

# Care Act 2014

# Engagement Report

## March 2015

### Community Participation Team

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## 1.0 Introduction

This report is a summary of the comments received through the Care Act engagement process which opened on the 2 February and closed on 15 March 2015. The engagement account below relates to phase 1 of the implementation of the Care Act. There will be further engagement if any changes are proposed before phase 2 of the implementation of The Act in April 2016.

An engagement exercise was deemed to be appropriate to raise awareness locally of the Care Act and to seek the views of local people on two areas upon which the Act allows Councils to implement on a discretionary basis.

## 2.0 Feedback questions

The proposals, together with background information and the Council's rationale were put forward in the following manner:

### Question 1 Client and carer financial contributions

The Care Act leaves it up to each Council to decide whether it charges for residential services or not, but where it does so it should follow a single new set of regulations and guidance linked to the Care Act. Telford & Wrekin Council already charges service users for these services.

The Act also says that councils can consider whether to charge for residential and non residential services and charge service users at the same rate, at least until April 2016. If there are any changes after this date, you would be engaged again on these. We do not plan to charge carers for services at present.

We want to do this because:

- We must maximise the resources available to meet all of our statutory responsibilities. Before we consider whether or not to charge for services, we need to better understand what this would mean.
- We currently raise £5.8m of income through such contributions and if we did not charge for these, we would need to make savings elsewhere.
- Anyone already paying for such services would see no significant change from what they pay now, other than where there is a change in a person's income and savings that results in a financial reassessment being carried out or after the annual increases due to benefit changes that would normally happen.
- We will be reviewing all our charging policies before April 2016. We will engage with local people before we make our decisions.

Please tell us what you think of these proposals.

### Question 2 Deferred payments (administration fee and interest charge)

Deferred payments are an arrangement with the Council that enables people to use the value of their home to help pay for care home costs. The Council then recovers the cost of your care from your estate after death.

The current law does not allow us to charge an administration fee or interest during the period of payment.

We propose to:

- Charge an administration fee for all new agreements made from April 2015
- To review this annually

- To charge interest on all new deferred payments at a rate of 2.65%
- To charge interest on pre 2015 deferred payments where any outstanding amount after death is payable

We want to do this because:

- We want to maximise the resources available to meet all of our statutory responsibilities and these proposals fairly reflect the true costs to the council
- We are allowed to set an interest rate no higher than what the Care Act tells us.
- People can choose to take such a loan from the Council or from other financial providers

Please tell us what you think of these proposals.

### **Question 3**

Is there anything else you want to tell us about our proposals?

If you want us to contact you please tell us your details below:

## **3.0 Engagement methods**

A decision was made to promote the engagement in the following ways:

### **3.1 Commissioners were asked to inform and seek agreement from advocacy organisations to:**

- help us make the people they represent aware of these changes
- help the people they represent to understand these changes
- help the people they represent to tell us what they think and ask us any questions
- help publicise the public events being held and support the people they represent to attend and contribute
- comment on our proposals in their own right

The following advocacy organisations were contacted:

- Age UK Shropshire Telford & Wrekin
- A4U
- Carers Centre
- Healthwatch
- Shropshire Independent Advocacy Scheme
- Taking Part

### **3.2 Public Meetings**

We held two public walk in sessions; one morning and one evening session:

Monday 23 February 6pm 7.30 pm Meeting Point House, Telford Town Centre

Friday 27 February 10am – 11.30 am Meeting Point House, Telford Town Centre

These events were led by the Director of Health, Well Being and Care and designed for people to ask questions on a one to one basis about their personal situation and how changes may affect them. They were also designed for people to give us their feedback on our proposals.

Advocacy and provider organisations were asked to bring these sessions to the attention of those people they represent and support their attendance wherever appropriate. These events were also promoted through the press, on local radio and on social media. The event was also noted in the engagement booklet which was distributed as outlined in 3.5 below.

### **3.3 Presentations to Partnership Boards, Forums and Meetings**

These were undertaken by the Director of Health, Well being and Care who updated the groups on the Care Act engagement and advised as to where further information on the Care Act engagement was available. The following meetings were attended:

- Carers Forum
- Carers Partnership Board (on two meetings)
- Healthwatch Board
- Learning Disability Partnership Board
- Listen Not Label
- Providers Forum
- SPIC Forum
- Working Together events

### **3.4 Internal communication to staff**

Specific briefing sessions were held for those frontline staff who were to deal with questions in the first instance (Access Team). These briefings included confirmation of the process for ensuring all feedback was recorded appropriately and that it reached the database held by the Community Participation team.

For other frontline staff (for example First Point) communication messages ensured they were aware of current engagement and where to direct any questions and feedback.

Dedicated space on the staff intranet was created and in addition to being able to support enquiries from the public, staffs were also encouraged to respond to the engagement in their own right.

### **3.5 Engagement Promotion**

A press release was made prior to the engagement period outlining the process and ways to respond.

Other approaches used to inform local people of Care Act changes and local engagement included Council engagement leaflets being placed in a range of Council buildings used by our customers and service users.

The Director of Health, Well being and Care was involved in a local radio interview and the Council's Your Voice publication, delivered to all houses in the Borough ran an awareness raising article.

Information and details of how to respond were put on the Council's website, My Life, Twitter and Facebook pages. A gov delivery message was sent to the majority of households signed up to receive council notifications.

### **3.6 Raising Awareness**

As well as the formal engagement period, awareness of the Care Act has also been raised at formal Boards and groups which have been attended by the Director of Care, Health and Wellbeing over the last 18 months. This has included all voluntary sector organisations as part of the Working Together events held during 2014 and 2015, local providers at the Shropshire Partners In Care Board, Carers Partnership Boards, Carers Forum, Senior

Citizens forum, Mental Health providers forum, Healthwatch, advocacy organisations as well as an interview on Radio Shropshire which was used to highlight the national Care Act consultation activity. Key messages received from these groups were not to charge for carers services and that the groups were more interested in the implications of the funding reforms which are being introduced from April 2016. Therefore, future sessions will be delivered to these and other groups on the implications of the Part 2 Funding Reforms.

## **4.0 Responses**

The Community Participation team held a central database to record responses to the formal engagement. The full database can be found in **Appendix 1**.

All responses were directed to the Community Participation team via email, telephone and freepost. Colleagues in Web Services and Communications teams also forwarded any responses via the Web and social media.

## Appendix 1

Date	Source	Financial contribution	Deferred payment – General	Fees	Interest	Other comments	Question	Sent to Access	Safeguarding
08/02/2015	Online	I don't know what you mean by 'do not plan to charge carers services'. What services are these? What is your current charge for residential services?		I do not agree with this proposal to start charging interest. You say 'to use the value of their home to help to pay for care home fees' will it is to pay the FULL cost of the fees and also to cover the costs of those who are not paying anything towards their fees. Just because my mother owns a flat, she has to pay for everything she gets – full price! No help whatsoever from the Council or Social Services, we are left to fend for ourselves, but as soon as her paltry savings run out – you want everything and more! It is not fair – she has paid into the system all her life – it is not her fault she needs 24hr care. Where is the support for her when she needs it? She has paid for it?	I do not agree with this proposal to start charging... and admin fees.		Yes	Yes	
05/02/2015	Online	I agree with your proposals. At least until you've been able to assess their effectiveness.		They sound reasonable but how big will your admin fee be? Also, will you guarantee that the maximum you can take will not exceed say the value of the house?		Not at the moment.	Yes	Yes	
06/02/2015	Online	Carers allowance in some cases is not past or spent on caring. Could this be paid direct to the carer?	If I do not wish to take your options but wish to rent by house to obtain an income (if I should			This policy does seem to victimise people who have worked hard all their lives and saved as	Yes	Yes	

Date	Source	Financial contribution	Deferred payment – General	Fees	Interest	Other comments	Question	Sent to Access	Safeguarding
			be in a home) and it does not raise the full amount, how will you require the difference to be obtained?			best they can, while people on the same or better income who have wasted their money will be as well off. I am in favour of the welfare state and taxation but I shall be advising my children to spend and re-mortgage their houses. My lifestyle of helping young people and working hard does not pay any dividends. This policy will not help people who don't wish to work or save to change their ways. I was hoping that my children and their children would be helped if I had money or property left but your proposal is to make sure I have none. What is the lowest level of money or property your money recovery comes in – is it still £22,000? By all means put up council tax and when you are in power, put up income tax. Do not put up VAT which hits the poor.			
11/02/2015	Online	I am a Deputy (Mental Incapacity Act) for my 44 year old sister who is resident in residential care in Telford. I appreciate and understand					Yes	Yes	

Date	Source	Financial contribution	Deferred payment – General	Fees	Interest	Other comments	Question	Sent to Access	Safeguarding
		<p>the need to make best use of scarce resources, however, I would like a clear assurance from Telford social care that the department is committed to completing all necessary assessments before making decisions to move vulnerable adults to alternative (cheaper) accommodation – including risk assessment, mental incapacity assessment, and where required a 'best interests' meeting. Cost alone should not be the driver for changing people's accommodation; this needs to be balanced against need and the appropriate provision of alternative accommodation that meets identified need. Under the Personalisation of Budgets approach, I object to the way this issue has been explained to those affected – it is simply 'spin' which suggests everyone will benefit from greater freedoms (to control their budget) but if that budget is being significantly reduced and people have to move accommodation as a result – freedom is being restricted. In the Courts, the Cheshire-West case has recently commented on this and ruled against the Local Authority – I am seeking an assurance that Telford LA will abide by the law and observe the requirements of the Cheshire-West judgement. Finally, you have selected to use the Resource Allocation System in Telford to assess the level of personal</p>							

Date	Source	Financial contribution	Deferred payment – General	Fees	Interest	Other comments	Question	Sent to Access	Safeguarding
		budgets. This tool is not in use in all LA areas and is, in my view, mechanistic and does not allow sufficient judgement to be exercised. I believe that this tool inherently discriminates (because of its indices) against those already in residential care at the point of application. I am seeking a sufficient assurance that judgement will sensibly be applied to override the tool findings where the assessments suggest that this is the right thing to do.							
05/02/2015	Online	I believe everyone who receives a service should pay a contribution, however, I think we need to take into account that carers often save authorities money and if the cared for is not receiving services that we would ordinarily be paying for, then I believe it would be unfair to charge carers in this instance as overall, they are saving the Council money.	Whilst I appreciate that the Council need to recover costs, I do feel that this is a contentious issue. Selling someone's home to pay care home fees is unpopular and to add interest charges to this seems even more unfair.			There are many people who receive services who never pay towards them. Any proposals need to be fair, equitable and achievable.			
20/02/2015	Online	I agree, however I believe all care should be free at point of need, regardless of savings/income.	I do not think that anyone should have to sell their home to pay for care.						
23/02/2015	Public event	Regarding deferred payments. This needs to be explained with examples and clear English i.e. how it would work in practice.							