

REPORT TO: Executive Board

DATE: 17th June 2021

REPORTING OFFICER: Strategic Director, People

PORTFOLIO: Adult Social Care

SUBJECT: Full cost domiciliary care clients receiving support from two carers

WARD(S): Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 Currently, full cost domiciliary care clients who receive support from two carers are only charged for one carer with the Council covering the cost of the second carer. The purpose of this report is to seek approval to charge these clients for both carers with effect from 1st September 2021.

2.0 RECOMMENDATION: That Executive Board

- i) **Note the contents of the report; and**
- ii) **Approve the plans to charge full cost domiciliary care clients for both carers with effect from 1st September 2021.**

3.0 SUPPORTING INFORMATION

Background

3.1 Executive Board will be aware that within Adult Social Care, a Full Cost Clients Task & Finish Group was established in 2019 to look at full cost clients in residential care and the level of support provided by the Council (which goes beyond the legislative requirements) to those that are deemed able to afford the cost of their own care. In November 2019, Executive Board agreed some changes to practice relating to this group allowing the Council to continue supporting vulnerable people whilst also mitigating the risks to the Council.

3.2 Whilst it has been necessary to put those changes on hold due to the ongoing COVID-19 pandemic (as advised via a briefing to the portfolio holder in November 2020), the Task & Finish Group has re-convened to consider when it would be appropriate to progress with the changes.

3.3 In the course of its work in relation to full cost residential clients, the group had also examined practice relating to domiciliary care clients (as well as those in residential care) and discussions took place in relation to the fact that clients with care provided by two people are only charged for one carer

with the Council paying the Provider for the other carer.

- 3.4 Unfortunately, it has not been possible to identify how this practice has occurred as it is not documented in the Council's ASC Charging Policy (current or previous versions), which states that domiciliary care charges will be based on what it costs the Council to provide the service.

Legislative obligations

- 3.5 With regards to the Council's legislative obligations, the Care & Support Statutory Guidance issued under the Care Act 2014 states:

8.13 A person with more in capital than the upper capital limit can ask their local authority to arrange their care and support for them. Where the person's needs are to be met by care in a care home, the local authority may choose to meet those needs and arrange the care, but is not required to do so. In other cases, the authority must meet the eligible needs if requested. However, these people are not entitled to receive any financial assistance from their local authority and in any case, may pay the full cost of their care and support until their capital falls below the upper capital limit.

- 3.6 When we refer to 'full cost clients' we are referring to those with assets above the upper capital limit (currently £23,250); they are deemed able to afford the cost of their own care and whilst, in the case of domiciliary care, they may ask the Council to arrange services to meet their eligible needs, they are not entitled to receive financial assistance from the Council in doing so.

Impact of changing practice

- 3.7 The financial impact on the Council is significant and charging for the second carer would result in an additional income of £163,811.52 per annum (based on an assessment of clients affected and their planned services as at April 2021). Details of those clients who will be affected by the change are included at appendix 1. In summary, there are 18 full cost clients with two carers and 2 assessed charge* clients with two carers who will see their charges increase when this change is implemented.

**This means they receive means-tested financial support from the Council as they have assets between the lower and upper capital limits of £14,250 and £23,250*

- 3.8 Having identified that the historic practice of only charging for one carer goes over and above the Council's legislative obligations and also considering that Halton's practice is at odds with practice in other local authority areas, it is felt that corrective action now needs to be taken.

- 3.9 It is right that full cost clients should pay for the care they are receiving in line with what they are deemed able to afford under the Care Act. It is also

right that the Council takes steps to receive payment for the costs it is currently incurring in relation to paying for the second carer, especially considering the financial and other challenges faced by the Council in these difficult times.

- 3.10 That said, it is recognised that there will be a significant impact on full cost clients with two carers, as their charges will double and, understandably, this will be met with some dissatisfaction from clients. The Task & Finish Group gave this careful thought and considered whether there was an alternative course of action. Unfortunately, there is not, and it is only fair that full cost domiciliary care clients who are supported by two carers pay what it costs to provide the service they receive just as clients in the same position would in any other area. No other full cost clients in receipt of care (residential or domiciliary) receive subsidy from the council.
- 3.11 It is simply not the best use of finite Council resources to continue subsidising the cost of care for those with assets above the upper capital limit.
- 3.12 In addition, a review of care needs has taken place to determine the reasons why people require support from two carers. In most cases this is a requirement of the equipment that is in place, which necessitates the provision of two carers for health and safety reasons. If it would be possible for the client's needs to be met without two carers, the options will be discussed with the client/their family as part of the consultation process in advance of changes being implemented.

Proposed course of action

- 3.13 Should Executive Board agree that both existing and new domiciliary care clients with two carers who are deemed able to meet/contribute to the cost of their care should pay for both carers (not just one) then it is proposed that the Board approves the following next steps:
- The Task & Finish Group will move towards a **consultation process with affected clients**. This will involve notifying clients about the following:
 - That their charges are set to increase and how they will be impacted individually;
 - What their alternative options are, which could include moving to 24-hour care or arranging their own care package (in either case, it is still likely to be more cost-effective to continue with current arrangements even with the increase);
 - Clarity around the Council's obligations and the fact that social care is not free and what people have to pay is set out in legislation by the government;
 - How the Council will provide support to people as these changes are implemented;
 - Clients will be asked to feedback their views – although the Council needs to implement this change and charge people in

line with what their service costs to provide, feedback as to how this can be managed in the best way to support clients is welcome;

- Clients will also be reminded about deprivation of capital to help avoid any unintentional reduction in assets which could be considered as an attempt to obtain entitlement to funded care and support.
- The consultation will be for a period of eight weeks and it is proposed that this process begins as soon as possible following Executive Board approval. With this in mind, the planned implementation date for the changes to take effect is 1st September 2021.
- In addition, there will need to be **briefings to staff** so that they are fully aware of the changes in order for them to have discussions with clients and answer any queries.
- It may also be necessary to complete **re-assessments** with affected clients to ensure that the most up-to-date information is held (both in relation to finances and care and support needs).

4.0 **POLICY IMPLICATIONS**

4.1 The changes proposed within this report represent a change to current practice, which needs to be carefully managed. Implementing the change is in line with the Council's existing policy relating to charging for adult social care services as well as legislation and practice in other areas.

5.0 **FINANCIAL IMPLICATIONS**

5.1 As outlined at 3.7 above, the financial impact on the Council is significant as it is currently subsidising the cost of domiciliary care by paying for the second carer for those who are deemed able to meet the cost of their own care.

5.2 By correctly charging this client group, the Council will re-coup the cost of approximately £160k per annum (based on data as at April 2021 in relation to current clients and planned services), which will have a positive impact on the overall ASC budget.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

None identified.

6.2 **Employment, Learning & Skills in Halton**

None identified.

6.3 **A Healthy Halton**

The provision of domiciliary care makes an important contribution to the health and social care system in Halton.

6.4 **A Safer Halton**

None identified.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

7.1 This change is very likely to be met with considerable dissatisfaction from clients, particularly those with an existing service who could see their charges double. This will be less the case for new clients, as the charges will be explained correctly at the outset. However, we have to work within the system in place, as set out by the government as part of the Care Act, and this client group is deemed able to afford their own care; if their needs dictate that they require two carers then their charges should reflect the service they receive.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 None identified.

9.0 **REASON(S) FOR DECISION**

9.1 Executive Board approval is required to enable the Council to begin charging full cost domiciliary care clients with two carers for both carers (rather than just one as is currently the case) in line with the Care Act.

10.0 **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

10.1 Continuing to subsidise the cost of domiciliary care provision for those with two carers who are deemed able to afford the cost of their own care is neither fair nor cost-effective. It is simply not equitable that full cost domiciliary care clients with two carers are only paying for one carer, which represents half the cost of the actual package of care.

10.2 Consideration was given to whether clients with two carers could move to single handed care, however, it was felt that two carers would only be put in place for those genuinely in need of assistance of two as determined through the assessment process. As detailed at 3.12, a review of care needs revealed that in most cases two carers are required due to the equipment that is in place and in order to ensure the safety of staff.

11.0 **IMPLEMENTATION DATE**

11.1 1st September 2021.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None.

Appendix 1: Summary of domiciliary care clients with two carers @ April 2021

Full cost clients

Client	Current monthly charge to client for one carer	Actual monthly cost for two carers	Additional monthly charge to client if charged for two carers
1	£153.72	£307.44	£153.72
2	£427.96	£855.92	£427.96
3	£493.80	£987.60	£493.80
4	£768.32	£1,536.64	£768.32
5	£1,037.12	£2,074.24	£1,037.12
6	£1,037.12	£2,074.24	£1,037.12
7	£691.60	£1,383.20	£691.60
8	£1,152.48	£2,304.96	£1,152.48
9	£691.60	£1,383.20	£691.60
10	£230.44	£460.88	£230.44
11	£460.88	£921.76	£460.88
12	£329.28	£658.56	£329.28
13	£230.44	£460.88	£230.44
14	£164.60	£329.20	£164.60
15	£1,037.12	£2,074.24	£1,037.12
16	£1,037.12	£2,074.24	£1,037.12
17	£345.80	£691.60	£345.80
18	£2,015.60	£4,031.20	£2,015.60
Monthly total	£12,305.00	£24,610.00	£12,305.00

Total additional income per annum if clients charged correctly for both carers = £154,114.56

Clients who are full cost due to a high assessed charge

Client	Current monthly charge to client for one carer	Actual monthly cost for two carers	Client's assessed charge (client pays their assessed charge or the full cost – whichever is lower)	Additional monthly charge to client if charged for two carers
1	£921.76	£1,843.52	£1,499.40	£577.64
2	£230.44	£460.88	£597.36	£230.44
Monthly total	£1,152.20	£2,304.40	N/A	£808.08

Total additional income per annum if clients charged correctly for both carers = £9,696.96