

North Tyneside Council

Report to Cabinet

Date: 29 January 2024

Title: Adult Social Care Charging Proposals – Consultation Response and Decision on Implementation of Changes

Portfolio(s):	Adult Social Care	Cabinet Member(s):	Councillor Janet Hunter
Report from Service Area:	Adult Social Care		
Responsible Officer:	Eleanor Binks, Director of Adult Social Care	(Tel: (0191) 643 4063)	
Wards affected:	All		

PART 1

1 Executive Summary:

In response to the national picture of significant pressures on Adult Social Care services, a report was considered by Cabinet on 27 November 2023 which proposed changes to the Contributions Policy for Adult Care and Support Services (the Policy”) including proposed changes to Appendix B of the Policy, namely the “Contributions Policy Schedule of Charges”. Before any changes to the Policy were implemented, it was proposed, and agreed by Cabinet, that there would be a 6-week public consultation on those proposed changes.

Over time, the charges applied by the Authority have fallen out of step with the actual cost of delivering social care and this has been exacerbated in recent years by higher levels of inflation. The proposed changes to the Policy relate to updating charges paid by service users to the Authority in line with the increased costs of providing good quality social care services which continue to meet the needs of the residents of North Tyneside.

In addition to the above proposed amendments to the Policy, the review of the Policy identified anomalies in the way that charges were applied by the Authority. It was therefore proposed to Cabinet that changes to the Policy should be made, subject to

consultation, to ensure that a more consistent approach was taken on how charges are arrived at and applied, and that the Policy is amended to provide greater clarity.

As requested by Cabinet on 27 November 2023, a public consultation has been undertaken on the proposed changes. A total of 425 consultation responses were received. The outcome of the consultation indicated that there was general support for the proposed changes to the Policy for all but one of the proposals. This report outlines the detailed results of the consultation and makes further recommendations to Cabinet on the proposed changes to the Policy taking into account the views of the public.

It is important to note that all individuals receiving social care services will be offered a financial assessment and will only contribute to the cost of their care in line with what they are assessed as being able to afford.

2 Recommendation(s):

It is recommended that Cabinet:

- (1) Notes the outcome of the public consultation on the proposed changes to the Authority's 'Contributions Policy for Adult Care and Support Services'; and
- (2) Agrees to implement the recommended changes to the Authority's Contributions Policy for Adult Care and Support Services, as outlined in this report and highlighted in the Policy which is appended to this report at Appendix 1 and authorises the Director of Adult Social Care to implement those changes; and
- (3) Authorises the Director of Adult Social Care in consultation with the Cabinet Member for Adult Social Care, the Director of Resources and the Head of Law to make any future amendments to the Contributions Policy for Adult Care and Support Services and to take any steps that are considered appropriate to implement such amendments.

3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 22 December 2023.

4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021–2025 Our North Tyneside Plan:

A caring North Tyneside

- We will provide great care to all who need it, with extra support available all the way through to the end of the pandemic.
- We will work with the care provision sector to improve the working conditions of care workers.
- People will be cared for, protected, and supported if they become vulnerable, including if they become homeless.

5 Information:

5.1 Public Consultation

As agreed by Cabinet on 27 November 2023, a public consultation on the proposed changes to the Contributions Policy for Adult Care and Support Services (“the Policy”) agreed in principle by Cabinet was undertaken. This 6-week consultation commenced on 29 November 2023 and ended on 10 January 2024. The consultation included broad public consultation through social media and the Authority’s website. An online survey was also created to gather public feedback. A paper version of the survey was made available and an offer of providing versions of the survey in languages other than English and in different formats was made. An easy read version of the survey was available on request.

5.2 Individuals who currently pay a contribution towards the cost of their social care services and may be directly affected by the proposed changes were contacted individually by letter containing information about the proposals and links to the survey. An offer of a paper copy was made within this letter. A total of 270 paper copies of the survey were requested of which 150 surveys were returned with responses.

5.3 Letters were sent out to the individuals described below. Wherever possible letters about the consultation were sent with billing notifications in the normal course of business to avoid additional costs.

- 3000 customers of Care Call.
- 1200 people who currently pay a charge for a community-based service.
- 100 current Appointees.

Of the 425 consultation responses received, the responders classified themselves as follows: -

Classification	Number of responses	Percentage of total responses
User of social care services	215	50%
Unpaid Carer	135	32%
Resident not using social care services	38	9%
Other	24	6%
Not indicated	13	3%
Total	425	100%

The consultation explained that it was important to ensure that the Authority has sufficient funding to be able to meet the needs of the residents of North Tyneside and that an individual's contribution to the cost of their care, when they are financially assessed as able to pay a contribution, formed an important part of the funding of Adult Social Care.

409 people including service users, amounting to 96% of respondents agreed that it was important to maintain good quality services for Adult Social Care. No one disagreed with that statement but 4 people indicated that they did not know if they agreed with that statement or not. There is therefore overwhelming support for ensuring that the Authority continues to provide good quality social care services.

It should be noted that not all responders to the survey answered every question, so each question has a different number of total responses.

Areas for Consideration:

5.4 Charges for Day Care Services

The consultation sought public and service users' views on the proposal to charge for day care services and associated transport services in line with the cost of those services to the Authority. People would only pay for these services if they were financially assessed as able to pay according to national guidelines.

The Authority is currently subsidising the cost of day care and transport for people who, under financial assessment would be expected to pay the full cost

of their care. This subsidy is also being provided to people who receive means tested support for the cost of their care.

The public and service users were asked if they agreed or disagreed with the proposal to increase charges to reflect the actual costs to the Authority.

	Agreed	Disagreed	Don't Know
Day care	171	123	77
Transport	145	116	82

Although the public consultation indicated a significant proportion of people disagreed with this proposal, the largest number were in favour.

Recommendation

It is therefore recommended that Cabinet agree to revise the Schedule of Charges within the Policy (Appendix B of the Policy) to reflect charging for day care and associated transport in line with the actual costs to the Authority.

5.5 Administration charges for people who pay the full cost of their care and support.

Section 18(3) of the Care Act 2014 states that the Authority must arrange community- based care and support for a person with eligible needs who has the financial means to arrange it themselves but requests the Authority do so on their behalf. This is a requirement and there is no discretion around it.

Service users who are as assessed as being able to pay the full cost of their care and support and ask the Authority to arrange care on their behalf benefit from the Authority's contracted rates, which are often significantly lower than private sector rates.

The Authority currently charges an up-front administration fee of £260 per year for arranging this care and support. The consultation asked the public and service users' opinion on the proposal agreed in principle by Cabinet on 27 November 2023 to charge £11.50 per week instead of an annual sum of £260.

	Agree	Disagree	Don't know
Charge £11.50 administration fee per week for people assessed as able to pay the full cost of their care	230	106	72

Recommendation

The majority of people agreed with this proposal and therefore it is recommended that Cabinet agree to revise the Schedule of Charges within the Policy to reflect an administration fee of £11.50 per week for people who are assessed as able to pay the full cost of their care.

5.6 Appointeeship charges

The Appointee and Deputyship Team currently manage finances for some people who cannot manage their own money and do not have someone willing or able to do this for them.

The Authority currently charges £5 per week when it acts as a corporate appointee (but does not charge a person when they have savings under £500). Cabinet agreed in principle to increase this to £10.00 per week which is in line with the charges of other organisations providing this kind of service.

People were asked if they agreed with this proposal: -

	Agree	Disagree	Don't know
Charge £10.00 per week for Appointee or Deputyship services	155	151	100

Recommendation

Although the responses for this proposal indicated that 151 people disagreed, a higher number agreed with the proposal. In line with the overwhelming view that it is important to ensure that the Authority can continue to provide high quality social care services to the residents of North Tyneside, it is recommended that Cabinet agree to amend the Policy to reflect a charge of £10.00 per week for Appointee or Deputyship services.

5.7 Community funerals

Public Health or Community Funerals are provided by local authorities for people who have died and have no next of kin, or whose next of kin, relatives or friends are unable or unwilling to make the necessary arrangements for a funeral.

The Authority makes funeral arrangements for the deceased person through the Appointee and Deputyship Team. It arranges for officers to visit the deceased person's home to locate a will, or funeral plan. The Authority does not currently charge for this service.

Cabinet agreed in principle to charging a fee of £300 to estates which monies in excess of the cost of the funeral.

	Agree	Disagree	Don't know
Charge a fee of £300 to estates with funding in excess of the cost of the funeral	253	78	68

Recommendation

The results of the public consultation indicated agreement with this proposal, and it is recommended that Cabinet agree to revise the Schedule of Charges within the Policy to reflect a fee of £300 for estates with monies in excess of the cost of the funeral.

5.8 Deep Cleans

The Authority has noted a 100% increase in the costs of deep cleans since 2021/22 and costs are predicted to continue to rise. The Authority currently makes a one-off charge for deep cleans. Cabinet agreed in principle that charges for deep cleans should be made on a weekly basis until the cost of a deep clean is recovered or a maximum of 6 months.

	Agree	Disagree	Don't know
Charge weekly for deep cleans until the cost is recovered or for a maximum of 6 months	283	109	24

Recommendation

The results of the public consultation indicated that the majority of respondents were in agreement with this proposal, and it is recommended that Cabinet agree to revise the Schedule of Charges within the Policy to reflect recovery of the cost of a deep clean on a weekly basis until the cost is recovered or for a maximum of 6 months.

5.9 Charges for Care Call

Care Call provides a 24/7 community alarm and crisis response service across the Borough. It is not a statutory service, but people can receive the Care Call service as part of their care package if it meets one of their assessed needs under the Care Act. Care Call customers currently pay a weekly charge as

shown below. People who receive Care Call as part of their assessed needs pay a contribution to the costs of all the services they receive, including Care Call, according to their financial assessment. Any North Tyneside resident can choose to purchase the Care Call service without having a social care assessment.

Cabinet agreed in principle to increase the charge to £7 per week and £10.50 per week for the two levels of service.

Service Description	Charge per week 2023/24	Proposed Charge 2024/25	Number of Households
Provision of telecare equipment, monitoring, and emergency response	£6	£7	3058
As above with a fortnightly welfare check	£9	£10.50	7

The results of the public consultation were as follows: -

	Agreed	Disagreed	Don't Know
Increase Care Call charges to £7 and £10.50	283	109	24

Recommendation

The results of the public consultation indicated that the majority of respondents were in agreement with this proposal, and it is recommended that Cabinet agree to revise the Schedule of Charges within the Policy to reflect a charge of £7.00 for the provision of telecare equipment, monitoring and emergency response and £10.50 for the provision of telecare equipment, monitoring and emergency response plus a fortnightly welfare visit.

5.10 Charges for people who require the support of multiple care workers (community-based support)

The Authority does not charge for additional care workers for people who require more than one care worker at a time. This is contrary to the approaches of all other local authorities in the region who all charge for *all* care workers.

Cabinet agreed in principle with a proposal to charge for all care workers. The results of the public consultation indicated the following: -

	Agreed	Disagreed	Don't Know
Do you agree that a change to charges linked to the total amount of hours of care a person receives	228	113	59

Recommendation

The results of the public consultation indicated that the majority of respondents were in agreement with this proposal, and it is recommended that Cabinet agree to revise the Schedule of Charges within the Policy to reflect charging based on the total number of hours of care a person receives.

5.11 Care charges capped at £400 per week.

Historic charging policies have capped social care charges at £400 per week, including for those whose care costs are more than that and are financially assessed as being able to pay the full cost of their care. This currently applies to less than 1% of social care customers all of whom are over the age of 70.

The results of the public consultation were as follows: -

	Agreed	Disagreed	Don't Know
End the £400 limit on charges for people who are assessed as able to pay the cost of their care	141	149	107

Recommendation

The results of the public consultation indicated that the highest number of respondents were not in agreement with this proposal however, this is only slightly higher than the number of respondents who agreed with the proposal. This proposed change in policy impacts on only 10 individuals with only 5 of these people expected to see an increase in their contributions if the change in Policy was implemented. Whilst the view expressed through the public consultation is noted, it is important that every person receiving adult social care services contributes to the cost of their care in a consistent and fair way. It is therefore recommended that Cabinet agree to revise the Schedule of Charges within the Policy to reflect the removal of this limit on charging. The Authority will work with the 5 individuals who are expected to see an increase in charges to ensure that any changes are affordable. This could include tapering increases over a number of years to mitigate the impact.

5.12 Summary and conclusion of proposals

The recommendations set out in this report have been carefully considered to ensure consistency in the way that people who receive Adult Social Care services from the Authority or arranged by the Authority are charged. They are intended to increase the amount of funding available in North Tyneside to provide social care services to those who cannot meet the costs of their care.

The Authority has subsidised the costs of providing some forms of care for many years. The cost of providing care has increased significantly in recent years with rising levels of inflation and increases in national minimum wage. The Authority has absorbed these cost increases rather than passing them onto people financially assessed as being able to afford to pay the full cost of their care.

The results from the public consultation have indicated that the general public, in addition to those in receipt of care and their carers, value good quality social care services and accept that there is a need for sufficient funding to ensure that these services can be sustained into the future.

It is acknowledged that some people will fall into multiple categories and may have more than one increase. However, any increase in a person's charges for their Care Act eligible care and support, would not be above what they have been financially assessed as being able to afford. The circumstances of any individual faced with a significant increase will be considered on a case-by-case basis with the potential to taper the impact of increased charges over several years.

6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

To agree the recommendation set out in paragraph 1.2 of this report.

Option 2

Not to agree to the recommendations in paragraph 1.2 of this report.

Option 1 is the recommended option.

7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The recommendations are intended to increase the amount of funding available in North Tyneside to provide social care services to those who cannot meet the costs of their care. The recommendations also address some aspects of inequity which have been identified to ensure all people are treated the same, according to their financial assessment.

Appendices

Appendix I Contributions Policy for Adult Care and Support Services showing Proposed Amendments to the Policy.

8 Contact officers:

- Ellie Anderson, Head of Business Assurance, Adult Social Care, tel. (0191) 643 7354
- Sue Graham, Health and Social Care Integration Manager, Adult Social Care, (0191) 643 4063
- Jane Cross, Senior Business Partner, Finance, (0191) 643 3166

9 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

Equality Impact Assessment

[https://northtyneside.sharepoint.com/:w:/r/sites/ASCReportsforClearance/Shared%20Documents/General/26.10.2023%20-%20Charging%20Policy%20\(Cabinet%20Report\)/Background%20Document%20-%20EqIA%20Adult%20Social%20Care%20Charges%20Oct%202023%20v3.docx?d=w6b277d2ea7a34b778e11196cdbfe05cf&csf=1&web=1&e=obnCgl](https://northtyneside.sharepoint.com/:w:/r/sites/ASCReportsforClearance/Shared%20Documents/General/26.10.2023%20-%20Charging%20Policy%20(Cabinet%20Report)/Background%20Document%20-%20EqIA%20Adult%20Social%20Care%20Charges%20Oct%202023%20v3.docx?d=w6b277d2ea7a34b778e11196cdbfe05cf&csf=1&web=1&e=obnCgl)

Contributions Policy for Adult Care and Support Services. Policy in Tri.x. Local Resources, Finance, Financial Assessment and Appendix B Schedule of Charges

<https://northtynesideadults.trixonline.co.uk/resources/local-resources>
<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/charging-and-financial-assessment-for-care-and-support-policy-updated-june-2021%20%281%29.pdf>

Contributions Policy for Adult Care and Support Services Appendix B Schedule of Charges

<https://trixcms.trixonline.co.uk/api/assets/northtynesideadults/e4b6cf1e-c4e9-4722-a0fb-6d118f1008df/appendix-b-contributions-policy-schedule-of-charges.docx>

The Care Act 2014

[Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The Care and Support (Charging and Assessment of Resources) Regulations 2014

[The Care and Support \(Charging and Assessment of Resources\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The Care and Support Statutory Guidance

[Care and support statutory guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[The Cabinet Report dated 27 November 2023](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

These proposals, if ultimately accepted, will increase income from client contributions and fees and charges which form part of the Authority's funding for social care services. The expected increased income has been included within the initial proposals for the Authority's 2024-2028 Medium Term Financial Plan and budget proposals for 2024/25. If these proposals were not agreed by Cabinet, it would lead to a shortfall of income against the budget proposed for 2024/25.

2.2 Legal

Although service users receiving Adult Social Care support from the Authority, be it home care, residential/nursing care or day care will be affected by the proposed changes set out in the report, the proposed changes are in accordance with the Care Act 2014 and its accompanying Statutory Guidance as regards charging for such care.

Given that the proposed changes will impact on service users and their carers/families, the proposed changes to the charging policy have undergone a consultation exercise to understand the view of the public and those directly affected.

The public sector equality duty imposed on the Authority under section 149 of the Equality Act 2010 placed on the Authority when exercising its functions has been considered as demonstrated by the Equality Impact Assessment referred to in the background documents. The Assessment relates to both the consultation exercise and the amendments proposed in relation to the Contributions Policy for Adult Care and Support Services.

2.3 Consultation/community engagement

2.3.1 Internal Consultation – Engagement has taken place with officers within the Authority with positive feedback from Senior Leadership Team and Adult Social Care senior management team. Consultation with Cabinet Member for Adult Social Care has also been undertaken.

2.3.2 External Consultation/Engagement

A 6-week public consultation exercise was carried out which included broad public consultation through social media opportunities. An online survey was created to gather people's feedback. Individuals who are affected by the proposed changes were contacted separately to be given information about the proposals in line with the Authority's accessibility policy. A paper copy of the survey was made available on the Have Your Say displays at the 6 Community Hubs and to anyone who requested it and an easy read version was also available. Details on the consultation responses are included within the body of this report.

2.4 Human rights

In deciding whether to agree the changes to charging for adult social care services in principle and approve the commencement of a public consultation, the Authority must have particular regard to the rights set out in Article 8 of the European Convention of Human Rights. This Article sets out rights to respect for a person's private and family life, a person's home, and his correspondence. Article 8 rights apply to almost every aspect of daily life and are critical to those in need of adult social care services. The mitigations described in this report and within the Equality Impact Assessment will ensure that people can continue to receive the services they require to maintain their human rights.

2.5 Equalities and diversity

All potential equality implications that may arise from these proposals have been considered. There are some negative impacts which are highlighted in the Equality Impact Assessment. These impacts have measures in place to reduce their impacts

and support those needing assistance. This Equality Impact Assessment is part of the background information.

2.6 Risk management

Any risk management issues are included within the Authority's risk register and will be managed by this process.

2.7 Crime and disorder

There are no crime and disorder issues directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 – SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive