

**TELFORD & WREKIN COUNCIL**

**REPORT AND DECISION NOTICE OF CABINET MEMBER KEY  
DECISION TAKEN ON 27 OCTOBER 2023**

**PUBLISHED ON 27 OCTOBER 2023**

**DEADLINE FOR CALL-IN 01 NOVEMBER 2023**

**AMENDMENTS TO ADULT SOCIAL CARE CHARGING POLICIES**

This **Key Decision** was taken by CLLR PAUL WATLING (Cabinet Member for Adult Social Care and Health Systems) in consultation with SIMON FROUD (Director of Adult Social Care), pursuant to the delegation to the Cabinet Member pursuant to the decision of Cabinet at its meeting of 15 June 2023.

The **Key Decision** related to the Amendments to the Telford & Wrekin Council's Adult Social Care Charging Policies item published in the Council's **Notice of Key Decisions** on 20 September 2023.

**1. INFORMATION**

- 1.1. In line with the Council's Medium Term Financial Strategy, approved by Council following public consultation in March 2023, a review was undertaken on the Adult Social Care Residential and Non-Residential Care Charging Policies. This review identified key areas for proposed change. A consultation was held during the summer of 2023 to understand the impact of the proposed changes on people who receive chargeable care and support.
- 1.2. The Care Act 2014 focuses on improving people's independence and wellbeing. It makes clear that local authorities must provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support. It states that Councils may make a charge for meeting needs, covering the cost that is incurred by the Local Authority in meeting the needs to which the charge applies. To do this, a financial assessment is required to determine an individual's contribution to their care cost.
- 1.3. The Care Act 2014, provides a single legal framework for charging for care and support under sections 14 and 17. It enables a local authority to decide whether or not to charge a person when it is arranging to meet a person's care and support needs, except where the local authority is required to arrange care and support free of charge.
- 1.4. The Department of Health and Social Care (DHSC) provides local authorities with guidance on the maximum amount a local authority can charge. This is provided on an annual basis.
- 1.5. The Council is facing an increasing demand for Adult Social Care services whilst also facing significant financial challenge. At the same time, the Council's Adult Social Care Charging Policies, in particular the application of the Minimum Income Guarantee (MIG), are not comparable with many other local authorities. Additionally, the current MIG level applied by the Council is neither appropriate nor sustainable in the current economic climate within Telford and Wrekin. Furthermore, the MIG applied by the Council is significantly different to the allowable MIG set out in the Department for Health and Social Care (DHSC) charging guidelines.

1.6. The Care and Support Statutory Guidance (DHSC) sets out the principle that Adult Social Care charging policies be “sustainable for local authorities in the long-term” (Care and Support Statutory Guidance, chpt 8.2).

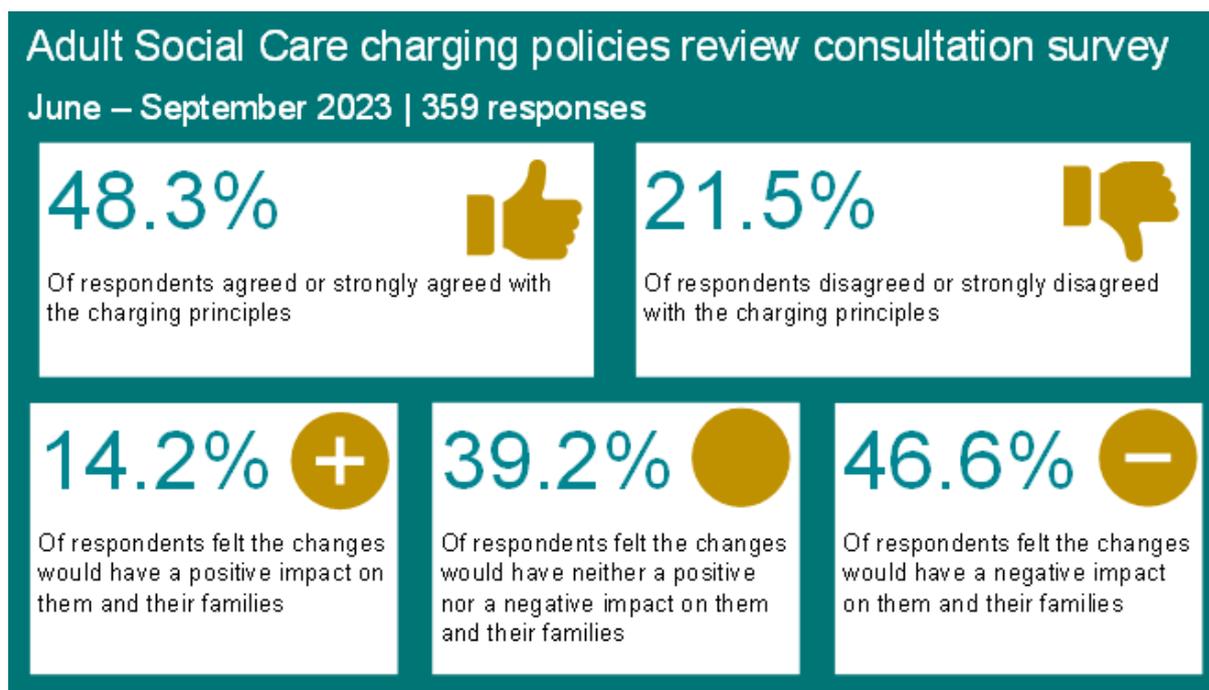
1.7. The proposed changes were:

	<b>Area of charging</b>	<b>Brief description of proposed change</b>
<b>1</b>	Minimum Income Guarantee (MIG) (non – residential)	To change the calculation of the Minimum Income Guarantee (MIG) figure used in the non-residential financial assessment to the level permitted by the Department of Health & Social Care (DHSC)
<b>2</b>	Implement Tariff Income (non-residential)	To introduce tariff income in the calculation of the financial assessment for non-residential care. (Tariff income is a weekly amount added to a person's income to take account of the notional income they receive from their capital).
<b>3</b>	High-rate Attendance Allowance & Disability Living Allowance	To include as income the high rates of Attendance Allowance and Disability Living allowance in the financial assessment.  Where night-time care is funded privately the difference between the lower/middle and higher rate will be disregarded in the financial assessment.
<b>4</b>	Charging self-funders for brokering and administration of care	To introduce an ongoing annual administrative charge to self-funders for sourcing, arranging and the administration of care.
<b>5</b>	Telford & Wrekin Appointee and Deputy Services	To introduce a weekly administrative charge for people in receipt of Appointee Services provided by the Council. To be increased annually in line with inflation.  To pass on charges for bank and prepayment card charges for people in receipt of Deputy and Appointee Services provided by the Council.  To introduce an annual property management fee to people in rented accommodation who are in receipt of Deputy services provided by the Council.
<b>6</b>	Community Alarms	To introduce a charge for the monitoring and administration charge for Council funded Community Alarms.
<b>7</b>	Deferred Payment Agreement	To increase Deferred Payment Agreement fees and introduce an annual administration charge.

1.8. Please refer to the Consultation Pack available on [www.telford.gov.uk/ASCcharging](http://www.telford.gov.uk/ASCcharging) for further background information.

## **Post Consultation Considerations**

- 1.9. As at June 2023 (prior to the start of the consultation) there were 1,882 people who were receiving chargeable care and support, of which 1,394 received non-residential care and 488 received residential care. Around half of the 1,882 people receiving chargeable social care services will experience no change to their contribution to care, while others will see their contributions to care increase.
- 1.10. Consultation on this matter took place between 20 June and 4 September 2023, through a variety of methods. 397 responses to the consultation were in total; 359 received through a survey, with an additional 38 through consultation sessions and relevant organisations. The consultation was undertaken comprehensively using a variety of formats, in alternative languages and specifically sought to target those groups potentially impacted by the proposals through the consultation process.
- 1.11. All comments received through the consultation have been noted and have been taken into consideration.
- 1.12. The findings of the consultation highlight that whilst a significant proportion of people agreed with the charging principles, a significant proportion reported that the changes would have a negative impact on them and their families. The following images show some of the key headline results and quotes from the consultation.



- 1.13. Please refer to the consultation summary report for further details on the consultation methodology and results.
- 1.14. Within the consultation, alternative options were suggested by responders. These were considered within the decision-making process. The final charging policy proposals have been amended in light of some of the consultation responses, as set out below.
- 1.15. This decision embraces the recommendations of the Council's Health and Adult Social Care Scrutiny Committee who made recommendations to the Cabinet Member: Adult Social Care and Health Systems, pursuant to section 9F(2)(c) of the Local Government Act 2000. In this

decision, the Committee's recommendations are being implemented in full through the amended final charging policy.

- 1.16. Council Officers have undertaken an exercise to ensure that the Council is satisfied that the DHSC MIG level is appropriate to adopt for residents in the Borough. The exercise includes consideration of the factors which influence the cost of living and the cost of providing care in the Borough.
- 1.17. A copy of the consultation report and updated equality impact assessment can be found on the Council's website: [www.telford.gov.uk/ASCcharging](http://www.telford.gov.uk/ASCcharging)

## **2. Legal Implications**

- 2.1 The Council has carried out a reasonable and careful consultation process, ensuring to target all groups affected across the Borough in line with the Council's duties pursuant to the Public Sector Equality Duty and the Adult Social Care Accessible Information Standards. This included writing to every individual in receipt of chargeable care and support services. Following the consultation responses, as result of the feedback and recommendations made by the Council's Health and Adult Social Care Scrutiny Committee, the Council has undertaken a full review of the proposals and has made changes to the final policy which is due to be implemented from 1 January 2024.
- 2.2 The Final Charging policy set out in this decision is in accordance with the Statutory framework within which the Council must operate, namely the provisions of the Care Act 2014. The Council has the legal powers necessary to implement this policy change.
- 2.3 Legal advice has been provided in relation to the proposals contained within this decision notice and will be provided on an ongoing basis as and when required.

RPh, 24/10/2023

## **3. Financial Implications**

- 3.1. The Adult Social Care savings consulted upon as part of the 2023/24 budget included proposals to review the current policy for charging for certain services including community-based care services and to amend Council thresholds and disregards for the reasons set out in the consultation documents and in the summary above. The income generated will be dependent on the number of service users subject to charging. Modelling based on the cohort of people in service in September 2023 suggests that the income generated may initially fall short of previous estimates of the funding that would arise from these changes to the policy. However, until the changes are implemented it is not possible to know exactly how much additional income will be generated, due to the changing numbers and circumstances of people receiving care.
- 3.2. The deferral of Social Care Reform to 2025 will have an impact on charging for care and the implications of those changes, which are not included in this report, will be brought forward in further reports as work on the impacts progresses. The deferral of Social Care Reform has caused the income from transactional charges to be delayed and the full amount of income anticipated from brokering care for self-funders is not expected to be realised until after the introduction of the reforms in 2025.
- 3.3. Client income generated from charges for Adult Social Care part fund the expenditure on long term care and are applied in line with relevant regulation, guidance and policies. The income generated will support expenditure on Adult Social Care planned for 2023/24 and in future years.

RP 24/10/23

**4. DECISION – that:**

The Cabinet Member for Adult Social Care and Health Systems, in consultation with the Director of Adult Social Care, has agreed to implement the following changes to the Adult Social Care Charging Policies, taking effect from 1 January 2024. This is in accordance with the authority granted to the Cabinet Member pursuant to the decision of Cabinet at its meeting of 15 June 2023.

	<b>Area of charging</b>	<b>Brief description</b>
<b>1</b>	Minimum Income Guarantee (MIG) (non – residential)	<p>To change the calculation of the Minimum Income Guarantee (MIG) figure used in the non-residential financial assessment to the level permitted by the Department of Health &amp; Social Care (DHSC), following due consideration of its appropriateness for Telford and Wrekin.</p> <p>As part of the formulation of the new policy, consultation and decision-making process, Officers have considered the appropriateness of using the MiG rate in Telford and Wrekin.</p> <p>The DHSC MIG will be implemented in a phased way. From 1 January 2024 the change to the MIG amount will be reduced by 75% of the difference between the current MIG level and level permitted by the DHSC (the original proposal). From 1 January 2025 the MIG will be reduced to the level permitted by the DHSC.</p>
<b>2</b>	Implement Tariff Income (non-residential)	To introduce tariff income in the calculation of the financial assessment for non-residential care. (Tariff income is a weekly amount added to a person’s income to take account of the notional income they receive from their capital).
<b>3</b>	High-rate Attendance Allowance & Disability Living Allowance	<p>To include as income the high rates of Attendance Allowance and Disability Living allowance in the financial assessment.</p> <p>(Where night-time care is funded privately the difference between the lower/middle and higher rate will be disregarded in the financial assessment.)</p>
<b>4</b>	Charging self-funders for brokering and administration of care	To introduce an ongoing annual administrative charge to self-funders for sourcing, arranging and the administration of care.
<b>5</b>	Telford & Wrekin Appointee and Deputy Services	<p>To introduce a weekly administrative charge for people in receipt of Appointee Services provided by the Council. To be increased annually in line with inflation.</p> <p>To pass on charges for bank and prepayment card charges for people in receipt of Deputy and Appointee Services provided by the Council.</p> <p>To introduce an annual property management fee to people in rented accommodation who are in receipt of Deputy services provided by the Council.</p>

6	Community Alarms	To introduce a charge for the monitoring and administration charge for Council-funded Community Alarms.
7	Deferred Payment Agreement	To increase Deferred Payment Agreement fees and introduce an annual administration charge.

To support individuals to transition onto the new charges, the following actions have been agreed:

Areas of concern identified throughout the review and consultation	Actions
Increasing charges and the perception of unaffordability may incentivise some people to seek to reduce the services they are receiving, and this may lead to unreported or unmet needs.	<p>The Council will monitor carefully the people impacted by the recommended changes to identify any trends in the reduction of service use and potential for any safeguarding issues.</p> <p>As is normal practice, where there are risks or concerns over the welfare of a person, a review assessment and if appropriate, safeguarding procedures are followed to ensure that the person is not at risk.</p>
Regarding implementation of any changes, there is a risk that the person will not be able to fully understand the changes that are being made or the impact that they will have.	<p>The consultation was conducted having had due regard to the Public Sector Equality Duty set out in S149 Equality Act 2010 and the Adult Social Care Accessible Information Standards. Please refer to the consultation summary document for further details on the mitigating action undertaken during the consultation period.</p> <p>During the implementation phase, prior to 1 January 2024 (when the new policy will take effect,) individual letters will be sent to everyone who will be affected by the changes. Within the letter will be the information about the charges, what that means financially, support available and when they will be impacted by the changes. (This will also include links to the Council's financial support and advice for working age residents and pensioners.) Where appropriate, the Financial Case Management Team will follow up the letters with the individual, or their nominated representative. Alongside this, stakeholders, including the voluntary, community and social enterprise sector, will be contacted to inform them of the decision, alongside what support is available for people.</p> <p>All communications to the individual will be in the method they have chosen as their preferred communication method (e.g. large print, easy read, alternative languages and formats...etc).</p> <p>The Financial Case Management Team will continue to provide support to individuals in relation to their financial assessments and their understanding of them.</p> <p>The application of Disability Related Expenditure (DREs) will be reviewed to ensure consistency as part of the individual Care Act Assessment and subsequent Financial Assessment.</p>

	<p>The outcome of this review will also include improved DRE information and advice available.</p> <p>An advocacy offer is already in place to support people where needed. This will continue to be promoted.</p>
<p>Short-term financial disruption to people impacted by the changes</p>	<p>The implementation date is 1 January 2024 but in respect of the MIG level, this will amount to a staged implementation with the full policy coming into effect on 1 January 2025, as set out below.</p> <p>As part of the implementation plan a notice period is included to give individuals further time to plan for the changes and to engage with any additional support that they may require.</p> <p>Whilst the changes will take effect from 1 January 2024, people who are affected will not receive their first invoices until end of January 2024.</p> <p>During the implementation phase, prior to 1 January 2024 (when the new policy will take effect,) individual letters will be sent to everyone who will be affected by the changes. Within the letter will be the information about the charges, what that means financially, support available and when they will be impacted by the changes. (This will also include links to the Council's financial support and advice for working age residents and pensioners.)</p> <p>The Financial Case Management Team will continue to provide support to individuals in relation to their financial assessments and their understanding of them.</p> <p>To reduce the immediate impact on people it is proposed that the Council will be introducing the changes to Minimum Income Guarantee (MIG) in a phased approach; the change to the MIG amount will be reduced by 75% of the difference between the current MIG level and level permitted by the DHSC (the original proposal). From 1 January 2025 the MIG will be reduced to the level permitted by the DHSC.</p>
<p>Financial hardship to the person</p>	<p>Where there are concerns over the welfare of a person, a review assessment and if appropriate, safeguarding procedures will be followed (this is already current practice).</p> <p>Payment plans may also be considered following agreement with individuals</p> <p>As is normal practice, for people facing exceptional circumstances or severe financial hardship the policies continue to sanction the responsible Director for Adult Social Care to approve a full or partial waiver of charges. Each individual person will have an individual financial assessment to determine their ability to contribute towards the cost of their care.</p>

<p>Negative impact on unpaid and family carers</p>	<p>The Council remains committed to not charging for carer's services.</p> <p>The Council will undertake further promotion of the support available to carers across Telford and Wrekin including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Carers Network</li> <li>• Carers Centre</li> <li>• Carers Hubs</li> <li>• Carers Assessments</li> <li>• <a href="#">Carers Wellbeing Guide</a> (the one-stop guide to the latest information, advice, guidance and contacts to support carers)</li> </ul>
<p>Increased debt from unpaid care contributions</p>	<p>Benefit Maximisation - the Financial Case Management team, when completing a financial assessment, will continue to identify any missing benefit entitlements and offer support and guidance to the individual to apply. They will also signpost to voluntary organisations who are able to assist people in applying for their benefits.</p> <p>Implementation of online financial assessment has started to enable financial assessments to be completed more rapidly.</p> <p>The Independent Living Centre will also be offering booked appointments to support people with the completion of the online financial assessment where needed.</p> <p>Adult Social Care will promote the uptake of Direct Debit method of payment.</p> <p>An integrated debt referral process between the Council's Financial Case Management, Invoicing and Collection and Legal teams to ensure timely recovery of unpaid contributions has been established.</p> <p>Adult Social Care will continue to promote people updating their financial assessments regularly. This will help ensure that the financial assessment calculations are undertaken on the person's current situation.</p> <p>Working closely with Town and Parish Councils and external social care organisations to help signpost clients that may need additional support.</p> <p>Training will be made available for all Councillors, which includes points of contact to help direct members of the public to access support.</p>

A copy of the updated Adult Social Care Charging Policies, consultation report and updated equality impact assessment can be found on the Council's website:  
[www.telford.gov.uk/ASCcharging](http://www.telford.gov.uk/ASCcharging)

**Further Information/Contact –**

Simon Froud  
Director of Adult Social Care  
Telford & Wrekin Council  
Via [ASCcharging@telford.gov.uk](mailto:ASCcharging@telford.gov.uk)

**Signed:**

<b>Cllr Paul Watling</b> <b>Cabinet Member: Adult Social Care and Health Systems</b>	<b>Simon Froud</b> <b>Director of Adult Social Care</b>
	

**Dated: 27 OCTOBER 2023**