

Care Act 2014

Director's Response to Care Act Engagement Comments March 2015

Delivery & Planning Team

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1.0 Introduction

This report summarises the Director of Care, Health and Wellbeing's response to the comments received as part of the formal Care Act Public Engagement which opened on the 2 February and closed on 15 March 2015 in relation to the discretionary elements of the Care Act 2014. The formal consultation focussed on:-

- Client and carer financial contributions
- Deferred Payments: Administration fee and interest payments

Despite the widespread engagement and awareness raising (outlined in the [Care Act Engagement report](#) developed by the Council's Community Participation Team), we only received 7 formal responses to our engagement questions.

However, we felt it was important to respond to the comments received from members of the public as not all comments received were directly relevant to the formal consultation exercise but were none the less relevant to the implementation of the Care Act and therefore we felt that each should be responded to appropriately.

2.0 Summary of Responses

The 7 formal responses received are summarised in the table at **Appendix 1** along with our response to each one. We hope that this is helpful in clarifying the decisions made by the Council and answers queries raised as part of the consultation which may not necessarily be directly relevant to the consultation questions.

3.0 The Way Forward

Cabinet has already delegated responsibility to the Director of Care, Health and Wellbeing to approve new policies to meet Care Act requirements, in consultation with the Cabinet Member for Adult Social Care.

Wherever possible, we have taken account of the responses received. However, despite feedback that selling your home to pay for care is not ideal, this is sometimes necessary and therefore the deferred payments scheme offers an alternative solution for those individuals.

In addition, though the ideal situation would be for the Council not to charge interest or an admin fee, due to the current financial climate the only way in which the Local Authority can offer deferred payments without detrimental effect on its ability to provide other essential services, is to charge interest on this payment and an admin fee. However, these charges are reasonable and based on actual cost to the Local Authority. The maximum level a Council can charge interest is set out in the statutory Guidance.

A meeting is planned for 26 March 2015 where the Director and Cabinet Member will consider the engagement responses and whether any changes are required in the relevant drafted policies ahead of approval.

APPENDIX 1: ENGAGEMENT COMMENTS & FEEDBACK

Responses Received	Comments received in relation to Financial Contributions	Comments received in relation to Deferred Payments
1	None received.	Not in agreement with admin fees or charging interest.
2	Agrees with charging proposal.	<p style="text-align: center;">Charging an admin fee is reasonable but the fee charged should be reasonable.</p> <p style="text-align: center;">A concern was expressed about ensuring that the maximum repayment for care cannot exceed the value of the house.</p> <p style="text-align: center;">Council Comment – <i>the Deferred Payments Scheme covers this concern.</i></p>
3	Reference to carers allowance not directly relevant to engagement question – but carers allowance is paid to the carer by DWP.	<p style="text-align: center;">Asks a question about the detail of the Deferred Payment scheme rather than a comment on the admin fee or interest charge.</p> <p style="text-align: center;">Council Comment - <i>The question is valid and is covered in the detail of the scheme.</i></p>
4	<p>Comment is not specifically about financial contributions or the deferred payment policy. Asks for reassurance that the Council is committed to undertaking all necessary assessments before making a change to care.</p> <p style="text-align: center;">Council Comment– <i>this is a requirement under our previous and current policy & procedure.</i></p>	None received.
5	Agrees with proposal to seek contributions from service users and decision not to charge carers.	Concern about the Council adding on interest charge to Deferred Payment sum.
6	Agree to proposals but feels all care should be free.	<p style="text-align: center;">Does not agree with having to sell home to pay for care.</p> <p style="text-align: center;">Council Comment- <i>The Deferred Payment scheme provides an option for the person not to sell their home.</i></p>
7	None received.	No comment on engagement questions but request to provide clear public information with worked examples in relation to the Deferred Payments scheme.