

NON-RESIDENTIAL CHARGING POLICY CONSULTATION

SUMMARY REPORT

Purpose of the Report

1. To provide Scrutiny with a summary of the changes proposed within a revised Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy.

Summary

2. Following a complaint made to the Local Government and Social Care Ombudsman (LGSO) the Council has completed a new public consultation on its charging policy relating to Non-Residential Services in respect of the treatment of income from benefits.
3. It is a requirement of the LGSO judgement that cabinet are aware that there is a choice on how the Council considers the treatment of income from benefits in The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy.
4. Following the consultation process it is proposed that the Council will continue to treat income from all eligible benefits in the financial assessment as per the revised Care and Support (Charging and Assessment of Resources) for Non-Residential Service Policy.

Recommendation

5. It is recommended that :-
 - (a) For scrutiny to be aware of the forthcoming cabinet report in November 2018
 - (b) The Council's Policy continues to be that the default position is that all of the eligible benefits that the Council has the discretion to include in The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy will be included.

Suzanne Joyner
Director of Children and Adult Services

Background Papers

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P Haselhurst Extension 6737
H McQuade Extension 5404

S17 Crime and Disorder	There are no crime and disorder implications in this report
Health and Well Being	This decision is likely to impact on the health and wellbeing of Darlington residents.
Carbon Impact	There are no carbon impact implications in this report
Diversity	The impact of this decision on Diversity has been considered and is laid out in the main body of the report
Wards Affected	There are no wards identified as being particularly impacted upon in this report
Groups Affected	Individuals being considered for Adult social care support will be impacted by the proposal laid out in this report
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	This decision will not contribute to the aim of One Darlington: Perfectly Placed
Efficiency	This decision will not impact on the efficiency of the Council.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

6. Following a complaint made to the Local Government and Social Care Ombudsman (LGSO) the Council has completed a new public consultation on its charging policy relating to Non-Residential Services in respect of the treatment of income from eligible benefits.
7. Under the Care Act 2014, its guidance and associated Regulations, the Council has discretion about the treatment of income from eligible benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).

8. The Care Act 2014 originally stated that when taking into consideration income from benefits the Council must include income from benefits from the list below. This was the position that was put before Cabinet in November 2016.
9. In 2016 an amendment to the Care Act 2014 was made which allowed Council's to consider which eligible benefits are taken into consideration when completing a financial assessment.
10. The Council's report to Cabinet of 8 November 2016 said "Any income from the following benefits will be taken into account when considering what a person can afford to pay towards their care from their income":
 - (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
 - (b) Bereavement Allowance
 - (c) Carers Allowance
 - (d) The Care component of Disability Living Allowance
 - (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
 - (f) Income Support
 - (g) Industrial Injuries Disablement Benefit or equivalent benefits
 - (h) Jobseeker's Allowance
 - (i) Maternity Allowance
 - (j) Pension Credit
 - (k) The Daily Living component of Personal Independence Payment
 - (l) State Pension
 - (m) Universal Credit (excluding any child, childcare and/or housing element)
 - (n) Working Tax Credit.
11. The report that went to Cabinet in November 2016 was factually incorrect and Cabinet were wrongly informed that they had no discretion in relation to these benefits being taken into account. Adult Social Care has now consulted on whether the Council should take income from these benefits into account as part of a financial assessment.
12. It is proposed that the Council's Policy continues to remain the same, which would be that all eligible benefits continue to be considered when completing the financial assessment.
13. It is proposed that we will also add another bullet point to this list, namely any other benefits which are not listed above and that are not classed as prescribed benefits which the law says must be disregarded.
14. The Council carried out a consultation process during the period 3 September 2018 to 1 October 2018. A letter and briefing paper was sent to all individual's receiving Adult Social Care support and information was shared across the wider community. Consultation events were held at the Extra Care Housing schemes and an open consultation event was held at the Dolphin Centre. A full equality impact assessment has been completed.
15. The council currently receives £2m of income from The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy.

Outcome of Consultation

16. To be confirmed in November 2018 cabinet. It is to be recommended that no change to the benefits being considered during the financial assessment for an individual receiving adult social care is made.
17. Scrutiny's views on the proposal to Cabinet are requested.