customer, e.g. in their own home</p> <p>We currently charge for services. The change may affect all of those customers who receive community based services, in some way or other. As a result of the proposals some people may pay more for their services but this will continue to be determined following completion of an up to date means tested financial assessment. We will also continue to provide a full welfare benefits check to make sure that our customers receive all of the benefits to which they are entitled</p> <p>Training and awareness of the local authority Equalities policy is mandatory for all staff. We will ensure that our internal team members and also our partner agencies, for example carers groups and Partnership Boards are also aware of the proposed changes, so that they can help to support people through the changes in approach.</p>
<p><b><u>2. Understanding the Impact (using both qualitative and quantitative data)</u></b></p> <p>Please consider issues around impacts (positive or negative) raised for <b>all protected characteristics</b> and show your evidence</p>	
<p><b>2.1 What information do you use to make sure the service meets the needs of all customers?</b></p> <p>What data do we use now? Is it broken down across protected characteristics (and are these categories consistent across all data sets)? How current is the data? Where is it from? Is it relevant?</p> <p>What engagement work have you already done that can inform this impact assessment? Who did you talk to and how? What are the main findings? Can you analyse the results of this consultation across the protected characteristics? Are there differences in response between different groups?</p>	<p>Everyone is assessed on an individual basis, in order to ensure that we meet the specific needs of the person we are supporting in the community.</p> <p>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.</p> <p>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</p>

<p>How has this changed the plans for the policy/service?</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>The report outlining the proposed change in policy has been presented to elected members and officers attended all of the 7 Area Committees, to seek their views and provide further clarity on any particular issues which may arise</p> <p>Further consultation has been carried out, with all representative groups, including for example the Older Peoples Partnership Board, Learning Disability Board and Carers Groups</p>
<p><b>2.2 What does the information tell you?</b></p> <p>Are there any differences in outcome for different groups e.g. differences in take up rates or satisfaction levels across groups? Does it identify the level of take-up of services by different groups of people? Does it identify how potential changes in demand for services will be tracked over time, and the process for service change?</p> <p><b>Please include data and analysis as an appendix</b></p>	<p>At this stage we do not know if there will be different outcomes for different groups of people, hence we will assume that all groups maybe affected hence will be provided with the relevant support to help them to adjust to any resulting change to the amount of money they will be asked to pay towards services. Further detail may emerge as the consultation process ends and this detail will be monitored accordingly.</p>

<p><b>2.3 Are there areas where we need more information? How could we get this information?</b></p> <p>What data is available? Do other directorates, partners or other organisations hold relevant information? Is there relevant information held corporately e.g. compliments and complaints? Are there national datasets that would be useful? Is there relevant census data? Do you need to collect more data? How could you do this?</p> <p>Do you need to do more engagement work to inform this impact assessment? Have you identified information in other sections of this EIA that you need to assess the impact on different groups of people? What do you want to find out? Which existing mechanisms can you use to get this information?</p> <p>Please refer to the Community Engagement toolkit on the NYCC intranet</p>	<p>Following attendance at the seven Area Committees within North Yorkshire, the next phase of the consultation period involved explaining and discussing the proposals with representatives from all client groups, including Learning Disability Groups, Older Peoples Partnership Boards, Carers groups. We also added an item on the NYCC website, included in the standard consultation arena. This exercise was completed to ensure that we sought the views and address concerns raised by the widest possible audience, as well as those who may be directly affected by the proposals.</p> <p>The views and opinions which were provided as part of the consultation have helped to inform the recommendation presented in the report to Executive on 8<sup>th</sup> March.</p>
<p><b>2.4 How will you monitor progress on your policy/service, or take-up of your service?</b></p> <p>What monitoring techniques would be most effective? What performance indicators or targets would be used to monitor the effectiveness of the policy/service? How often does the policy/service need to be reviewed? Who would be responsible for this?</p>	<p>This will be addressed as part of the regular annual review of service provision for individual customers. We will monitor and record data to measure the impact of the proposals, including clients who may decline services and chose to make alternative arrangements as a result of the proposals. We will monitor levels of income and impact on referrals. This information will be routinely generated as part of the social care and financial reassessments which will be provided for all clients. Part of the impact assessment will include taking account of the feedback and comments from the formal consultation exercise. This will help us to make decisions with regard to possible implementation and subsequently transitional protection of all customers.</p>

### **3. Assessing the Impact**

Please consider issues around impacts (positive or negative) raised for **all protected characteristics** and show your evidence.

#### **3.1 Has an adverse impact been identified for one or more groups?**

Has this assessment shown anything in the policy, plan or service that results in (or has the potential for) disadvantage or discrimination towards people of different groups? Which groups?

Do some needs/ priorities 'miss out' because they are a minority not the majority? Is there a better way to provide the service to all sections of the community?

In order to address any negative impact on individuals as opposed to actual groups of people, we will provide a transitional period of twelve months, following implementation of the proposed new policy. It is clear however, that those who will be most affected are the people who are supported through attendance at day centres and do not receive any other community based support.

People will be provided with a full re-assessment of their support needs as well as a new financial assessment. We will ensure that we give everyone a full explanation of the way we have calculated their new charges. This will be provided in a format which is most suited to their needs, including Easy Read documents, on request.

We will monitor any decline in the take up of services resulting from this change, particularly those who are currently supported through day care services only, through performance monitoring of aggregate client activity

People will continue to be assessed as individuals, in their own right, taking account of their personal individual circumstances. The expectation is that all of our customers are subject to a financial assessment to determine how much they can contribute towards their community based support. Essentially the only group who are exempt from such charges are those people, who are supported in the community through the provision of after care services, as they are subject to Section 117 of the Mental Health act.

<p><b>3.2 How could the policy be changed to remove the impact?</b></p> <p>Which options have been considered? What option has been chosen?</p>	<p>The policy may be changed or adapted if as a result of monitoring, we identify any particular people who are more adversely affected. In order to reduce the impact we will offer everyone a period of twelve months transitional protection so that they are able to adjust to and accommodate any revised charges.</p>
<p><b>3.3 Can any adverse impact be justified?</b></p> <p>If the adverse impact will remain, can this be justified in relation to the wider aims of the policy or on the grounds of promoting equality of opportunity for one target group?</p> <p><b>Please seek legal advice on whether this can be justified.</b></p>	<p>We will monitor the effect on clients, as a result of the proposed change in policy and review our proposals accordingly when data is gathered, which identifies any potential adverse effect on particular clients/client groups. The monitoring will also be used to ensure that we continue to act with fairness and equity for all client groups in terms of assessing their weekly contribution.</p>
<p><b>3.4 Are you planning to consult people on the outcome of this impact assessment?</b></p> <p>When and how will you do this? How will you incorporate your findings into the policy?</p>	<p>The outcome of the Impact Assessment has been used to inform the consultation process and reports to Executive Area Committees and Overview and Scrutiny,</p>
<p><b>3.5 How does the service/policy promote equality of opportunity and outcome?</b></p> <p>Does the new/revised policy/service improve access to services? Are resources focused on addressing differences in outcomes?</p>	<p>People will continue to be assessed as individuals, in their own right. The proposed changes to the way we charge for services will not affect peoples' opportunities to access support. services. People will be given a clear explanation as to what they will be asked to pay, at the earliest opportunity, in order to help them understand the financial implications. It is not expected that people will refuse services but they will be supported through any changes and as part of the financial assessment they will be offered a full welfare benefits check to ensure that they are receiving all of the weekly income to which they may be entitled.</p> <p>Some people may decide not to continue the service, however we are happy to continue to offer a welfare benefit check. If people do decide to decline the service we will explore and discuss the reasons why they have decided to decline the service.</p>
<p><b>Don't forget to transfer any issues you have identified in this section to the <a href="#">Equality Action Plan</a></b></p>	

<b>Action Plan</b>					
<b>What are you trying to change (outcome)?</b>	<b>Action</b>	<b>Officer responsible</b>	<b>Deadline</b>	<b>Other plans this action is referenced in (e.g. Service Performance Plan, work plan)</b>	<b>Performance monitoring</b>
We are trying to change the way we charge for support services provided in the community	All charges for existing clients will be reviewed and people will be offered a period of 12 months transitional protection, to help them adjust to any subsequent changes to their weekly contributions. From April 2011 we will write to all existing customers to advise them of the changes to the way we charge.	Assistant Director (Resources) and the Benefits, Assessment and Charging Co-ordinator			

	<p>As part of the formal consultation process we have taken account of the views and comments made and these have helped us to make final decisions regarding the proposed changes to the way we charge for services provided in the community. The results of the consultation confirmed that all who responded understood the need to change the way we charge and were supportive of that change. Concerns were expressed with regard to how we will support people through the transitional period and it was suggested that this period could be extended. This was considered however it was not felt to be practical to extend that period of transitional protection.</p>	<p>Assistant Director (Resources) and the Benefits, Assessments and Charging Co-ordinator</p>			
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