

HAMPSHIRE COUNTY COUNCIL**Decision Report**

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| Decision Maker: | Cabinet |
| Date: | 26 March 2012 |
| Title: | Review of Adult Services Non Residential Care Contributions Policy in relation to service users who require two carers |
| Reference: | 3792 |
| Report From: | Director of Adult Services |

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1. Executive Summary

- 1.1. The purpose of this paper is to review the unforeseen consequences of the Adult Services contributions policy in relation to the impact on service users who require two carers.
- 1.2. This paper seeks to set out a way forward to fairly address the needs of people who need two carers.

2. Contextual information

- 2.1 Social care has always been chargeable but until recently many councils charged for specific services and have been able to subsidise the costs. In Hampshire, this included capping the cost at £440 per week. This was changed in 2011, following public consultation, as it did not benefit all service users and was therefore seen to be unfair.
- 2.2 People pay for social care services according to their means, not their needs/level of disability or the cost of the services they use (although people are not required to pay more than the total cost of their services). The financial assessment protects people from hardship due to paying for care. It ensures people are left with sufficient income to pay for their daily living costs, including additional expenses related to their condition and have some disposable income. People can choose to pay the full cost or have a financial assessment to work out what they need to pay. People with high means may forego the financial assessment and therefore be required to pay the full cost. Some people who are 'self funders' have services arranged by the Council, but many do not.
- 2.3 Some service users who have services arranged by the Council and are required under its contributions policy to pay for the full cost of services, which includes having two carers, have challenged the fairness of the new policy because of the increase in their personal contribution.

Local Consultation

2.4 Consultation on the contributions policy was carried out in 2010/11. The proposals included making the majority of services chargeable with charges based on the actual cost of care. This was supported by over 60% of respondents. A question was also included about removing the 'cap' on the most someone could pay towards their care costs. The views in response to this question were divided with nearly 40% of respondents agreeing and some 46% disagreeing with the proposal. Additional comments made by nearly 300 people expressed strong opinions at both ends of the spectrum of views.

3. Circumstances where 2 carers are required

3.1 Two carers are required in a number of different situations and in some cases the requirement for two carers relates to the service user's assessed needs and in some cases it relates to an assessment of risk for the carer. In terms of financial contribution this is based on an individual financial assessment following which the service users may make no contribution, a partial contribution or be required to make a full contribution towards the cost of their total care package. The information below gives some examples of the different situations, all of which depend on individual circumstances.

- (i) *Where a service user has challenging behaviour relating to the nature of their disability e.g. where the service user has dementia or a learning disability, two carers may be required to support the service user safely. In this case a service user may attempt to hit a carer or run away or hurt themselves. Two carers are required throughout the time care is being delivered.*
- (ii) *Where a service user is unable to weight bear and requires a carer on either side of them then two carers will be required to physically support the service user. In this case two carers may be required to move the service user, but only one is needed for other tasks.*
- (iii) *Where a service user is unable to move independently and a hoist has been installed, two carers may be required. One carer may need to support the service user while the other positions the hoist so that the service user can be safely placed. As above two carers may be required to move the service user but only one is needed for other tasks.*
- (iv) *Where a service user needs one carer to help them with their personal care and has been assessed and a risk identified to care staff due to particular circumstances that the service user is living in e.g. a potential source of violence to staff, then two carers may be required. In this case two carers are required throughout the time care is being delivered.*

Action to date to reduce the cost of two carers

3.2 There are approximately 754 service users currently who require two carers to meet their needs. In August 2011, the Department contacted the 116 service users who would have paid the full cost of having two carers, to review whether more cost effective services could be put in place to reduce the need for a second carer. This has included having a hoist or other

equipment installed and/or training for a partner/family member to become the second carer, paid for by the Council. This was effective in reducing costs in some cases, but of the 116, 87 are still receiving care at home, and 76 of these continue to need two carers.

- 3.3 As at February 2012, there are now 105 service users in total who have their 'two carers' services arranged by the Council; and need to pay the full cost of those services. The difference in numbers is due to the natural turnover in the client population.

Proposed Approach

- 3.4 The proposed approach to address the issue is to use a range of measures that are available within the legal and policy framework governing needs assessment and the provision of social care services. These five measures would see the Council assist service users needing two carers to reduce the cost through:

(i) Paying for and arranging a hoist or other equipment; and funding the cost of the second carer until this is place

(ii) Paying for and arranging training and support for partner/family member to become the second carer

(iii) Considering individual circumstances /solutions for service users where the need for a second carer is to meet health and safety requirements of service providers with regard to their liabilities to the service user and their employees, in which case the cost of the second carer will not be chargeable.

(iv) Reviewing with the service user their financial circumstances to ensure they have the means to pay for their care services (this would be targeted at those who decline a financial assessment as they believe they are 'full cost') For example:

Ensuring only 'eligible' savings and capital monies are used to pay for care services – people may not be aware that some monies may be excluded.

Supporting an application for Attendance Allowance where not already received. This is a non-means related Dept of Work and Pensions welfare benefit for people with disabilities that pays up to £70 per week depending on levels of need. (most of the 754 service users with two carers, who have had a financial assessment, are receiving this benefit).

(v) Robust analysis of the specific situation where two carers are required and of the tasks they are required to do: so that two carers are only with service users where there is a specific task to do e.g. actual moving of the service user. This will minimise the time when two 2 carers are required.

4. Implications

- 4.1 The implications of the above approach are that a change to the Contributions Policy would not be required, negating the need for or benefits of further public consultation. The previous public consultation findings and national statutory guidance have been used to guide the recommended approach.

4.2 The five measures set out above could be applied to current and new service users alike and would ensure transparency of approach (the cost of the second carer for the 105 current service users would need to be waived pending the outcome of the review for each individual).

4.3 There may still be a number of service users who do require two carers to meet their assessed needs and who would following financial assessment need to pay the full cost. This would be in line with the direction of travel for councils in England who charge for adult social care services.

5. Finance

5.1 The table below identifies the financial implications resulting from the adoption of the proposed approach

| Contribution | Clients | Total Weekly Contribution | Total Weekly Contribution Less Cost of 1 Carer | Reduction in Weekly Contribution | Annual Equivalent |
|----------------------|------------|---------------------------|--|----------------------------------|-------------------|
| full cost | 105 | 36,351 | 18,407 | 17,944 | 933,088 |
| nil cost | 350 | 0 | 0 | 0 | 0 |
| partial contribution | 256 | 11,056 | 10,814 | 242 | 12,584 |
| not yet assessed | 43 | | | | |
| Grand Total | 754 | 47,407 | 29,221 | 18,186 | 945,672 |

5.2 Adopting the five measures for people with 2 carers is expected to reduce income by approximately £950,000 a year, based on the actual contributions and costs of care of all 754 service users who are currently in receipt of a service with two carers. This maximum figure assumes that everyone would continue to have two carers but only contribute towards the cost of one carer, but does not take account of any potential costs resulting from the 43 clients who have not yet been assessed.

5.3 There are 105 people who currently receive double up care and pay the full cost. The contribution to their services is £36,351 per week. There may also be a number of non full cost people with two carers who would pay less if they were reviewed to need only one carer.

5.4 The current weekly income attributed to the contribution from all service users who make a part/full cost contribution towards the cost of two carers is currently £47,407 per week, and would reduce to £29,221 per week if they only contributed towards the cost of one carer. It is expected that this loss of income can be contained within the £1m through the mitigation measures which will also lower the cost of care. The costs of installing a hoist are relatively low at £1,800 per service user for the initial purchase and installation costs with ongoing maintenance costs of £125 per annum thereafter. The hoist can also be recycled and reused when no longer required by the particular service user.

5.5 Similarly the costs of training family members to act as the second carer are estimated at £100, based on four hours of training, significantly lower than the cost of a second carer (but the required level of training would depend on the particular needs of the family members and the service user).

- 5.6 Income related to a second carer in the current financial year is estimated to be in the region of £500K. In recognition of the impact of the unforeseen consequences on individuals who make a full or partial contribution towards to cost of the second carer, it is proposed that those costs are waived in the current year in line with the proposed approach. This will result in the write-off of debt where charges are outstanding and the repayment to individuals where charges have been paid in full.
- 5.7 In summary, the proposals in the report can be met from the £1m set aside as a contingency by the Council at its meeting on 23 February 2012 to meet issues around residents requiring two carers. The proposal in paragraph 5.6 can be met from the funding provided in the corporate policy reserve.

6. Risks

- 6.1 There is a risk that the cost cannot be contained within £1m per year in view of the demographic trends in Hampshire and the unintended consequence that people who are presently self funders may look to benefit from any approach by the Council to offset the costs of care.
- 6.2 To mitigate these risks the five measures could be offered to 'self funding' service users. The risk from this group would be mitigated in part by robust needs assessment which is our statutory duty and determination of eligibility under the Council's criteria for adult social care.
- 6.3 Whilst implementing the five proposals outlined above are not expected to directly impact on the performance, as measured by the Adult Social Care Outcome Framework (ASCOF) or the departments internal framework, there is a risk that the level of client complexity that could be supported at home could reduce, potentially increasing earlier residential or nursing admissions. Increasing the role of informal carers could also lead to increased demand for carers assessments and services.

7. Equalities Impact Assessment

- 7.1 Service users with greater financial means have been affected more by the Contributions policy as they have seen a large increase in the amount they have to pay for their care services. Work will be carried out with all service users who have been assessed as requiring two carers to ensure they are receiving the most cost effective package of care.
- 7.2 Service users will also be given the opportunity to have a discussion and assessment with the Financial assessment and benefits team to ensure they are claiming all benefits they are entitled to and have fully understood the criteria that makes them a self funder.
- 7.3 This EIA screening highlights that people with a disability who have greater financial means will be the focus of this piece of work which aims to lessen the financial pressure on them where appropriate to their needs.

8. Conclusion

- 8.1 The Council's contributions policy is fair and equitable in how it requires contributions or full payment of care costs from service users. It is also in line with the direction of travel of most councils in the country. The above proposals do as much as is possible within the national and local policy frameworks for adult social care to reduce the cost for people who require two carers and who have the means to pay the full or partial cost of their care services.

9. Recommendations

- 9.1 That Cabinet give approval to the proposed approach to those that need two carers as set out in paragraph 3.4.
- 9.2 That Cabinet give approval to the write-off and/or repayment of charges associated with the cost of a second carer within the proposed approach, estimated at a cost of around £500K to be allocated from the Corporate Policy Reserve.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

| | |
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| Hampshire safer and more secure for all: | no |
| Corporate Improvement plan link number (if appropriate): | |
| Maximising well-being: | yes |
| Corporate Improvement plan link number (if appropriate): | |
| Enhancing our quality of place: | no |
| Corporate Improvement plan link number (if appropriate): | |

Other Significant Links

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|---|------------------|-------------------|
| Links to previous Member decisions: | | |
| <u>Title</u> | <u>Reference</u> | <u>Date</u> |
| Charging Policy for Adult Services – permission to consult on proposals to develop a new ‘contributions’ based policy | 1862 | 27 September 2010 |
| Response to consultation and proposals for a new Contributions Policy for Adult Social Care services | 2291 | 28 February 2011 |
| Direct links to specific legislation or Government Directives | | |
| <u>Title</u> | <u>Date</u> | |
| | | |

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1 Service users with greater financial means have been affected more by the Contributions policy as they have seen a large increase in the amount they have to pay for their care services. Work will be carried out with all service users who have been assessed as requiring two carers to ensure they are receiving the most cost effective package of care.
- 1.2 Service users will also be given the opportunity to have a discussion and assessment with the Financial assessment and benefits team to ensure they are claiming all benefits they are entitled to and have fully understood the criteria that makes them a self funder.
- 1.3 This EIA screening highlights that people with a disability who have greater financial means will be the focus of this piece of work which aims to lessen the financial pressure on them where appropriate to their needs.

A full Equalities Impact Assessment has been published and is available on the County Council website at <http://www3.hants.gov.uk/as-equality-ia-archive.htm>.

2. Impact on Crime and Disorder:

- 2.1. No implications arising from this report

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

No implications arising from this report

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

No implications arising from this report