

MEETING: CABINET MEMBER - HEALTH AND SOCIAL CARE  
DATE: Wednesday 2 March 2011  
TIME: 12.00 pm  
VENUE: Town Hall, Bootle (This meeting will also be video conferenced to the Town Hall, Southport)

Councillor

DECISION MAKER: Porter  
SUBSTITUTE: Parry

SPOKESPERSONS: Brennan D Rimmer

SUBSTITUTES: Friel Preston

COMMITTEE OFFICER: Paul Fraser  
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an \* on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

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# AGENDA

Items marked with an \* involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>
1.	<b>Apologies for Absence</b>	
2.	<b>Declarations of Interest</b> Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.	
3.	<b>Minutes Of Previous Meeting Held On 16 February 2011</b>	(Pages 5 - 10)
* 4.	<b>Charging For Non-Residential Social Care Services</b> Report of the Adult Social Care Director	All Wards; (Pages 11 - 16)

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THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON THURSDAY, 24 FEBRUARY 2011. MINUTE NO. 57 IS NOT SUBJECT TO "CALL-IN"

## **CABINET MEMBER - HEALTH AND SOCIAL CARE**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON WEDNESDAY 16 FEBRUARY 2011**

PRESENT: Councillor Porter

ALSO PRESENT: Councillors Brennan and D Rimmer

#### **54. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **55. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **56. MINUTES OF PREVIOUS MEETING HELD ON 19 JANUARY 2011**

RESOLVED:

That the Minutes of the meeting held on 19 January 2011 be confirmed as a correct record.

#### **57. CHARGING FOR NON-RESIDENTIAL SOCIAL CARE SERVICES**

The Cabinet Member considered the report of the Strategic Director - Social Care and Well-Being that sought approval of a review of Sefton's charging policy for non-residential services.

The report detailed the current maximum charges for non-residential services in Sefton; the results arising from a consultation exercise, approved by Cabinet on 30 September 2010, seeking views on six proposed changes to the charging policy; and summarised the responses to each of the proposals, together with details of the impact of each proposal on the Council's finances and on service users.

The report also detailed the proposal to implement a new structure to deal with appeals arising from the new charging policy.

RESOLVED:

(I) That Cabinet be recommended to approve:

- (1) that in principle all service users who have in excess of £23,250 (current threshold) in capital or those who refuse to divulge their financial details are charged a maximum amount, to be determined, towards the actual cost of their

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- day centre place and other care services provided by the Council;
- (2) that the percentage of disposable income charged against as part of the financial assessment be increased from 65% to an amount to be determined;
  - (3) that couples will only be offered two calculations either as a single person based on their own income, or as a couple based on their combined income;
  - (4) the removal of the £5.00 per week transitional protection;
  - (5) that service users are charged for their reserved day centre and reserved transport place whether or not they use either facility;
  - (6) that the highest rate of Attendance Allowance and the care component of Disability Living Allowance is taken into account as income for those service users who receive night-time services; and
  - (7) the amendments to the appeals process in relation to the revised charging policy;
- (II) in respect of (1) and (2) above, a further report be submitted to a Special Meeting of the Cabinet Member - Health and Social Care and the Cabinet at its meeting to be held on 3 March 2011 to:
- (i) agree the maximum amount to be charged for day centre placements and other care services provided by the Council;
  - (ii) agree the increase in the percentage of disposable income from 65%; and
  - (iii) consider the financial implications of (i) and (ii) above to the budget target saving of £650,000 and
- (III) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee - Health and Social Care had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet Member/Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the savings targets contained within the report are a component in achieving the setting of the Council's balanced budget for 2011/12. The item was not included on the

Forward Plan because of the timescales dictated by the Transformation Agenda to achieve significant budget savings across the Council.

## **58. SAFEGUARDING ADULTS IN SEFTON**

The Cabinet Member considered the report of the Strategic Director - Social Care and Well-Being that updated on the activity and developments regarding Safeguarding Adults in Sefton.

The report indicated that 162 referrals had been received between 1 October and 31 December 2010; and concluded by detailing recent outcomes relating to safeguarding of adults.

RESOLVED: That

- (1) the contents of the report updating on the activity and developments in Safeguarding Adults in Sefton be approved; and
- (2) further update reports be submitted on a quarterly basis.

## **59. TRANSFORMING SOCIAL CARE QUARTERLY PROGRESS REPORT**

The Cabinet Member considered the report of the Strategic Director - Social Care and Well-Being that updated on his department's Transforming Social Care Milestones; and indicating that a decision on this matter was required to comply with Care Quality Commission performance framework requirements.

The report detailed the milestones relating to:

- effective partnerships with people using services, carers and other local citizens
- self-directed support and personal budgets
- prevention and cost effective services
- information and advice
- local commissioning

RESOLVED:

That the Transforming Social Care quarterly progress report be noted.

## **60. SEFTON CARERS STRATEGY 2010 -13 PROGRESS REPORT**

Further to Minute No. 15 of 23 June 2010, the Cabinet Member considered the report of the Strategic Director - Social Care and Well-Being that

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advised of activity from 1 April to 31 December 2010 relating to the Sefton Carers Strategy (2010-2013); and that identified the actions to achieve outcomes to improve the lives of unpaid carers in Sefton relating to the following:

- access to information
- training and advice to carers
- choice and control
- economic well-being
- improved health and well-being
- emotional support
- planning for emergencies
- young carers
- making a positive contribution
- equality, dignity and respect

The report concluded that the department would continue to work with statutory, independent and voluntary sector partners and carers to deliver key priority areas; and that a further progress report would be submitted in six months.

This was a Key Decision and was included on the Council's Forward Plan of Key Decisions.

RESOLVED:

That the continuation of the Carers Strategy from 2011/12 be approved.

## **61. ASSESSMENT OF COMMISSIONING FOR ADULT SOCIAL CARE 2009-10**

The Cabinet Member considered the report of the Strategic Director - Social Care and Well-Being that advised of the outcome of the Assessment for Commissioning for Adult Social Care 2009-2010; and indicating that a decision on this matter was required as it was a requirement of the Care Quality Commission (CQC).

The report indicated that the CQC performance assessment was aligned to the seven outcomes identified in the Department of Health White Paper 'Our Health, Our Care, Our Say', together with two additional domains of leadership and commissioning and use of resources; detailed how the outcomes were graded; and that the overall grade awarded to Sefton for the delivery of outcomes was "well".

The report concluded that any areas for improvement highlighted in the CQC assessment report would form part of the department's service planning process.

Attached as an annex to the report was a copy of the letter from the CQC to the Strategic Director.



RESOLVED: That

- (1) the contents of the letter and report in relation to the Assessment of Commissioning for Adult Social Care, particularly the improvement in outcome 2, in relation to improved quality of life, from performing well in 2008-2009 to performing excellently in 2009-2010 be noted; and
- (2) it be noted that this is the last time a report in this format is required to be submitted.

**62. PUBLIC HEALTH WHITE PAPER "HEALTHY LIVES, HEALTHY PEOPLE" CONSULTATION PROCESS**

The Cabinet Member considered the joint report of the Acting Director of Public Health and Thematic Chair - Healthier Communities and Older People Partnership Manager that provided a summary of the recently published consultation documents supporting the Public Health White Paper "Healthy Lives, Healthy People"; and providing the Cabinet Member with the opportunity to respond to the consultation questions set out in the supporting documents prior to the consultation deadline date of 31 March 2011.

The report indicated that NHS Sefton and Sefton Council were preparing a joint response to the Healthy Lives, Healthy People consultation and the two supporting consultations on outcomes and funding and commissioning routes for public health; and that local partners and key stakeholders were invited to contribute to ensure a whole system response to the proposed changes.

RESOLVED:

That the report and supporting documents associated with the Public Health White Paper "Healthy Lives, Healthy People" consultation process be noted.

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# Agenda Item 4

**REPORT TO:** Cabinet Member – Health and Social Care  
Cabinet

**DATE:** 2<sup>nd</sup> March 2011  
3<sup>rd</sup> March 2011

**SUBJECT:** Charging for Non-Residential Social Care Services

**WARDS AFFECTED:** All

**REPORT OF:** Robina Critchley, Adult Social Care Director

**CONTACT OFFICER:** Colin Speight, Principal Manager

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To request that the Cabinet Member for Health and Social Care recommends to Cabinet revised charges for users of non-residential services.

**REASON WHY DECISION REQUIRED:**

To comply with the Scheme of Delegation Section 3 Item B7.

**RECOMMENDATION(S):**

The Cabinet Member is asked:-

- i) to consider which day centre charge is to be used as a basis for users of non-residential services who have in excess of £23,250 capital or who refuse to disclose their financial details, and to charge the actual cost for other care services,
- ii) to consider which disposable income figures contained within the body of the report are to be used in charges for users of non-residential services, and,
- iii) to recommend that Cabinet approves the implementation, from 11th April 2011, of the chosen day centre charge, the chosen disposable income level and to charge the actual cost of other care services to people who have in excess the relevant capital limit, (currently £23,250) or who refuse to disclose their financial details.
- iv) to note that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee - Health and Social Care had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet Member/Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the savings targets contained within the report are a component in achieving the setting of the Council's balanced budget for 2011/12. The item was not included on the Forward Plan

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because of the timescales dictated by the Transformation Agenda to achieve significant budget savings across the Council.

- KEY DECISION:** Yes
- FORWARD PLAN:** No. – Rule 15 authorised by the Chair of the Overview and Scrutiny Committee (Health and Social Care).
- IMPLEMENTATION DATE:** 11th April 2011
- ALTERNATIVE OPTIONS:** None.
- IMPLICATIONS:**
- Budge/Policy Framework:** None
- Financial:** The actual savings target already taken for 2011-12 is £635,000 and the implications of not achieving income are outlined in the original report and will have to be met from within other budget areas available to the Council.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>		
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N			When?	
How will the service be funded post expiry?				

- Legal:** None
- Risk assessment:** A Risk Assessment has been undertaken and this was included in the previous report dated 16<sup>th</sup> Feb 2011
- Asset Management:** None

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## CONSULTATION UNDERTAKEN/VIEWS

The Head of Corporate Legal Services has been consulted and his comments were incorporated into the previous report dated 16<sup>th</sup> Feb 2011 - LD00040/11'

The Interim Finance Director has been consulted and his comments were incorporated into the previous report dated 16<sup>th</sup> Feb 2011 – FD636/11'

A consultation exercise via a written questionnaire was undertaken with all service users, the outcome of this exercise was incorporated into the previous report dated 16<sup>th</sup> Feb 2011.

## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		√	
2.	Creating Safe Communities		√	
3.	Jobs and Prosperity		√	
4.	Improving Health and Well-Being		√	
5.	Environmental Sustainability		√	
6.	Creating Inclusive Communities		√	
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

## LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Dept of Health – Fairer Charging guidance for non-residential services 2003

Review of charges for non-residential social services 9<sup>th</sup> March 2005

Review of Charging Policy for non-residential social services 22<sup>nd</sup> February 2006

Charging for non-residential social care services 18<sup>th</sup> March 2009

Transformation Programme Update, Prioritisation and Strategic Budget Review – 30<sup>th</sup> September 2010

Report entitled Charging for Non-Residential Social Care Services considered by the Cabinet Member for Health and Social Care 16<sup>th</sup> February 2010.

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## BACKGROUND

1. The Adult Social Care Director is required to make substantial efficiencies as part of the Councils major spending review. A potential figure of £635k was agreed by Cabinet on the 27<sup>th</sup> September 2010 that would contribute to the savings. A previous report detailing how this amount can be found by increasing the charges levied as a contribution that users make to the cost of social care was considered by the Cabinet Member for Health and Social Care on the 16<sup>th</sup> February 2010.
2. Cabinet, at its meeting held on the 17<sup>th</sup> February, resolved that a further report be submitted to a Special Meeting of the Cabinet Member - Health and Social Care to:
  - (i) agree the maximum amount to be charged for day centre placements and other care services provided by the Council;
  - (ii) agree the increase in the percentage of disposable income from the 65%; and
  - (iii) consider the financial implications of (i) and (ii) above to the budget target saving of £635,000.
3. This report provides the Cabinet Member with information that indicates the impact upon savings achieved if different average day centres charges and the percentage of disposable income are implemented. Members are advised that the current split between the 2875 users who are charged and who are not is 52% / 48%

### Day Centre Charges

4. In the report considered on the 16<sup>th</sup> February an average figure of £45 per day was used to determine the additional income of £160,500 that would be generated, from those with capital in excess of £23,250 or those who refuse to divulge their financial details. Out of a total number of 2875 service users there will be 83 people or 3 % affected by any changes to any of the day centre or other charges. The following table shows the difference in income if lower average amounts are used.

Average Day Centre charge	Income generated	Loss from original proposal
£30	£80,460	£80,040
£32.50	£93,870	£66,630
£35	£107,280	£53,220
£37.50	£120,690	£39,810
£40	£134,100	£26,400
£45	£160,500	£0

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## Disposable Income

5. In the report considered on the 16<sup>th</sup> February the difference in income was derived by increasing the current percentage figure of 65% to 85% of disposable income, thus generating an additional income of £227,250. The Cabinet Member is advised that the result of Independent benchmarking research conducted with 18 North West Councils has determined that the range of disposable income goes from 65% with 7 Councils taking 100% and that the average percentage figure used by these Councils is 86%. The research also indicated that 13 of the 18 Councils were currently revising the percentages for 2011 onwards. This will be monitored and reported on accordingly.
6. The following table shows the difference in income if other percentages than 65% are used.

Percentage of disposable income	Income generated	Loss from original proposal
70%	£61,975	£165,275
75%	£120,125	£107,125
80%	£174,425	£52,825
85%	£227,250	£0

7. The Cabinet Member is made aware that if the recommendations (i) and (ii) contained in the report of 16<sup>th</sup> February were adopted the total increase in income would be £387,750. Conversely if the two lowest figures given in the tables above were used then the additional income would only be £142,435, a potential reduction of £245,315.
8. The Cabinet Member is requested to consider which of the figures in the tables given in paras 4 and 5 above are to be used and recommend that Cabinet approves these for implementation from 11th April 2011. It must be noted that any shortfall in projected income will have to be met from within other efficiency areas available to the Council in 2011/12.
9. To ameliorate concerns in relation to service users being charged for non attendance at day centres, the Cabinet Member is advised that every opportunity will be allowed for exceptions e.g. hospital appointments, emergency medical appointments, emergency situations, before a charge is levied.
10. In addition all users or people coming to the Council for a social care service, regardless of financial footing will be offered a full and comprehensive benefits entitlement check as part of their financial assessment.

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