

Adults' Social Care Charging Policy Consultation

7 August to 2 November 2018

It is important that you read this if:

- You receive social care support from the council
- Pay the council a financial contribution towards your social care support
- Receive a higher or enhanced rate of disability benefits from the DWP or
- You pay the full costs of your care at home.

Adults' Services

Contents

Summary of the Changes Proposed/Easy Read	2
Why are we proposing these changes?	5
What are the changes and how will they affect me?	6
About the council's financial assessment	7
What won't change at this stage?	7
What are the proposals for change?	8
Proposal one: Higher Rate Disability Allowance:	8
Proposal two: Self Funders	9
How can I take part in the consultation?	10
What happens next?	10
Appendix: DWP Disability Benefits & Case Studies	11
Disability Living Allowance	11
Attendance Allowance	12
Personal Independence Payments	13
Example Case Studies	14

Summary of the Changes Proposed

Why are we making changes?

We want Ealing to be a **healthy, great place.**



Government funding for Ealing is reducing.

We must have **enough money to support local people who need a bit more help.**



There are **more and more people** who **need a bit more help.**

The council is **proposing to change** how much some people pay **towards their social care support.**



This could **help the council to keep providing support** to local people who need it.



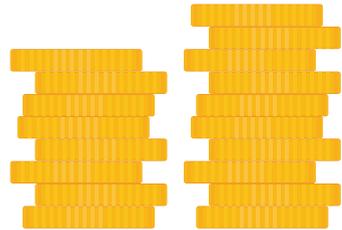
Will the changes affect me?

If you **do not currently pay** the council anything towards your care costs **this may not affect you.**



If you do pay the council something for your care, you **may** need to **pay a bit more.**

We will look at your finances, and work out if you can afford to pay a bit more.



The changes will affect you if

You receive a **higher rate** or **enhanced rate** of **Disability** Benefit from the DWP,

or

You are assessed **to pay the full costs of your care** at home and the **council arranges this care for you**



Tell us what you think

Please **tell us** how these changes might affect you.



Complete the survey at
www.ealing.gov.uk/mycontribution

or

Fill in the survey and return to us using the prepaid envelope.



Send back to us by 2 November.

Contact us if you have a question.

Email: **mycontribution@ealing.gov.uk**

Telephone: **020 8825 8555** between 10am and 12 noon Monday, Wednesday and Thursday.





Why are we proposing these changes?

This consultation explores proposals to change the adults' services charging policy. Having a consultation means that we can reflect your views in any final recommendations that are presented to Ealing's councillors before changes, if any, are made.

Ealing Council has had its government funding cut by 64% since 2010. At the same time our population continues to rise and, thanks to improved healthcare, people are living for longer. This is a good thing but it also means that we have more residents, many with complex needs, who will need care for longer.

Adults' services currently support more than 7,000 residents a year and this number is growing. To keep up with rising demand, the council has transferred an extra £19 million into the budget for adult social care this year. Next year we must invest an extra £28 million to protect children and provide care for vulnerable adults - bringing the total annual bill for both these services to £144 million. However, ongoing government cuts and rising demand means that it is increasingly difficult to find the extra funding needed for these services.

The council is working to tackle these challenges, and improve outcomes for local people, through a strategy called Future Ealing, which will transform the way we provide services and work with partners, local business, residents and others to deliver on key priorities over the next few years.

Part of Future Ealing focuses on changing the way that adults' services operate; helping residents stay active, healthy and independent for longer and working with their strengths. We want to help people who need our advice or support in ways that reduce dependency on long term care and support and at the same time encourage a greater contribution from people and organisations with an interest in keeping Ealing a healthy and safe place to live.

However despite this change in approach, growing demand means we are still spending more on care and support than the budget can pay for. We currently spend around

£230,000 a day on meeting the needs of the people who use our services, and in order to balance the adult social care budget we need to reduce this to £187,000 a day.

We are not alone in this; it is a situation that most councils find themselves in, and we are talking to neighbouring councils and learning from each other. A number of councils are also considering the same changes to their charging policies outlined in this consultation document. If these proposals are put in place they will help adult social care to be more financially sustainable so we can carry on helping people who need it the most.

Adults' services spends nearly £22 million a year on home care services. The average cost of a home care package ranges between £130 a week to £180 per week, but can be much higher. Not only are the costs of care rising, but more and more people need these services, particularly those coming out of hospital with very high or complex needs.

What are the changes and how will they affect me?

The council is considering two changes to the adult social care charging policy. The Care Act 2014 allows councils to use these powers when making changes to its financial assessment process.

These changes include the following:

Proposal One: Including the Higher/Enhanced Rate Disability Allowance within the financial assessment;

Proposal one will impact people in receipt of social care who are also receiving the higher/enhanced rate of the following Department of Work and Pensions (DWP) disability benefits:

- Attendance Allowance (AA)
- Disability Living Allowance (DLA)
- Personal Independence Payment (PIP).

We have identified about 700 people who are receiving services from the council who currently receive these DWP benefits.

The DWP higher rate benefits are awarded to support people with their additional needs. Social care services are provided to people who have additional needs and meet the national eligibility criteria for receiving Social Care Services. Some councils already take all levels of the disability benefits into account when working out how much someone contributes towards their care.

Proposal Two: Charging an administrative fee for the care we arrange for people who have the ability to fund all of their own care

Proposal two will impact people

- a) Who have £23,250 or over in savings (including investments/bonds), excluding the value of the home they live in
- b) Live in the community (not a care home) and
- c) Have asked the council to arrange care on their behalf.

We have identified that this proposal will impact about 260 people currently who have their care services arranged by us.



About the council's financial assessment

Unlike the NHS, social care is not free. There are laws that outline how councils can charge for care and support. These set out some things that councils must do (duties), and some things a council can do (powers). Use of the powers allows for some local discretion. These two proposals included in this consultation come under the category of powers.

Based on figures for June 2018 there are 2,700 people in Ealing who had been subject to a financial assessment for care received in the community. In the financial year 2017/18 the council raised £4.3 million in client income from those receiving support in the community. Not everyone assessed actually makes a financial contribution, because the charges are based on minimum income guarantees and a calculation of what each individual can afford to contribute. The minimum income guarantee is the amount set by the DWP that a person requires to meet their basic living needs.

Typically, 40% of those assessed do not pay a contribution towards the cost of care provided by the council. 51% do pay something, which tends to be an average of £51 per week. The remaining 9% can afford to pay the full cost of their care.

What won't change at this stage?

There are some things that we are not proposing to change.

1. We want to confirm that all people who are eligible for a care package will continue to have a financial assessment, to understand how much people can afford to contribute towards the cost of their care provided by the council. Examples of services that may be in a care package would be assistance with personal care and cooking or participation in day time activities.
2. People who receive any level of Attendance Allowance, Personal Independence Payments (Daily Living Component) or DLA (Care Component) will continue to keep 35% of the value of the lower, middle and standard rates as an allowance without the need to evidence disability costs within the financial assessment for care.
3. The mobility allowances for DLA and Personal Independence Payments will continue to be excluded from our financial assessment.
4. In addition, people will also keep the government set minimum income level required to meet the costs of day-to-day living such as heating, gas, laundry etc. This is currently £189.00 per week for pensionable age and £131.75 per week for working age.

5. A person with more than £23,250 in savings (including investments/bonds) will continue to pay the full cost of their care.
6. Under our current charging policy, informal carers are not charged for services the council provides to them directly, as a carer, to help with their own eligible support needs.
7. By law we cannot charge you for certain types of care and support. These are:
 - Intermediate care, including re-ablement or getting you back on your feet after a hospital stay, (this must be provided to you free of charge for up to six weeks).
 - Community equipment, for example aids and minor adaptations. These must be provided free of charge whether provided to meet or prevent/delay needs. This would be a minor adaptation costing £1,000 or less.
 - Care and support provided to people with Creutzfeldt-Jacob Disease.
 - After-care services/support provided under section 117 of the Mental Health Act 1983.
 - Any service or part of service which the NHS is under a duty to provide. This includes continuing healthcare and the NHS contribution to registered nursing care.
 - Assessment of needs and care planning.



What are the proposals for change?

The proposals for the things that might change are detailed below.

Proposal one: *Higher Rate Disability Allowance:* Including the Higher Rate Disability Allowance within the financial assessment

When we do a financial assessment, in very simple terms we take into account a persons' savings, income and outgoings.

DWP benefits are considered a form of income.

Currently the difference between the lower and higher rates of disability benefit is not taken into account when the council carries out the financial assessment. This means

that where a person receives a higher/enhanced rate of benefit, this amount is retained by them and is not included in determining how much, if anything they can contribute towards their care. However, a person who receives lower, middle or standard rates will have all of their disability allowance considered within their assessment.

The proposal is to include the higher/enhanced rate disability allowance within the financial assessment in the same way that medium and lower rates of disability are included.

The higher rate of disability benefits that would be considered are:

- Attendance Allowance (AA) High rate; and
- Disability Living Allowance (DLA) Care High rate
- Personal Independence Payment (PIP) Daily Living Enhanced rate.

These benefits are provided by the Department of Works and Pensions.

If this change is put in place people receiving care and support from the council might be asked to contribute some or all of their higher rate disability benefits to the council for the care they receive. The amount that a person might have to contribute is dependent on the package of care they receive, their financial circumstances, council policy disregards and the government set minimum income

guarantees (allowances). Some people will continue to pay nothing. However, some people will contribute more than they do now. The maximum additional amount that anyone might pay is currently £28.30 per week.

If this proposal is implemented, some people who get a higher rate of disability benefit and receive care and support from the council may pay an increased contribution towards their care.

Proposal two: Self Funders

Charging an administrative fee to people who can fund their own care, remaining in community (not in a care home), and ask the council to arrange care for them.

If a person has £23,250 or more in savings (including investments/bonds), excluding the value of the home they live in, they will be required to pay for the whole amount of their care and support.

The council refers to this group of people as being self-funders who live in the community (rather than in a care home).

As these people are required to pay for all their care themselves, self-funders could choose to arrange care they receive in their home privately without the involvement of the council. However, they may also ask the council to do this for them on their behalf.

If the council arranges care on their behalf, we invoice the self funder in full for the cost of care provided to the them. The council also incurs costs in arranging the care.

The proposal is to create an administration fee to recover some of the costs we incur arranging care for self-funders who ask the council to arrange their care for them.

It is proposed that a fee of £206 is collected on a yearly basis and is non-refundable if circumstances change at a later date.

This has been calculated to reflect some of costs the council incurs in arranging and monitoring the care we provide on behalf of self-funders receiving care in their own homes. We are not permitted to charge for provision of information, advice or assessment of needs. These costs are not factored into the proposed self-funder administration fee.



The fee will only be charged to those clients who are self-funding because they have £23,250 or over in savings or assets in their own right (excluding the value of the home they live in), live in the community **and** have asked us to arrange care on their behalf. We are not proposing that anyone else will be charged the administration fee.

How can I take part in the consultation?

The consultation will run until **Friday 2 November 2018**. We want to ensure that as many people as possible provide their feedback and therefore there are several ways you can take part:

- Short web survey which is available at the following address: **www.ealing.gov.uk/mycontribution**
- Completing a paper survey which will be sent out to everyone currently known to the council who may be affected by the proposed change. There will be a pre-paid envelope provided with the survey.
- Face to face at meetings – if you would like us to attend your community group meeting please let us know through the following email address **mycontribution@ealing.gov.uk**



- By talking to you on the phone we can explain the details of these proposals (we will not be able to give you details of how this will affect your financial contribution). This help will be available from our Community Benefits Team dedicated Advice Line Telephone Number: **020 8825 8555** between 10am and 12 noon Monday, Wednesday and Thursday.
- Easy read and translated materials are being developed and will be available upon request to the following email address **mycontribution@ealing.gov.uk**

If you are completing the survey either through the web or in paper form you can complete the survey yourself or ask somebody else such as a relative or carer to complete it on your behalf with your views in mind.

If you would like these documents in another language, large print, easy read or you have any other requirements please send an email stating the format you require to the following email address **mycontribution@ealing.gov.uk**

What happens next?

The consultation is open until **Friday 2 November 2018**.

After the closing date, all your feedback and suggestions will be brought together anonymously and used to shape recommendations for change. The recommendations for change, along with the consultation feedback, will be discussed by councillors at their cabinet meeting on the Tuesday 15 January 2019.

If a decision is made to make changes to the adults' social care charging policy individual letters will be sent to everyone who is directly affected by the changes. If accepted, the proposed changes will be implemented from April 2019 onwards.

A feedback report will also be developed that will give an overview of the feedback and advise how your views have informed the decision-making process.

Appendix:

DWP Disability Benefits & Case Studies

Proposal one will impact people in receipt of social care who are also receiving the higher rate of the following disability benefits:

- Attendance allowance (AA); and
- Disability Living Allowance (DLA)
- Personal Independence Payment (PIP).

The council does not administer disability related benefits. Applications, eligibility and payment of these benefits are managed by the Department for Work and Pensions (DWP). The DWP benefits are included in the council's financial assessment when considering a person's individual circumstances.

Disability Living Allowance

People can no longer apply for Disability Living Allowance (DLA) if they are 16 or over, but can now apply for Personal Independence Payment (PIP) instead.

DLA is made up of two parts, the 'care component' and the 'mobility component'. To get DLA a person must be eligible for at least one of the components. A person may get the care component of DLA if they:

- Need help with things like washing, dressing, eating, using the toilet or communicating their needs
- Need supervision to avoid putting themselves or others in danger
- Need someone with them when they are on dialysis
- Can't prepare a cooked main meal.

The weekly rates for the DLA care components are broken into high, middle and low bands, reflecting different levels of need.

DLA Care Component	Weekly Rate	Level of help they need
Lowest	£22.65	Help for some of the day or with preparing cooked meals
Middle	£57.30	Frequent help or constant supervision during the day
Highest	£85.60	Help or supervision throughout both day and night, or they are terminally ill

A person might get the mobility component of DLA if, when using their normal aid, they:

- Can't walk
- Can only walk a short distance without severe discomfort
- Could become very ill if they try to walk
- Have certified sight impairments, or are 100% blind and at least 80% deaf and need someone with them when outdoors
- Severely mentally impaired with severe behavioural problems and get the highest rate of care for DLA.

The weekly rates for the DLA mobility components are broken into high and low bands, reflecting different levels of need.

Mobility Component	Weekly Rate	Level of help they need
Lower	£22.65	Guidance or supervision outdoors
Higher	£59.75	They have any other, more severe, walking difficulty



Attendance Allowance

A person can get Attendance Allowance if they are 65 or over and the following apply:

- They have a physical disability (including sensory disability, for example blindness), a mental disability (including learning difficulties), or both
- Their disability is severe enough for them to need help caring for themselves or someone to supervise them, for their own or someone else's safety
- They have needed that help for at least six months (unless they are terminally ill)

- If somebody is terminally ill and not expected to live for more than six months there are special rules.

A person wouldn't usually get Attendance Allowance if they live in a care home and their care is paid for by their local authority. A person who pays for all their care home costs themselves can apply for Attendance Allowance.

Attendance Allowance rates are as follows:

Rate	Weekly Rate	Level of help they need
Lower	£57.30	Frequent help or constant supervision during the day, or supervision at night
Higher	£85.60	Help or supervision throughout both day and night, or they are terminally ill

Personal Independence Payments

A person is disabled under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

The government have defined substantial and long term as:

- Substantial is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- Long term means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection.

There are special rules about recurring or fluctuating conditions, terminal illness and fluctuating conditions.

The weekly allowances for Personal Independence Payments are as follows:

PIP	Weekly Rate
Daily living part standard	£57.30
Daily living part enhanced	£85.60
Mobility part*	£22.65
Mobility part*	£59.75

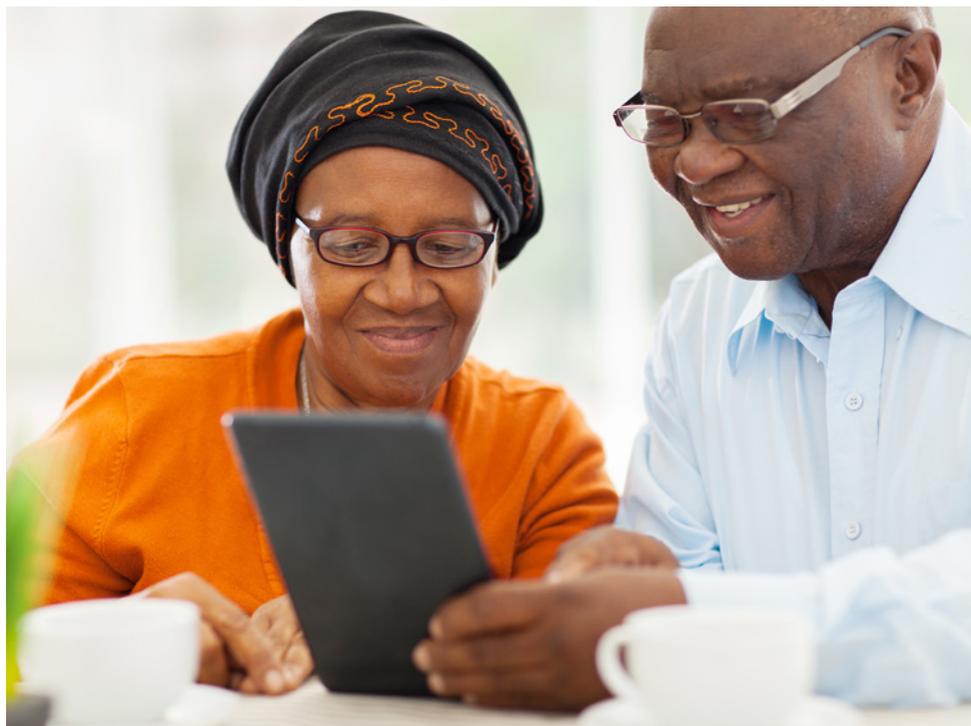
*Mobility allowances are excluded from the council's financial assessment.



Case Study Examples

Four case studies have been included below to provide examples of what this change may mean:

Mr. J. is of working age and receives Income Support of £106.65 per week and the higher rate Disability Living Allowance of £85.60 per week. His total income is £192.25 per week and has £180.10 per week in allowances and expenditure. Currently Mr. J. pays £12.15 per week towards his care. This is the difference between Mr. J's income and Mr. J's allowances. If the proposal is put in place Mr. J's income will remain at £192.25 per week but his allowances and expenditure will have reduced to £151.80 per week



because his allowance would no longer include his higher rate benefit. Therefore Mr. J. would now have to pay £40.45 per week towards his care if the proposal is put in place. The government set minimum income level for Mr. J is £131.75 per week. In this example, if the proposal was implemented Mr. J would have £151.80 left per week after he has paid his contribution to the council.

Mrs. A is of working age and receives Income Support (including disability premium) of £106.65 per week and Personal Independence Payment (enhanced) of £85.60 per week. Her total income is £192.25 per week and has £230.10 per week in allowances and expenditure and

therefore does not pay a contribution towards her care. If the proposal is put in place Mrs. A's income will remain at £192.25 per week but her allowances and expenditure will reduce to £201.80 per week. Therefore, as her expenditure and allowances still exceed her income she will not have to pay a contribution towards her care. The government set minimum income level for Mrs. A is £131.75, and in this example she will continue to have income of £192.25 but compared to Mr. J, above, Mrs. A has higher levels of eligible expenditure each week.

Miss B is of pensionable age and in receipt of Pension Credit of £163.00 and higher rate Attendance Allowance of £85.60. Her total income is £248.60 per week and her allowances and expenditure totals £249.30 per week. Currently Miss B does not pay a contribution towards her care. If the proposal is put in place Miss B's income will remain at £248.60 per week and her allowances and expenditure will reduce to £221.00 per week. As her total income now exceeds her allowances and expenditure, she will have to pay £27.60 per week towards her care because her allowance would no longer include her higher rate benefit. The government set minimum income level for Miss B is £189.00, and in this example Miss B would have income of £221.00 per week after she has paid her contribution to the council.



Mr. M is of pension age and in receipt of Pension Credit of £163.00 per week and higher rate Attendance Allowance of £85.60 per week. His total income is £248.60 per week and has allowances and expenditure of £237.35 per week. Currently Mr. M pays £11.25 per week towards his care. If the proposal is put in place Mr. M's income will remain at £248.60 per week but his allowances and expenditure will reduce to £209.05 per week because his allowance would no longer include his higher rate benefit. Therefore, he will now have to pay £39.55 per week towards his care. The government set minimum income level for Mr. M is £189.00 per week. In this example Mr. M would have income of £209.05 per week after he has paid his contribution to the council.

