

# Transformation Programme

## Savings Option D.1.38



**A recommendation to decrease the level of subsidy for social care charges; effectively increasing charges for a range of services.**

**Sefton Council.**

**Summary Report of Consultation.**

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## Document Control

i) Issue/Amendment Record

Issue	Date of Issue	Reason for Issue
V 1.0	March 2013	Draft
V.2.0	June 2013	Consultation process complete.
V.3.0	September 2013	Implementation plan agreed. Draft consultation report.
V.4.0	October 2013	Final Consultation report.

ii) Document Ownership

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iv) **Related Documents**

N/A

v) **Acknowledgements and Trademarks**

N/A

# D.1.38

## Summary Report of Consultation

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## Section 1. Background Information.

- 1.1 The numbers of older people in Sefton, and the demand for Adult Social Services, is increasing.
- 1.2 Local Authorities can and do subsidise services for older people. The Council currently funds services such as day care and home care for people who are eligible for services in line with 'Prioritising need in the context of Putting People First: a whole system approach to eligibility for social care – guidance on eligibility criteria for adult social care England 2010', (previously known as Fair Access to Care Services [FACS]). The services are generally paid for by a combination of a Council subsidy through Personal Budgets and individuals through a contribution to the cost of the service, although the amount that people pay, if anything, depends on personal circumstances. People with the lowest level of income have the greatest level of subsidy and pay the least (if anything). People with greater income still receive a subsidy from the Council, but may be asked for a contribution towards the cost of their care.
- 1.3 Contributions are calculated on an individual basis and are means tested. As a consequence, some people will make no contribution to the cost of the services that they receive because they have a low income.
- 1.4 There are over 10,000 Adult Social Care clients receiving services from the Council. Approximately 2,700 of these clients receive non-residential Social Care commissioned by the Council.
- 1.5 Approximately 1500 (54%) of those clients make an assessed financial contribution towards their care, whilst the remaining clients are exempt because they are subject to Aftercare services provided under S117 of the Mental Health Act 1983, are Independent Living Funded clients or clients on low income.
- 1.6 In 2012/13 the Council completed 1488 financial assessments for non-residential services. The Council is responsible for ensuring that appropriate benefits advice and assistance is provided to all users of non-residential social services and carers services at the time of the financial assessment. This typically needs to be carried out by personal interview in the user's own home by appropriately skilled staff within the Financial Assessment team. In 2012/13 the team generated £520k per annum in additional benefit income for service users and their carers'.
- 1.7 Approximately £2.7M income is generated per annum from those clients that contribute towards their non-residential social care package (excluding client contributions to meals or transport), which is reinvested into the social care services.
- 1.8 Following the Department for Health 'Fairer Charging Guidance for Home Care and other non-Residential Social Services', as a minimum, a social care users' income should not be reduced by charges below the "basic" levels of Income Support, or the Guarantee Credit element of Pension Credit, plus a buffer of not less than 25%. The 25% buffer is added on

to each user's Income Support allowances and premiums according to age, level of disability and family status, or the appropriate Guarantee Credit of Pension Credit. The buffer provides an additional safeguard to prevent users' independence of living from being undermined by charging policies and also provides proportionately more help to those on low incomes, given the evidence of poorer access to services by low-income groups.

- 1.9 The Council ensures that its charges for non-residential social care package do not reduce any users' incomes below the basic Income Support levels or the Guarantee Credit element of Pension Credit, plus a buffer of 25%.
- 1.10 Additionally when calculating charges, an allowance is made for any housing costs that the user is liable for such as rent/mortgage payments or council tax.
- 1.11 Currently the Council also chooses to set a maximum percentage of disposable income (over and above basic Income Support or the Guarantee Credit element of Pension Credit levels, plus 25%), which may be taken in charges. Under the current charging policy service users will contribute a maximum 80% of their disposable income toward their care or service costs.
- 1.12 The Council takes into account a number of disability-related benefits when calculating a service user's income in the financial assessment. These include Attendance Allowance (AA), the care component of Disability Living Allowance (DLA) (middle/high rate) and the daily living component of Personal Independence Payment (PIP). When calculating charges the Council also has to consider any costs that service users incur as a result of their disability. These may include:
  - Payment for any community alarm system,
  - Costs of any privately arranged care services required, including respite care,
  - Costs of any speciality items occasioned by disability

Although the user's care plan will normally be a guide to what is necessary for care and support, some discretion is often needed, e.g., where needs for equipment are not detailed comprehensively, or where care and support was being purchased privately before the care plan was written.

Once a users' disability related benefits income and expenditure are assessed a buffer of £16 per user per week is then applied to the disability-related expenditure. The Council ensures that when disability-related benefits are taken into account calculated charges do not reduce the user's net income below basic levels of Income Support, plus 25%; and do not result in the user being left without the means to pay for any other necessary care or support or for other costs arising from their disability.

- 1.13 Currently the Council allows some service user's who are carers, an additional allowance in their protected income when calculating their contribution towards the services they receive.

- 1.14 The Council can no longer afford to provide the current range and level of subsidy described (1.10, 1.11 and 1.12 above). Decreasing the subsidy that the Council provides to those who are more able to pay, would enable the Council to maintain investment in prevention and reablement services for all vulnerable adults. These services are provided free and can prevent people needing long term health or social care services. This change will also assist the Council to maintain eligibility criteria for the most vulnerable and those who are most in need of social care services. The approach means that Council resources are most focused on those least able to contribute themselves.
- 1.15 On the 31st January 2013 Cabinet agreed a recommendation to decrease the level of subsidy for social care charges; effectively increasing charges for a range of services and the potential number of clients that will contribute to their care. This decision was ratified by Council on the 28<sup>th</sup> February 2013. The changes to the level of subsidy for social care charges fall into the following three categories:
- a. 100% of disposable income. Currently Service users will contribute 80% of their disposable income toward their care or service costs. The recommendation is to remove the 20% subsidy buffer and assess a clients' potential contribution to their care with consideration to 100% of their disposable income. This recommendation represents a change in Council policy so that 100% of disposable income is considered in the financial assessment process. As a minimum, a social care users' income will not be reduced by charges below the "basic" levels of Income Support, or the Guarantee Credit element of Pension Credit, plus a buffer of not less than 25%.
  - b. Reduce standard disability related expenditure (DRE) which presently stands at £16.00 per user per week to £11.00 per week. Currently a standard allowance of £16.00 per week is deducted from income for disability related expenditure for those service users who receive Attendance Allowance (any rate) or the middle/high rate care component of Disability Living Allowance. Where expenditure is in excess of this amount then the actual expenditure will be allowed. This recommendation represents a change in Council policy so that the minimum level of disability related expenditure is reduced from £16.00 per week to £11.00 per week.
  - c. Currently the Council allows some service users, who are carers, an additional allowance in their protected income when calculating their contribution towards the services they receive. It is proposed to restrict this additional allowance to only those service users who receive Income Support or Pension Guarantee Credit which include the carer's premium.
- 1.16 Although changes to the Council's Fairer Charging Policy have been agreed it was recognised by the Council that discretion may need to be considered on an individual basis where the resulting increase to a client's contribution is significantly above the average. The actual increase to individual client contributions could vary significantly based on personal financial circumstances and any changes to these circumstances that have occurred in the interim since the client's finances were last assessed. However, in the interests of equitable treatment and administrative simplicity, the Council will continue to ensure the defined

'basic' levels of Income Support or the Guaranteed Credit element of Pension Credit plus 25% to all service users.

1.17 The following exemption will still apply to the revised policy:

- Service users' who are receiving Income Support, the Guarantee Credit element of Pension Credit, JSA-Income Based, Income Based Employment Support Allowance (ESA) or Universal Credit whose overall income equals the defined 'basic' levels of income.
- Service users' whose overall level of income equals the defined 'basic' levels of Income Support or the Guarantee Credit element of Pension Credit, plus 25%.
- After-care services provided under section 117 of the Mental Health Act 1983 will not be charged.
- Services users who are suffering from any form of CJD will automatically be exempt from charges.
- Service users who are fully funded under continual health care CHC will be exempt from charges.

1.18 The following disregards will still apply to the revised policy:

- £10 per week to the following pensions (Civilian War Injury, War Disablement War Widows, War Windowers)
- £86.99 War Widows Supplementary Pension per week
- All guaranteed Income Payments (GIPs) made under the Armed Forces Compensation Scheme (AFCS) to injured ex-service personnel, in assessments of service user's incomes. This change does not apply to GIPs paid to people who are not veterans – known as Survivor Guaranteed Income Payments – and these will continue to only carry a £10 per week disregard.
- Child Tax Credit
- the mobility component of Disability Living Allowance (DLA)
- The mobility component of Personal Independence Payments (PIPs)
- The War Pensioner's Mobility Supplement
- Armed Forces Independence Payment (AFIP)

1.19 It was estimated in March that 1216 clients would be directly affected as a result of implementing the changes in policy. Approximately 1164 clients that were already making a financial contribution towards their care would face an increase in charge, whilst approximately 52 clients that were exempt from charges would be expected to begin to make an assessed financial contribution. . It was estimated that the average increase in cost to those 1216 clients would be approximately £14.00 per week, with the most significant increase estimated at £106.00 per week.

## Section 2. About the Consultation.

- 2.1 This savings option is subject to appropriate consultation, engagement and information processes and the Council is obliged to work with and listen to service users and to consider and report any significant issues to Senior Officers and Members accordingly.
- 2.2 Analysis of the impact of the proposed changes on the protected characteristics of existing clients who contribute to their care was undertaken to identify those clients that would potentially be most affected financially by the proposed changes. This exercise included identifying clients by DoH defined category and those clients with protected characteristics that could be adversely affected by the proposal. This exercise informed the Equality Impact Assessment and the targeted consultation activity.
- 2.3 Consultation on the proposed changes opened on the 16<sup>th</sup> January 2013 with the Expert Stakeholder Panel, which provided an opportunity to engage with a wide variety of groups, forums and individuals involved in, or with an interest in, adult social care. The Expert Stakeholder panel served as the vehicle for sharing information directly with key partner agencies including Health, Sefton CVS and private care providers.
- 2.4 Further to this a period of eight week consultation on the proposed changes opened on the 25<sup>th</sup> March 2013 and closed on the 17<sup>th</sup> May 2013.
- 2.5 **Publication of Materials** – Consultation materials were published ‘online’ on the Council’s web site. Information about the consultation was prioritised on the Council’s home page so that it stood out from other information on the page and a link was provided to the on-line consultation form.
- 2.6 **Targeted Consultation** – A wide range of stakeholders and interested organisations/individuals were targeted through the Expert Stakeholder Panel meetings. Existing services users and their carers directly impacted by this proposal were also targeted. 2,759 letters were sent to existing Adult Social Care clients and duplicate copies sent to recorded carers. The correspondence included a copy of the questionnaire which they could complete and return in the pre-paid envelop supplied. The letter also gave people the option to complete the questionnaire ‘online’ by providing the URL to the Council’s web site and ‘on-line’ questionnaire. (See Consultation Letter below).
- 2.7 **Events and Meetings** – By working with a range of partner organisations through existing support groups we were able to communicate our proposals for change and ensure that people were supported, where necessary, to understand the information and potential impact of the change. All employees involved in the provision of Adult Social Care were briefed about the proposed changes to the Council Fairer Charging Policy and the potential increase to client charges prior to and during the consultation through team meetings and internal briefings. A briefing sheet summarising the proposed changes was provided to staff so that they were informed and able to deal with any questions from existing clients. The Welfare Support Team also provided a number of ‘drop-in’ sessions during the consultation period for employees, partners and members of the public. The consultation

was also informed by clients with Learning Disabilities who were engaged through LITES, People First Sefton, Bootle Day Centre and the Sefton Advocacy Service.

- 2.8 **Accessible information** – There was a particular emphasis on ensuring that we effectively engaged and supported existing clients with Learning Disabilities and their carers during the consultation process. 676 ‘easy read’ versions of the consultation, informed by some existing service users, were sent to all users’ with learning disabilities (LD). The public were given contact information if they required the consultation materials to be made available in other languages and alternative formats on request.
- 2.9 Information, advice and guidance were provided from the Corporate Consultation & Engagement Team to ensure that the principles of the Public Engagement and Consultation Framework were followed.

### Section 3. Collection and Analysis of Responses.

- 3.1 **Receipt of responses** - Responses were predominantly returned in paper format, with only 6 completed on-line. Were requested, confirmation of receipt was given. Each of the responses received were analysed in detail.
- 3.2 During the consultation process the Council also received one enquiry/complaint that was responded to by Cllr Dowd.
- 3.3 Each response to the consultation was analysed initially in relation to quantitative response to the questions on the feedback form –‘Agree’, ‘Disagree’ or ‘Neither’. Then each response was considered, interpreting any specific or general positive or negative comments in relation to the theme of the consultation.
- 3.4 326 people in total responded in any way to the consultation. This is an overall response rate of 12%. The response rate is summarised in the table below.

Table 3.4 Consultation Responses			
	Eligible Users	Number of responses	Response Rate
Total	2759	326	12%
Learning Disability	678	66	10%
Non Learning Disability	2083	260	12%

Full details and analysis of the respondent age, disability, sex, sexual orientation, race and religion & belief can be made available on request, however in summary:

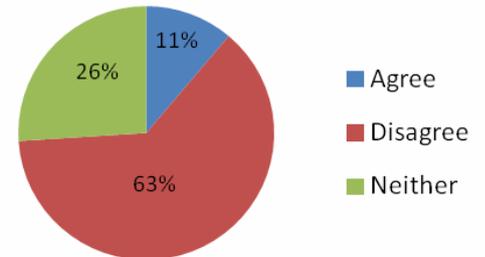
- 51% of the respondents to the consultation were female, 34% male and 15% did not specify their gender.
- 65% of the respondents indicated that they were heterosexual, with 35% not specifying their sexual orientation.
- The majority of respondents (45%) described themselves as white British, 35% white English, 3% black British and 1% Indian. 14% did not specify an ethnicity.
- 81.9% of respondents indicated that they had a form a disability.
- A majority of the respondents (35%) where aged 75 and over.
- 61% of respondents indicated that they were Christians, whilst more than 34% did not specify a religion.

- 3.5 The following charts summarise the responses to the consultation questionnaire.

3.6 Proposal.1 To remove the 20% ‘discretionary’ subsidy and consider 100% of disposable income in a client’s contributions to their care.

The proportion of clients who expressed an opinion is outlined in Table 1. Generally the majority of respondents disagreed with the proposal.

Response	Count	Percentage	Hi	Lo
Agree	26	8.0%	13%	3%
Disagree	227	70.1%	75%	65%
Neither	71	21.9%	27%	17%
<b>Grand Total</b>	<b>324</b>	<b>100.0%</b>		

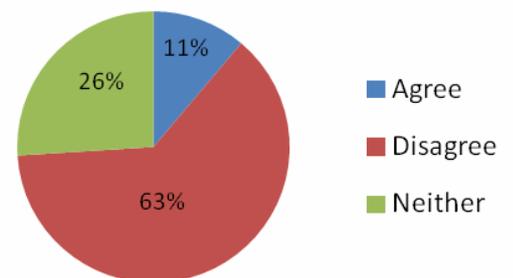


- 35.6% of the female respondents disagreed with this proposal, whilst 3.1% agreed.
- 22.15% of the male respondents disagreed with this proposal, whilst 4% agreed.
- 12% of respondents that didn’t specify their sex disagreed with this proposal, whilst 0.9% agreed.
- 56% of those respondents that indicated they had a disability disagreed with this proposal, whilst 6.1% agreed
- 21.8% of those respondents aged 75 and over disagreed with this proposal, whilst 2.5% agreed.

3.7 Proposal.2 To reduce the standard disability related expenditure (DRE) allowance, which presently stands at a minimum of £16.00 per user per week to a minimum of £11.00 per week.

The proportion of clients who expressed an opinion is outlined in Table 2. Generally the majority of respondents disagreed with the proposal, though this proposal did have a marginally more positive response than ‘Proposal.1’.

Response	Count	Percentage	Hi	Lo
Agree	36	11.1%	16%	6%
Disagree	203	62.8%	68%	58%
Neither	84	26.0%	31%	21%
<b>Grand Total</b>	<b>323</b>	<b>100.0%</b>		



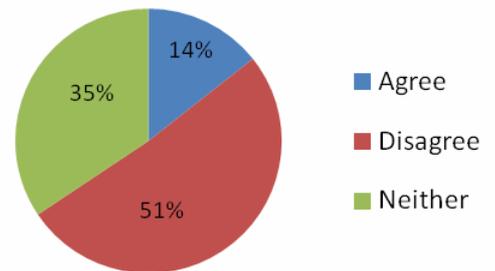
- 33.1% of the female respondents disagreed with this proposal, whilst 3.1% agreed.
- 18.6% of the male respondents disagreed with this proposal, whilst 6.7% agreed.
- 10.4% of respondents that didn’t specify their sex disagreed with this proposal, whilst 1.2% agreed.
- 51.2% of those respondents that indicated they had a disability disagreed with this proposal, whilst 9.5% agreed

- 20.9% of those respondents aged 75 and over disagreed with this proposal, whilst 2.1% agreed.

3.8 **Proposal.3** To remove the carers’ premium allowance, which is considered for clients not receiving Income support or Pension Guarantee Credit.

The proportion of clients who expressed an opinion is outlined in Table 3. Generally the majority of respondents disagreed with the proposal, though this proposal did have the most positive response of all proposals though this may reflect the response rate of clients for whom this would have an impact.

Response	Count	Percentage	Hi	Lo
Agree	45	14.3%	19%	9%
Disagree	161	51.3%	56%	46%
Neither	108	34.4%	39%	29%
<b>Grand Total</b>	<b>314</b>	<b>100.0%</b>		



- 27% of the female respondents disagreed with this proposal, whilst 4.9% agreed.
- 14.1% of the male respondents disagreed with this proposal, whilst 8.3% agreed.
- 8.3% of respondents that didn’t specify their sex disagreed with this proposal, whilst 0.6% agreed.
- 41.1% of those respondents that indicated they had a disability disagreed with this proposal, whilst 11.7% agreed
- 16.9% of those respondents aged 75 and over disagreed with this proposal, whilst 3.7% agreed.

3.9 Further details and analysis of the respondents can be made available on request.

3.10 In addition to the quantitative analysis undertaken, the detailed comments made in association with the responses have been recorded and summarised. Generally the qualitative feedback from respondents echoed the quantitative analysis and a majority disagreed with the proposed changes. Some of the direct comments are

- *‘it is unfair’*
- *‘we are already struggling financially with low income, increased costs of living’*
- *‘the proposal will affect the older, disabled and other vulnerable members of the community that require care and support’*
- *‘agree that those who can afford it should contribute more toward their care’*
- *‘like the council I am struggling financially too’*
- *‘struggling to pay for what little care I receive currently’*
- *‘can’t afford what I’m paying now’*

3.11 In conclusion 326 people responded to the consultation, with the majority of responses received from existing clients already receiving and contributing to their care.

- 3.12 Generally the majority of respondents disagreed with the proposal to change the subsidies. A large number of those who responded were keen to emphasise their disagreement with the proposal and raise their concerns about the potential impact on the change on their standard of living given that they are already struggling financially with low income and increased costs of living.
- 3.13 Although changes to the Council's Fairer Charging Policy have been agreed it was recognised by the Council that discretion may need to be considered on an individual basis where the resulting increase to a client's contribution is significantly above the average.
- 3.14 The Council will continue to ensure the defined 'basic' levels of Income Support or the Guaranteed Credit element of Pension Credit plus 25% to all service users.

## Section 4. Consultation Questionnaires.

### 4.1 Consultation questionnaire:



Consultation  
questionnaire.pdf

### 4.2 Consultation questionnaire (for Service Users' with Learning Disabilities)



Consultation LD  
questionnaire.pdf