

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Adult Social Care and Public Health
Date:	27 January 2015
Title:	Implementation of the Care Act in April 2015
Reference:	6406
Report From:	Director of Adult Services

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1. The decision:

That the Executive Member for Adult Social Care and Public Health:

- 1.1 Approves the introduction of a care arrangement fee for self-funders who ask the council to arrange non-residential care on their behalf with the level of the fee being £600 for the initial set-up costs, and £320 in subsequent years to cover ongoing administration costs with the level of fees to be reviewed annually;
- 1.2 Approves the charging of interest when the council enters into a Deferred Payment Agreement from April 2015 and that the rate of interest will be the maximum rate set by the Government for the relevant period, which is based on the weighted average interest rate on conventional gilts (as published by the Office for Budget Responsibility) plus 0.15%;
- 1.3 Approves the charging of an administration fee for Deferred Payment Agreements from April 2015 and that for a routine agreement the usual fee will be a maximum of £1190 for the initial set-up costs, and £312 in each subsequent year to cover ongoing administration costs (or £612 in a year where a valuation is carried out by the Council) with the level of fees to be reviewed annually. The Council will reserve the right to pass on any additional costs, for example, if a more complex and costly valuation of the property is required;
- 1.4 Agrees the transition arrangements for moving from the current terms and conditions for Deferred Payment Agreements to the new scheme, namely that:
 - Where the end of the 12-week property disregard period/ commencement of the Deferred Payment Agreement is before 1 April 2015, this will be on current terms and conditions. This is not dependent on the application being received nor the agreement being signed before 1 April.

- If the end of the 12-week property disregard period/commencement of the Deferred Payment Agreement is after 1 April 2015, this will be on the new terms and conditions.

1.5 Approves continuing to assess financial resources and charge for both residential and non-residential care on the same basis as prior to relevant provisions of the Care Act coming into force subject to any changes made by the Care Act; and agrees that consequential amendments will be made to the policy framework;

1.6 Notes that prisoners in receipt of social care services will be financially assessed to determine whether they are eligible to contribute towards their care costs; and

1.7 Delegates to the Director of Adult Services the final sign-off for the fees to be charged, should further Department of Health guidance or more detailed analysis require any minor adjustments prior to April 2015.

2 Reason for the decision:

2.1 This report seeks approval for a number of actions required to implement the first phase of the Care Act legislation from 1 April 2015. Under the Care Act, adult social care authorities must comply with a range of statutory obligations, which are either set out in the Act itself or in accompanying Regulations and Statutory Guidance. However, the Government allows discretion in some cases, giving local authorities a 'power' rather than a 'duty' to undertake certain activities. The purpose of this report is therefore to set out proposals for the recommended course of action for the areas where decisions can be taken at a local level.

3 Other options considered and rejected:

3.1 The key proposals in the report relate to making changes to what some people who are self funding their care may have to pay for certain services, such as the introduction of: a fee for self funders who ask the council to arrange their domiciliary care; charging interest from the start of a deferred payment loan; and increasing the administration fees for setting up and administering a deferred payment loan. The options considered in these cases were to make no charge, to make a lesser charge, or to make the charges proposed, which reflect the true cost to the council. The options of making no charge or making a lesser charge were rejected as unaffordable, because they do not allow the council to recover its costs.

3.2 The proposal to continue to assess financial resources and charge for both residential and non-residential care on the same basis as prior to relevant provisions of the Care Act is put forward on the basis that it represents no change for service users. Other options were not considered, because it would not be financially sustainable for Adult Services to cease its current charging policy.

4 Conflicts of interest:

4.1 Conflicts of interest declared by the decision-maker: None

4.2 Conflicts of interest declared by other Executive Members consulted: Not applicable

5 Dispensation granted by the Conduct Advisory Panel: none.

6 Reason(s) for the matter being dealt with if urgent: not applicable.

7 Statement from the Decision Maker:

Approved by:

Date:

27 January 2015

**Executive Member for Adult Social Care and Public
Health
Councillor Liz Fairhurst**