

## EXECUTIVE

<b>Date:</b> Wednesday 2nd October, 2024
<b>Time:</b> 12.30 pm
<b>Venue:</b> Mandela Room

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Executive - 4 September 2024 3 - 12

### **THE MAYOR AND EXECUTIVE MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH**

4. Adult Social Care Residential Charging Policy 13 - 44
5. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Tuesday 24 September 2024

### MEMBERSHIP

Mayor C Cooke (Chair) Councillors P Gavigan, T Furness, P Storey, J Thompson, Z Uddin and N Walker

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Scott Bonner / Chris Lunn, 01642 729708 / 01642 729742, [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk) / [chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)**

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**EXECUTIVE**

A meeting of the Executive was held on Wednesday 4 September 2024.

**PRESENT:** Councillor P Storey (Chair), Councillors P Gavigan, T Furness, P Storey, J Thompson, Z Uddin and N Walker

**PRESENT BY INVITATION:** Councillors I Blades

**ALSO IN ATTENDANCE:** S. Arnold (Local Democracy Reporting Service)

**OFFICERS:** S Bonner, R Brown, B Carr, C Cunningham, G Field, A. Glover, C Heaphy, R Horniman and A Humble

**APOLOGIES FOR ABSENCE:** C Cooke - Elected Mayor

24/21 **WELCOME AND FIRE EVACUATION**

The Chair outlined the Fire Evacuation Procedure.

24/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

24/23 **MINUTES - EXECUTIVE - 24 JULY 2024**

The minutes of the Executive meeting held on 24 July 2024 were submitted and approved as a correct record.

24/24 **CORPORATE PERFORMANCE: QUARTER ONE 2024/2025**

The Deputy Mayor and Executive Member for Adult Social Care and Public Health submitted a report on the Mayor's behalf for Executive's consideration. The purpose of the report was to advise Executive of corporate performance at the end of Quarter One 2024/2025, and where appropriate, sought approval of any changes, where those were within the authority of the Executive.

The Council's Scheme of Delegation gave the Executive collective responsibility for corporate strategic performance, together with associated action.

The report provided the necessary information to enable the Executive to discharge its performance management responsibilities, setting out progress against priority performance disciplines and other key associated items, together with actions to be taken to address any issued identified.

The projected financial outturn at Quarter One and 2024/2025, was presented separately to this meeting of the Executive.

As part of continuous improvement in performance and risk management, the Council's Leadership Management Team (LMT) had implemented monthly reviews of corporate performance utilising a Directorate Performance dashboard, drawing data from a range of performance feeder systems.

The output from these sessions was reflected through quarterly updates to the Executive and covering in addition, progress in delivering actions agreed by the Executive, key Directorate performance issues and other performance-related matters.

**ORDERED That Executive:**

1. **Approve the proposed changes to the Executive actions, detailed at Appendix 1**
2. **Approve the proposed changes to the Council Plan workplan actions, detailed at Appendix 3**
3. **Approve the proposed changes to the Council Plan workplan actions, detailed at Appendix 3**

**AGREED That Executive:**

1. **Note the progress and position of the corporate performance disciplines, including the Transformation Portfolio**
2. **Note delivery status of the Council Plan 2024-27 supporting workplan at Quarter One, detailed at Appendix 2**
3. **Note the Strategic Risk Register, at Appendix 4**

**OPTIONS**

**No other options were put forward as part of the report.**

**REASONS**

**To enable the effective management of performance and risk in line with the Council's Local Code of Corporate Governance.**

24/25

**REVIEW OF LICENSING FEES FOR HOUSES IN MULTIPLE OCCUPATION**

The Deputy Mayor submitted a report, on the Mayor's behalf, for Executive's consideration. The purpose of the report was to seek Executive approval for the Houses in Multiple Occupation (HMO) fee structure and reviewed licensing process.

Since 2006, Middlesbrough Council had delivered a statutory (mandatory) licensing scheme for HMOs occupied by five or more unrelated people who shared amenities such as a bathroom, kitchen or living space. This was a duty under Part 2 of the Housing Act 2004. Owners of HMOs were required to submit a licence application and pay a fee. Environmental Health Officers then carried out an inspection of the property to check conditions met safety standards and good management arrangements were in place. Once granted a licence was usually issued for a five-year period. Currently, HMOs were only re-inspected during the five-year period if complaints were made by tenants or others regarding standards or management issues and regulatory action may be necessary. On an annual basis gas safety and electrical safety certificates were required to be submitted to the local authority by the property owners.

HMOs provided more affordable single or double person accommodation and, due to Middlesbrough's demographic, there was a considerable demand for this type of accommodation, particularly from the most vulnerable tenants. HMO accommodation was often used for emergency accommodation for the homeless. The number of HMOs had increased in recent years, providing more accommodation for a growing student market as well as meeting the need for low-cost single-person accommodation.

There were currently around 1,730 people living in around 245 licensed HMOs in Middlesbrough, the majority of these offered a compliant standard of accommodation. There were HMO properties that operated illegally without a licence. These only become known to officers when tenants made complaints or intelligence was shared between regulatory bodies, including review of Council tax records and information sharing with other agencies, such as the Fire Brigade. It was difficult to quantify the extent of unlicensed HMOs.

Local Authorities set their own fees to recover the costs of administrating and enforcing mandatory HMO licensing. The current fee structure (2024/2025) was £755.42 for HMOs with 5 bedrooms plus a further £24.98 for each additional bedroom. This fee was for a five-year licence.

**ORDERED That Executive approve:**

1. **The fee structure set out in paragraph 4.10 of the report and in Appendix 1, and**
2. **The review of the HMO licensing process.**

## OPTIONS

The implementation of a new fee and fee structure would enable the Council to deliver its regulatory requirements and deliver a neutral budget cost-effective licensing scheme. It would also help to deliver the Council's aspiration of providing high quality, affordable housing for all.

The option to 'Do Nothing': this would have resulted in the Council continuing to charge the current fees and applying a single fee scheme which would be contrary to recent legal determination. The HMO licensing scheme would have to operate within the current income received from application fees, with the current staffing resource which would restrict the delivery of the statutory function. To ensure that the licensing function was adequately administered it was likely that public funds would be required. There may also be legal challenge of the current one payment fee structure. The Council may be subject to appeals and associated costs.

## REASONS

The current fee and fee structure for HMO licensing in Middlesbrough comprised of a single payment and, subject to any annual council-wide inflationary increase, the fee had not been reviewed for approximately 12 years. Fees and charges should be reviewed periodically and adjusted to reflect changes in operating costs. The Housing Act 2004 (section 63) enabled Local Authorities to require the payment of a fee to accompany the application for a licence. Fees charged were to cover all costs incurred in the carrying out the licensing function under the Act. The licensing scheme should operate on a full-cost recovery basis with all the costs borne by the licence-holders and no burden placed on the public purse. A review was required to ensure that the staffing resource was adequate for the delivery of the licensing functions and ensure the operating costs of scheme are being met by the income from the licence fee. The following changes in the licensing process had been identified which impacted on the required staffing resource:

- i. A need for interim additional housing inspections during the five-year licence period to ensure the properties were being well maintained and managed.
- ii. The additional work required to ensure that gas safety certificates and electrical safety reports were submitted by property owners to the Council annually or when requested.
- iii. The time taken for the administration of licensing larger HMOs. Historically, larger HMOs had benefitted from comparatively low licence fees, the inspection of larger HMOs took considerably more time than smaller properties.
- iv. Management and enforcement costs.

In relation to the charging structure, the current licence fees were charged as a single payment. In accordance with court judgements, licence fees must be charged in two-parts. A Part 1 payment covered the costs of processing and administering the licence application and the Part 2 payment covers the costs of the ongoing administration, management, investigation of unlicensed properties, compliance checks with licence conditions, officer training and development, enforcement of the licensing scheme and associated overhead costs. The Part 1 application fee was non-refundable should the application be unsuccessful. The income from each HMO licence issued was spread over the five-year duration of the licence.

24/26

## INTEGRATED TRANSPORT STRATEGY

The Executive Member for Environment submitted a report for Executive consideration, the purpose of which was to re-fresh the Integrated Transport Strategy which had been aligned with the updated policy and government strategy. The report and its recommendations supported the wider economic growth of Middlesbrough and the pursuit of external funding to enable delivery.

The Council adopted the Integrated Transport Strategy (ITS) on 12th December 2018 as part of the Strategic Transport Strategy Executive Report.

Since this time, several national policies and technical guidance from Central Government had been formulated and amended, and the Council had undertaken refreshed traffic modelling works. This had been incorporated into the updated ITS document as a refresh to ensure it was relevant. It was recommended that the Council approves the updated strategy document to ensure that the Council could deliver its objectives in a prudent manner, as set out within the strategy.

**ORDERED That Executive approve the updated Integrated Transport Strategy.**

### **OPTIONS**

**Do nothing.** If the Council did not approve and endorse the updated ITS, this would have resulted in a significant challenge to delivering future sustainable transport programmes across Middlesbrough, due to an approved strategy not being in place.

**Not having an approved strategy in place,** could indicate that the Council had not considered mitigation measures to support new transport and housing schemes across the town. This would result in a disjointed approach between local, regional and national approaches to facilitate economic growth; presenting a weaker methodology for seeking funding from future external funding sources.

### **REASONS**

The approval would reference changes to Government policy and strategy since the formation of the approved strategy in 2018; allowing the Council to deliver and develop infrastructure that better met the needs of Middlesbrough.

This would support the wider economic growth of Middlesbrough, and the pursuit of external funding to enable delivery.

24/27

### **REVENUE AND CAPITAL BUDGET - FORECAST OUTTURN POSITION AT QUARTER ONE 2024/25**

The Executive Member for Finance and Governance submitted a report for Executive's consideration. This purpose of the report was to discharge the responsibilities of the Executive to manage and control of the revenue budget, capital programme and overall reserves position of the Council.

The Council's Scheme of Delegation gave the Executive collective responsibility for corporate strategic performance and financial management / monitoring, together with associated actions. Standing Orders and Financial Procedures required the Executive's approval for major virements between revenue budgets, and in-year changes to the Council's Capital Programme within approved Council resources.

The report enabled the Executive to discharge its financial management responsibilities by setting out the:

- General Fund Revenue Budget forecast outturn at Quarter One;
- Statement of the Council's projected reserves and provisions at Quarter One
- Capital Programme forecast outturn at Quarter One;
- Statement of the Council's borrowing and prudential indicators;
- Statement to monitor the level of debt owed to and to be recovered by the Council;
- Actions that the Council has taken and plans to take in order address the issues
- Identified.

Financial Procedure Rule 1.37 required Executive's approval of the proposed revenue budget virements as set out in Appendix 3 of the report.

Section 25 of the Local Government Act 2003 required the Chief Finance officer to report on the robustness of the budget estimates and the adequacy of the financial reserves to Council in agreeing its annual budget and precept for the forthcoming financial year. The Chief Finance Officer was as defined in S151 of the Local Government Act 1972 and was fulfilled by the Director of Finance.

The Director of Finance (S151 Officer) presented her Section 25 Report to the Executive as part of the 2024/25 Revenue Budget, Medium Term Financial Plan, and Council Tax setting report to Executive on 28 February 2024 which was then approved by Council on 8 March 2024. The report set out the basis upon which the revenue budget was considered to be robust and the basis upon which reserves were considered adequate, being dependent upon the approval of Exceptional Financial Support (EFS) by the Ministry of Housing, Communities and Local Government (MHCLG) (formerly DLUHC) as summarised in the report:

The Council's financial position remained critical and its ability to control expenditure within the approved 2024/25 budget, whilst developing further savings and income generating opportunities through the Recover, Reset, Deliver Transformation Portfolio in order to balance the MTFP, would be crucial to stabilising the Council's financial position and rebuilding its financial resilience. This required the delivery of all approved £13.9m of 2024/25 savings plans in full.

The Council had achieved significant improvement in its financial position from that which existed at the start of the 2023/24 financial year. However, it continued to spend above its available income sources as reflected by the forecast year end overspend of £3.742m for 2024/25, after using £4.7m of EFS to balance the budget. The further challenges of delivering a balanced budget in 2025/26 to 2028/29 were set out in the Medium-Term Financial Plan (MTFP) report, with a projected budget gap currently of £7.864m in 2025/26 rising to £8.749m in 2028/29. It was advised both the MTFP report, and this report, should be read together to fully understand the context within which the Council is operating and the challenges it faces.

The Executive Member for Finance and Governance advised Executive that a slight amendment to Appendix 3 had been made concerning proposed Revenue Virements over £250,000. The virement of £0.732m for the Integrated Transport Unit should read from Education and Partnerships to Central Budgets rather than Environment & Community Services to Central Budgets

**ORDERED That Executive:**

- 1. Approve the amendment to Appendix 3 of the report.**
- 2. Approve the proposed revenue budget virements over £250,000 as detailed in paragraph 4.13 and Appendix 3 of the report.**
- 3. Approve the inclusion of additional expenditure budgets to the Capital Programme totalling £8.973m for 2024/25 which were externally funded (detailed in Appendix 9). Subject to approval this would increase the approved 2024/25 Capital Programme budget to £106.188m.**
- 4. Approve proposed virements over £250,000 between schemes in the 2024/25 Capital Programme approved by Council in March 2024 which were funded from within existing Council resources (detailed in Appendix 9 and paragraph 4.37).**

**AGREED That Executive:**

- 1. Note the forecast 2024/25 revenue outturn as at Quarter One of £146.932m against an approved budget of £143.190m, a forecast year-end overspend of £3.742m (2.6%) summarised below and detailed in Table 1 of the report,**
- 2. Note the progress on savings delivery set out in Tables 2 and 3 and Appendix 4 of the report.**
- 3. Note that the Council was dependent upon Exceptional Financial Support (EFS) in 2024/25, approved in principle by the Ministry of Housing, Communities & Local Government (MHCLG) of up to £13.4m of one-off borrowing, the costs which were factored into the MTFP. Of this sum £4.7m had been utilised to achieve a balanced budget in 2024/25 (paragraph 4.5) of the report.**
- 4. Note that it was essential that all available measures were taken by management to control revenue expenditure within the approved budget, given that the Quarter One forecast overspend, if realised would require further £2.498m of EFS borrowing to fund slippage in savings delivery and £1.244m call upon revenue reserves. Both EFS and reserves could only be used once, and the financial pressure would remain in 2025/26 to be addressed.**
- 5. Note that based upon the Quarter One forecast outturn, the forecast revenue balances at 31 March 2025 would be lower than recommended in the approved**

**Reserves Policy at £17.670m:**

- General Fund Reserve of £11.1m (minimum recommended)
  - Council's unrestricted usable earmarked reserves of £6.570m
6. Note the 2024/25 Capital Programme forecast year end outturn of £99.698m at Quarter One, which was a reduction of £6.490m (6.1%) from the revised £106.188m budget for 2024/25 comprising:
    - An underspend on projects of £3.223m
    - Slippage on projects of £3.267m into 2025/26 and 2026/27
  7. Note that a full review and reprofiling of the Capital Programme would be undertaken during Quarter Two including the establishment of a Capital Programme Board to provide improved management of the Council's Capital Programme and its financing.
  8. Note the Treasury Management forecast outturn position with respect to the Council's prudential indicators as set out in paragraphs 4.46 to 4.54.
  9. Note the current forecast deficit of £5.501m for 2024/25 relating to the High Needs Block with the Dedicated Schools Grant which increases the forecast cumulative deficit to £19.794m at 31 March 2025.
  10. Note the recovery actions and risks to the Council's financial resilience set out in paragraph 4.30 to 4.33 and Appendix 8.
  11. Note the level of Collection Fund and General Fund Debtors at 30 June 2024 as follows (paragraph 4.57 to 4.59):
    - Council Tax £35.790m
    - Business Rates £6.731m
    - Sundry Debt £11.565m
    - Housing Benefit Overpayments £6.427m

**OPTIONS**

No other options were put forward as part of the report.

**REASONS**

To enable the effective management of finances, in line with the Council's Local Code of Corporate Governance, the Scheme of Delegation and the Council's financial regulations.

24/28

**INITIAL MTFP 2025/26**

The Mayor and Executive Member for Finance and Governance and the Executive Member for Finance and Governance submitted a report for Executive's consideration. The purpose of the report was to set out the financial framework and timetable within which Officers would work with the Mayor and the Executive to develop the 2025/26 budget and MTFP to 2028/29.

In common with all local authorities, the Council continued to operate within a difficult and uncertain economic environment. The ongoing impact of high inflation in recent years combined with increased demand and the complexity of needs of vulnerable residents in the wake of the COVID-19 pandemic together with the Cost of Living Crisis, continued to place significant pressure upon service budgets.

The sector continued to face uncertainty in relation to financial support that may be available from Central Government over the medium term. As detailed in paras 4.13 and 4.14 of the report, His Majesty the King's Speech to Parliament on 17 July 2024 outlined a number of areas affecting local government, and the Chancellor had also announced that the Government would deliver the next Budget on 30 October 2024.

The report was the first stage of the budget development strategy for the four-year period 2025/26 to 2028/29. It built upon the MTFP approved by Council on 8 March 2024, the 2025/26 Budget and MTFP Approach and Timetable report to Executive 22 May 2024, the 2023/24 financial outturn reported to Executive on 26 June 2024, and the 2024/25 forecast financial position at Quarter One. The report set out the financial framework and timetable within which Officers would work with the Mayor and Executive, with input from the cross-party Financial Resilience Working Group (FRWG) to develop budget proposals that will deliver the Council Plan within available resources.



In summary, the Council continued to spend in excess of its annual income streams and needed to successfully address the challenge of delivering within its financial means in order to set a legally balanced budget for 2025/26 and longer term financial sustainability.

The current financial position was summarised as follows:

- The 2023/24 General Fund revenue outturn was an overspend of £3.594m (2.8% of Net Revenue Budget).
- The MTFP covering the three-year period 2024/25 to 2026/27 was approved by Council on 8 March 2024.
- The 2024/25 General Fund revenue budget could not be balanced in the usual way. The Council relied upon £4.7m of one-off borrowing through Exceptional Financial Support (EFS) approved in principle by the Ministry of Housing Communities and Local Government (MHCLG) (formerly DLUHC) in order to set a legally balanced budget of £143.190m for 2024/25 and to avoid the s151 Officer being required to issue a s114 Notice. The EFS falls out in 2025/26 and therefore contributes to the ongoing budget gap referenced in this report.
- A further £8.7m of one-off borrowing via EFS was approved in principle to cover potential risks in the budget and MTFP relating to the timing of savings delivery and realisation of capital receipts during 2024/25. This was required in order for the s151 Officer to assess the budget and MTFP as robust in the light of risks facing the Council and given its critically low revenue reserves which would be insufficient to cover those risks if they crystallised and this was addressed in the s151 Officer's s25 report to Council.
- The forecast revenue budget overspend at Quarter One of 2024/25 was £3.742m as detailed in a separate report on this Executive agenda. Within this sum, £2.498m was due to savings that may not be delivered in 2024/25 for which EFS of up to £3.5m would be used in 2024/25 to fund the overspend in order to protect the critically low revenue reserves. The £3.742m would be added to the 2025/26 budget gap and therefore it was imperative that those savings were delivered through the original plans or alternative proposals on an ongoing basis. The balance of the 2024/25 overspend of £1.244m, if not controlled, would need to be covered by revenue reserves.
- The 2024/25 MTFP incorporated new savings projects totalling £13.910m in 2024/25, and a further £5.151m in 2025/26 and £1.967m in 2026/27 which was a significant challenge for the Council to deliver successfully. However, a budget gap of £7.474m remained in 2025/26, rising to £7.965m in 2026/27.
- The Council's Reserves had been significantly depleted in recent years to fund overspending. The General Fund Balance stood at £11.1m at 1 April 2024 and unrestricted earmarked reserves stood at £9.280m after realising a Collection Fund surplus of £8.3m following a review of the bad debt provision. This was very low when compared to other unitary authorities nationally.
- There was a need to rebuild reserves to strengthen the Council's financial resilience and sustainability in the medium to long term, enabling it to withstand unforeseen financial shocks and plan investment in services more effectively. Strengthening the Council's financial resilience was one of the 11 statutory recommendations made by the External Auditor in August 2023 and was also a requirement of the Best Value Notice issued by MHCLG in January 2024 and was critical to stabilising the Council's financial future.

The 2024/25 MTFP, approved by Council on 8 March 2024, was summarised in Table 1 of the report.

#### **AGREED That Executive:**

1. **Note the current projected budget gap of £7.864m in 2025/26 rising to £8.749m in 2028/29 (Table 7 and paragraphs 4.29 to 4.33).**
2. **Note the revised budget preparation timetable set out in Appendix 2.**

#### **OPTIONS**

**The Council was required by law to set a balanced budget and this report set out the development process and timeline for achieving that objective. Therefore, no other options were put forward as part of the report.**

## REASONS

All Council Members had a legal obligation to agree a balanced robust budget and set the Council Tax by 11 March 2025. In addition, the Council had a Best Value duty to demonstrate financial sustainability through the delivery of a balanced Medium Term Financial Plan (MTFP) over a period of at least 3 years. The setting of the budget was part of the budget and policy framework and therefore required Full Council approval scheduled for 19 February 2025.

The Council was required to take a systematic, coherent, and controlled approach to addressing its ongoing financial challenges over the medium-term, while enabling the delivery of the Mayor's vision and priorities for Middlesbrough through delivery of the wider Council Plan.

24/29

## VULNERABILITY POLICY

The Executive Member for Finance and Governance submitted a report for Executive's consideration, the purpose of which was to address inconsistencies, updates and presentational issues that required minor amendments to the current policy.

The Council recognised that some residents may be regarded as vulnerable for a variety of reasons and required support to repay any debts owed. There was no strict definition of 'vulnerable', although the policy did provide some information around a number of scenarios where this may have applied. The list was not exhaustive, and it would be for officers to determine if someone was presenting as vulnerable. Once a resident had been identified as vulnerable, and thus requiring support, that an alternative approach to debt recovery should be considered.

The three-year review provided the opportunity to refresh the policy and make the necessary amends. During the operational period of the policy, the Council had implemented the Welfare Strategy which brought together a number of services to provide a wide range of support for residents. This provided further assistance to the most vulnerable and would not only maximise income through the identification of any unclaimed benefit entitlement, but also provided wider opportunity to reduce debts through any free advice or available grant funded opportunities (such as discretionary housing payments or household support funding).

Through early intervention, alternative options for repayment of debt could be discussed and agreed and this may have extended to working with a third party or liaising with a relative as and when required.

The minor amendments to the policy as outlined in paragraph two would ensure that the current process for recovery remained transparent and consistent. This policy would continue with the principle that residents should only be required to pay what they can afford, whilst ensuring the debt is repaid in the long term.

## ORDERED

**That Executive approves the refresh of the policy to address inconsistencies, updates and presentational issues that require minor amendments. The amendments were:**

- **Update the policy to reflect the way in which assistance was provided to those who were hard of hearing / deaf. This would be achieved through the use of British Sign Language interpreters and utilised for the resident via their agreed method of communication e.g. face to face, online etc;**
- **Reference to the Council's welfare strategy as this strategy was not formally in place when the previous Vulnerability policy was agreed;**
- **Confirmation that vulnerable residents would be signposted to the Benefits or Welfare Rights services to ensure that their income was fully maximised to support the repayment of any outstanding debts**

## OPTIONS

**Leave the policy unaltered: although the policy did not make any reference to the Welfare Strategy which was pivotal to the way in which debt recovery was now**

undertaken.

The current policy did not make any reference as to how those who were hard of hearing or deaf would be treated which should be a consideration. In addition, the existing policy did not provide confirmation of how the Council can support residents to maximise benefit entitlement through the identification of any unclaimed benefits.

#### REASONS

The policy was a key decision that impacted on two or more wards and as such required Executive approval.

That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance and the Executive Member of Finance and Governance to reflect the financial / economic climate as necessary.

The updated policy upholds good practice within democratic processes and enables the refreshed policy to maintain visibility with the Executive.

The minor amends would result in no changes to the threshold to services and support provided.

Delegated authority to the Director of Finance and Executive Member of Finance and Governance to approve future minor modifications to the policy-maintained service operation levels. As a working policy, failure to keep pace with new legislation or working practices left the Council at risk and can result in inconsistent practices.

The proposals provided clarification and ensured vulnerable residents had a clear understanding of the Council's approach to any outstanding debts and the support that they will be provided with.

24/30

**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.

All decisions will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures.

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Finance and Director of Adult Social Care and Health Integration
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<b>Relevant Executive Member:</b>	The Mayor and Executive Member for Adult Social Care and Public Health Executive Member for Finance and Governance
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	2 October 2024
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<b>Title:</b>	Residential Charging Policy
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Council Plan Priority:</b>	A Healthy Place & Delivering Best Value
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	Non urgent report
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#### **Proposed decision(s)**

That Executive approves the Residential Charging Policy to take effect from 7 October 2024.

That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance and the Director of Adult Social Care and Health Integration, and the Executive Member for Finance and Governance and the Executive Member of Adult Social Care and Public Health to maintain effective service delivery and reflect revisions brought about by regulatory and/or statutory guidance changes.

#### **Executive summary**

The assessment of the financial contribution for residents who require care in residential care homes is administered in line with the Care and Support (charging and assessment of resources) Regulations 2014.

The Care Act 2014 provides a legal framework for charging for care and support under Sections 14 and 17. It also provides the Local Authority with the option to charge a person when entering into residential care and the policy outlines how this will be achieved.

The Statutory government guidance is in place to ensure that all charges are fair and service users' incomes are not reduced below defined limits resulting in service users being unable to pay. This policy has been produced in accordance with that guidance.

The Regulations set out the legal and regulatory context, the financial assessment process and the review and appeals process for residential charging. It provides a fair and transparent framework consistent with the Council's wider fees and charges and debt management protocols.

The Residential Charging Policy is subject to a regular 3-year review to ensure that it reflects any changes in legislation and provides clarity and guidance.

## **1 Purpose**

1.1 To approve the Residential Charging Policy.

## **2. Recommendations**

2.1 That Executive approves the Residential Charging Policy to take effect from 7 October 2024.

2.2 That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance and the Director of Adult Social Care and Health Integration, and the Executive Member for Finance and Governance and the Executive Member of Adult Social Care and Public Health to maintain effective service delivery and reflect revisions brought about by regulatory and/or statutory guidance changes.

## **3. Rationale for the recommended decision(s)**

3.1 The Policy is a key decision that impacts on two or more wards and as such requires Executive approval.

3.2 The policy upholds good practice within democratic processes and enables the proposed policy to maintain visibility with the Executive and provide residents with a clear understanding of how a stay in residential care will be assessed from a financial perspective.

3.3 The proposed policy will result in no changes to the threshold to services and support provided, however will further strengthen current working arrangements should any queries arise in respect of any financial assessment.

3.4 The proposed policy provides clarification to residents with simplified and clear details of how the income, savings and property will be financially assessed should an individual require care in a residential setting.

3.5 That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance and the Executive Member of Finance and Governance and the Director of Adult Social Care and Health Integration and Executive Member for Adult Social Care and Public Health to reflect revisions brought about by regulatory and/or statutory guidance changes.

#### **4. Background and relevant information**

4.1 Central Government provide Local Authorities with Statutory Guidance issued under the Care Act 2014 in respect of a single legal framework for charging for care and support under sections 14 and 17. The Act is supported by the Care and Support Regulations (Statutory Instruments) and Care and Support Guidance and Annexes issued under the Care Act 2014 which Local Authorities must follow when charging individuals for their care and support needs.

4.2 The Residential Charging Policy will ensure that the current process for charging is transparent and consistent. This policy will continue with the principle that residents should only be required to pay what they can afford and in turn, be entitled to financial support through a means tested financial assessment.

4.3 The policy sets out procedures for claiming financial help with residential social care charges. The policy will safeguard the interest of local taxpayers by ensuring the financial assessment process will include a welfare benefit check to ensure full entitlement is claimed. This will be undertaken initially by the Financial Assessment Team and if necessary, Welfare Rights. This will ensure the cost of care to the Council is minimised should unclaimed benefits be identified.

4.4 An improvement to the application process has also been introduced for both residential and non-residential financial assessments. Through the use of an e-form, financial assessment information is gathered quickly, and online which speeds up the process for assessing the cost of care packages. This approach improves the governance process as the information is held centrally, and only information necessary to process the assessment is gathered. Consequently, this has reduced the need for visits to residential care homes which historically has been necessary to gather the relevant information. The approach is extremely effective and efficient.

4.5 Where service users are unable to access online solutions, the service continues to provide residential care visits for vulnerable groups.

#### **5. Other potential alternative(s) and why these have not been recommended**

5.1 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 to charge a person when it is arranging to meet a persons care and support needs. The implementation of a Residential Charging Policy provides residents or service users with clear guidelines around the assessment process or how to appeal should they disagree with the assessment carried out therefore minimising the risk of challenge.

5.2 The Council does have the option not to implement a policy and do nothing. The Financial Assessment team would still work within the Care and Support Regulations (Statutory

Instruments) and Care and Support Guidance and Support Annexes issued under the Care Act 2014 but may be open to challenge by residents as no Policy would be in place.

## **6. Impact(s) of the recommended decision(s)**

### **6.1 *Financial (including procurement and Social Value)***

6.1.1 There is no additional cost to the Council in respect of the implementation of this policy as income assessment levels have not changed. However, as detailed in para 4.3, under this policy, the financial assessment process will include a welfare benefit check to ensure full entitlement is claimed, ensuring that the cost of care to the Council is minimised should unclaimed benefits be identified.

6.1.2 The proposals provide specific timescales for undertaking financial assessments which in turn provides clarity around the actual cost to the council/service user and supports the improvement of budgetary control processes.

### **7.2 *Legal***

7.2.1 The assessment is undertaken in accordance with the Care and Support Regulations (Statutory Instruments) and Care and Support Guidance and Annexes issued under the Care Act 2014.

7.2.2 There are no other legal implications around this policy.

### **7.3 *Risk***

7.3.1 The Residential Charging Policy ensures that there is adequate governance in place to comply with all relevant legislation and the Council does not breach governance requirements or fail to deliver organisational priorities (Risk 08-054). In addition, a 3 year review ensures that the Council continues to effectively refresh and amend the scheme to comply with legislative changes (Risk 08-055).

### **7.4 *Human Rights, Public Sector Equality Duty and Community Cohesion***

6.4.1 There are no disproportionate adverse impacts on any group or individuals with characteristics protected in UK equity law.

### **7.5 *Climate Change / Environmental***

7.5.1 There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues.

### **7.6 *Children and Young People Cared for by the Authority and Care Leavers***

7.6.1 This policy will have no impact on children and young people cared for by the Authority and Care Leavers.

### **7.7 *Data Protection***



7.7.1 The collation and use of personal data will be managed in accordance with the Council’s Data Protection policy and the Adult Social Care Privacy Notice [Privacy notice - Adult Social Care | Middlesbrough Council](#)

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
The Residential Charging Policy will published on the Council’s website	Janette Savage	30 October 2024

**Appendices**

- Appendix 1 - Residential Charging Policy
- Appendix 2 - Checklist
- Appendix 3 - Impact Assessment

**Background papers**

No background papers were used in the preparation of this report.

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## **Residential Charging Policy**

**Live from: 02.10.24**

**Live until: 02.10.27**

<b>Title</b>	Residential Charging Policy		
<b>Creator</b>	Author(s)	Martin Barker	
	Approved by	Janette Savage	
	Department	Resident and Business Support Adult Social Care Finance	
	Service area	Resident and Business Support Adult Social Care Finance	
	Head of Service	Janette Savage	
	Director	Debbie Middleton	
<b>Date</b>	Created	01 August 2024	
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<b>Contributor(s)</b>	Head of Resident and Business Support, Strategic Business Manager, Head of Strategy, Information and Governance (SIRO), Governance and Information Manager, Data Protection Officer, Head of Access and Safeguarding (Adult Services)		
<b>Subject</b>	Charges for Residential Services		
<b>Type</b>	Policy		
	Vital Record		EIR
<b>Coverage</b>	Middlesbrough Council		
<b>Language</b>			
<b>Document Control</b>			
<b>Version</b>	<b>Date</b>	<b>Revision History</b>	<b>Reviser</b>
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0.1	09.08.24	J Savage Head of Resident and Business Support	
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## 1. Introduction

1.1 Middlesbrough Council is committed to ensuring every resident in a care home setting receives all the financial support they are entitled to, in accordance with the Council's financial regulations and the Care Act 2014.

1.2 This policy sets out the legal and regulatory context, the financial assessment process and the review and appeals process for residential charging. It provides a fair and transparent framework consistent with the Council's wider fees and charges and debt management protocols.

Any conflict between the policy and legislation will be resolved by reference to the legislation.

## 2. Overview

2.1 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 to charge a person when it is arranging to meet a person's care and support needs. The framework is intended to make charging fairer and more clearly understood by everyone.

2.2 The Statutory government guidance is in place to ensure that all charges are fair and service users' incomes are not reduced below defined limits resulting in service users unable to pay. This policy has been produced in accordance with that guidance.

## 3. Scope

3.1 The policy provides clear guidance for all Council officers, partners and Middlesbrough residents on the Council's approach to ensure consistency of assessment, fairness and clear and transparent charging for residential care.

3.2 It also promotes wellbeing, social inclusion, and supports the Council's vision for social care of personalisation, independence, choice and control having regard to the principles provided in the statutory guidance.

## 4 Legislative and Regulatory Framework

### Legislative and regulatory framework

The key elements of the legislative and regulatory framework are set out below:

<b>The Care and Support (Charging and Assessment of Resources) Regulations 2014</b>	Provides the local authority with the legal authority to set local social care charges.
<b>Care and Support Statutory Guidance, Department of Health, 2014</b>	Provides Local Authorities with a framework to ensure that care charging policies are fair, reasonable, transparent and consistent.
<b>The Care Act 2014</b>	Provides a single legal framework for charging for care. Where a local authority arranges care and support to meet a person's needs, it may charge the adult, except where the

	<p>local authority is required to arrange care and support free of charge (for example Section 117 or CHC funded cases)</p> <p>This framework is intended to make charging fairer and more clearly understood by everyone.</p>
<b>Equality Act 2010.</b>	The 2010 Act is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age.
<b>General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)</b>	<p>The GDPR / DPA2018 place a duty on local authorities to comply with the data protection principles relating to processing of personal data:</p> <p>(1)(a) Lawfulness, fairness, and transparency;</p> <p>(1)(b) Purpose limitation;</p> <p>(1)(c) Data minimisation;</p> <p>(1)(d) Accuracy;</p> <p>(1)(e) Storage limitation;</p> <p>(1)(f) Integrity and confidentiality (security);</p> <p>(2) Accountability (including the rights of data subjects).</p>
<b>Freedom of Information Act (FOIA) 2000</b>	Under the FOIA, a local authority has a duty to make information available to the public upon request, unless specific exemptions apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme.
<b>Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)</b>	The Acts establish requirements for the management of records and information and gives implied authority to share certain kinds of information with partners.
<b>Care Act 2014 and Statutory Guidance Annex D</b>	The Act by which the local authority is authorised to charge for social care support; and the rules imposed on the local authority regarding recovery of such debt.
<b>Family Law Act 1996</b>	An Act of Parliament governing divorce and marriage.
<b>Tribunal Courts and Enforcement Act 2007</b>	An act which makes provision for tribunals and inquiries, particularly relating to the enforcement of judgments and debts.
<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>	RIPA governs the use of covert surveillance by public bodies.

This policy will provide assurances to residents that the Council is complying with all elements of the Care Act 2014 and provide a formal document for reference should the need for residential care occur in the future.

The policy will be formally be reviewed every three years, or sooner if revised legislation is laid down by Central Government.

Other Council Policies, Procedures and Standards.

This policy should be read in conjunction with other policies and is not intended to replace any. Should any conflict arise, those existing policies will be given priority where appropriate to do so noting item 6 above.

Data Protection Policy	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
Records Retention Schedule	This defines how long different records should be retained to comply with legal, regulatory or other requirements and the proper arrangements for archiving and destruction.
Records Management Policy and supporting procedures	This provides a framework for ensuring that the Council's records are well kept and that the systems used to hold them are fit-for-purpose.
Information Security and Infrastructure Security Technical Policies	These set out policies and standards for the management and maintenance of the security of Council infrastructure and applications.
Vital Records Standards	This sets out how vital records will be identified and the steps to be taken to ensure their protection and preservation.

## 5. General Principles

**5.1** For Council-arranged residential and nursing care home placements that have to be assessed to meet a person's needs, charges will apply, except where the Council is required to arrange care and support free of charge. For example Section 117 or CHC funded cases. These charges will commence from the date when the fund has been agreed following a care needs assessment.

**5.2** The following types of care and support must be arranged free of charge by the Council, as per the statutory guidance:

- Intermediate care, including reablement, which will be provided free of charge for up to six weeks.
- 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.
  - More broadly, any services which the Council is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
  - Assessment of needs and care planning may also not be charged for, since these processes do not constitute "meeting needs".



- Joint funded services – service users will be required to contribute towards the total cost of the services funded by the Council.

## **6. Temporary Care**

**6.1** A full financial assessment will be carried out for temporary care services. There may be additional sums allowed as part of the financial assessment for ongoing home expenses.

When one partner of a couple enters temporary care, the Council will try to ensure that the spouse remaining at home will be left with sufficient funds to enable them to meet their day to day living expenses.

## **7. Respite Care**

**7.1** For periods of respite care, a standard charge per night is applied where the Council has funded a placement. A financial assessment can be requested should a service user be unable to afford the charge.

## **8. Couples (as defined under the Care Act)**

**8.1** Where only one of a couple is a service user and the couple elects to be assessed individually, then the Council will only have regard to the resources of the service user, unless there are reasonable grounds to suggest that a partner has a resource to which the service user has a legal entitlement e.g. the service user lacks capacity, and their income is being paid directly to the partner. In these circumstances this resource may be taken into consideration.

**8.2** Where the stay in a care home is on a temporary basis, and it would be financially beneficial for the service user and their partner to be treated as a couple then the service user can request a “better off” financial assessment to be undertaken.

## **9 Financial Assessment**

**9.1** A means-tested financial assessment will be undertaken for all service users who receive residential services to establish their ability to contribute towards the services they receive.

**9.2** The financial assessment will be carried out by an appropriate officer within 28 days providing all the supporting evidence is available.

**9.3** If a service user declines a financial assessment or refuses to disclose full financial information, they will be required to pay the full cost of their residential care services. Any requests for a backdated assessment will only be considered from when the care needs assessment was requested and payments would be made to the provider.

**9.4** The basis of the financial assessment is to ensure that service users have sufficient money to meet their residential care costs.

**9.5** The financial assessment will consist of:

- a. An assessment of capital and income
- b. An assessment of disregards and personal allowances
- c. A comprehensive benefit check

**9.6** The application form can be completed online at: <https://www.middlesbrough.gov.uk/asc-financial-assessment> or in some circumstances, a visit can be arranged for the those residents who are considered vulnerable, as outlined in the Council's Vulnerability Policy <att1018260.pdf> ([middlesbrough.gov.uk](https://www.middlesbrough.gov.uk)).

**9.7** Confirmation of charges will be sent in writing or by electronic means following the completion of the financial assessment and any additional checks that may be necessary. Care charges will apply from the date of when the care needs assessment has been completed and funding has been agreed.

**9.8** Service users will be informed as to the calculations on which the assessment was based. Any changes to income or circumstances that may impact upon any contribution must be reported within 14 days of the change. Service users can request a financial assessment review at any time if they believe their circumstances have changed.

**9.9** Failure to report a relevant change of circumstances will result in the service user being invoiced for the increased contribution from the date that the change occurred once this has been identified by the local authority.

**9.10** Whilst the Council will undertake an annual review of all assessments, residents should report all changes in their family unit or financial circumstances straight away to prevent any overpayments occurring. Should any changes result in an overpayment due to an undeclared change in circumstances, the Council reserves the right to recover such funding from a resident.

## **10. Assessment of Capital**

**10.1** The majority of capital is considered in the financial assessment. The following list contains the main capital types that are included; however, this list is not exhaustive:

- Bank / Building Society balances
- Stocks and Shares
- Premium Bonds
- National Savings Certificates
- Income from any Trust Funds (except for any personal injury funds administered by the High Court, the County Court or the Court of Protection, which income is disregarded)
- The value of the service user's interest in a property that is not their main or only home (the circumstances surrounding this would be considered and legal advice sought on a case-by-case basis if required).
- The service users own property depending on their circumstances (see paragraph 15 below regarding deferred payments)

**10.2** Capital limits are set as :

- The lower limit £14,250 (£28,500 for a couple) below which capital is disregarded in full.
- The upper limit £23,250 (£46,500 for couples) from which point the full cost for services provided will apply, and this may also include an arrangement fee.
- Services users with capital between the upper and lower capital limits will be treated as having a "tariff" income of £1 for every £250 or part thereof.

**10.3** The value of investment bonds will generally be included in the financial assessment as a capital asset. The main exception to this will be where the bond includes one or more elements of life insurance policies that contain cashing-in rights for total or partial surrender, in which case the value of these rights will generally be disregarded.

The Council recognises that investment bonds can be complex, and it retains the discretion to consider the treatment of these on a case-by-case basis.

## **11. Treatment of Income**

**11.1** The majority of income (which also includes most benefits) will be taken in account and are shown below. It should be noted that this list is not exhaustive.

- Attendance Allowance
- DLA Care Component
- PIP Daily Living Component
- Carers Allowance
- Employment and Support Allowance
- Incapacity Benefit
- Severe Disablement Allowance
- Income Support
- Job Seekers Allowance
- Pension Credit
- State Retirement Pension
- Industrial Injuries Disablement Benefit
- Occupational (work) Pensions \*
- Universal Credit (less Payments made for housing costs)
- Income generated from a Personal Injury Award will be included in full whether paid as a lump sum capital payment, monthly income or interest payments.

**11.2** Occupational pensions are fully taken into account in the financial assessment unless an individual is paying half of their occupational pension, personal pension or retirement annuity to their spouse or civil partner in which case the Council will disregard 50% of its value.

11.3 For those who have purchased an annuity with a loan secured on their main or only home, this is known as a 'home income plan'. Under these schemes, a person has purchased the annuity against the value of their home – similarly to a Deferred Payment Agreement.

11.3 In order to qualify for the disregard, one of the annuitants must still be occupying the property as their main or only home. This may happen where a couple has jointly purchased an annuity and only one of them has moved into a care home. If this is not the case, the disregard will not be applied.

## **12. Disregarded income**

**12.1** There are some income types that are fully disregarded – these include:

- All income from earnings or self-employed income
- Child Tax Credit
- Child Benefit (except in circumstances where the adult is accompanied by the child for whom Child Benefit is paid, and accommodation is provided for that child under the Care Act)
- DLA Mobility Component
- PIP Mobility Component

- War Disablement Pension
- War Pensioners Mobility Supplement
- War Widows Payments
- Guaranteed Income Payments made under the Armed Forces Compensation Scheme to disabled ex-service personnel.
- Charitable or Voluntary Payments
- Fostering Allowance
- New Deal payments linked to work-based activity.

### **13. Notional Income**

**13.1** There are instances where a person(s) may be treated as having income even if they do not. This is known as notional income. This might include:

- Income that would be available on application, however, has not yet been applied for
- Income that is due but not yet received
- Income that the service user has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care
- Where a service user who has reached retirement age and has a personal pension plan but has not purchased an annuity or arranged to draw down the equivalent maximum annuity income that would be available from the plan

### **14. Deprivation of Assets**

**14.1** Following investigation by the relevant officer is found that there is evidence that would suggest a service user has deliberately given away or disposed of assets (capital or income) in order to avoid care charges, then the Council will treat that person as still having those assets.

### **15. Treatment of Property**

**15.1** The value of a person's or only home (property) must be disregarded where:

- They are in a care home but the stay is temporary and either they intend to return to their home or they are selling it in order to buy a more suitable home
- They are in a care home but their home is occupied wholly or in part by a 'qualifying relative' (defined below), as their main or only home provided they have been occupying it continuously since before the person went into the care home
  - A 'qualifying relative' is:
    - The person's partner, former partner or civil partner, spouse, except where they are estranged
    - A lone parent who is the person's estranged or divorced partner
    - A relative defined who is either aged 60 or over, or is a child or is incapacitated
    - A relative is a:
      - Parent
      - Son
      - Daughter
      - Grandparent
      - Grandchild
      - Uncle
      - Aunt

- Nephew
- Niece

**15.2** In certain circumstances, the council can exercise discretion in allowing a disregard of the property, although there will need to be a balance when using this discretion with ensuring a persons assets are not maintained at public expense. A property may be disregarded if it can be proven that it is:

- The sole residence of someone who has given up their own home in order for the person who is now in a care home or
- The sole residence of an elderly companion of that person.

**15.3** Should the property not be fully disregarded, the value of a person's interest in their main or only home must be disregarded for 12 weeks, starting from the date the service user enters residential care permanently. During these 12 weeks the person will pay what the financial assessment determines that they can afford from their income and savings unless the property is sold within this period and then the capital will be taken into account immediately and a new financial assessment completed.

**15.4** If a service user does not have liquid assets in excess of £23,250 but has a property with equity in excess of this amount, they will be offered the opportunity to apply for a Deferred Payment Arrangement. This allows them to defer or delay their care costs and repay them when the property sells or upon their death.

## **16. Disregards and Allowances**

**16.1** Where applicable the following items of expenditure will be disregarded.

(The Council may ask for evidence that demonstrates that payments are being made and/or received):

- Rent after benefit payments.
- Mortgage Payment
- Council Tax after discount and/or reduction
- Court Agreed Maintenance Payments
- Standard non-dependent deductions where the service user is a non-dependent and the tenant/homeowner has housing costs (a standard amount will be disregarded).

## **17. How the Contribution is Calculated**

**17.1** Once the financial assessment has been completed, the Council will make a decision about how much the person must contribute towards their care and support.

**17.2** Where a person has capital above the upper limit (see 10.2), they must pay in full for their care and support.

**17.3** Where a person has capital below the upper limit (see 10.2), the Council will carry out this calculation:

- Total of all income, including 'tariff income'
- Less any disregarded income
- Less their personal expenses allowance – this will ensure that in addition to a person's minimum income guarantee, a person is allowed to retain enough of their benefits to pay for things to meet those essential needs not being met by the local authority.

**17.4** Any remaining amount after the disregards have been deducted will be the maximum

assessed contribution a service user will be required to make, dependent on the actual cost of the service.

## **18. Top ups**

**18.1** In some circumstances residential care costs may be more than the contracted rate between the council and the respective care home. There are many reasons why residential care may cost more. As an example, superior standard care may be required, a larger room is needed or other additional services being essential. The Council must ensure that there is a choice of residential care, but a person can choose to live where they choose, as long as this is within the contracted rate.

**18.2** If a resident does decide to move into a residential placement which is above the council's contracted rate, they are able to do so on the understanding that a third party such as family member, a friend or a charity must be prepared to pay the difference between the care provider fees and the contracted rate for the likely duration of their stay. This is called a 'third party top-up'.

**18.3** The Council must never force a person to pay a top-up fee and must always ensure that a choice is available.

- The person cannot pay the third-party top-up themselves, as all of their income and savings are taken into account in their financial assessment to establish their weekly contribution towards the cost of their residential care.
- The third-party top-up will always be the difference between the care provider fees and the councils contracted rate.

**18.4** The third party will need to sign a written agreement stating that they are willing and able to meet the difference in cost and will continue to do so throughout the person's stay. If this is not provided the Council will not permit the placement.

**18.5** The third party will be made aware that the top-up amount may vary as providers review their fee levels.

**18.6** The person whose needs are to be met by the accommodation may themselves choose to make a 'top-up' payment only in the following circumstances:

- Where they are subject to a 12-week property disregard
- Where they have a Deferred Payment Agreement in place with the Council.
- Where they are receiving accommodation provided under Section 117 of the Care Act for mental health aftercare
- Where they are a private self-funder

**18.7** The Council will recommend that the third party obtains independent financial information and advice when considering a third-party top-up.

If the third party is unable to continue to pay the difference the person may have to move to another room within the residential care home or to a different residential care home where fees are within the contracted rate.

## **19. Deferred Payment Scheme**

**19.1** The Care Act 2014 establishes a universal scheme for deferred payments which is aimed to ensure that anyone who receives residential care should not be forced to sell their home in their lifetime to pay for that care. A qualifying service user may delay the sale of their home during their transition into care. It is important to note that such an agreement does not 'write off' the debt, rather it defers the liability to pay to a later date.

**19.2** A service user may enter into a legal contract with the Council which will enable the Council to reclaim the outstanding fees at a later date, either when the house is sold by the resident (or his/her estate), or where the agreement is otherwise ended. The deferral may last until death or take the form of a 'bridging loan' while the individual takes the time to decide whether they wish to sell their home. Subject to the limits as described below in para 19.5 below, it is up to the individual to decide when to sell their home.

**19.3** Subject to the terms of this process, a Deferred Payment Agreement will be agreed to assist the resident with the payment of fees.

**19.4** Where a person becomes a permanent resident in a care home and the value of their non-housing assets is below the upper limit (currently £23,250) the value of any home he/she would normally occupy as his only or main residence will be disregarded for the first 12 weeks of a permanent stay where arrangements are made by the Council.

**19.5** Where an application for a Deferred Payment Agreement is successful, this would usually commence after the initial 12 week disregard period subject to adequate security being in place.

**19.6** The option of a deferred payment agreement will be offered to anyone who meets all of the following criteria:

- Anyone who has been assessed as requiring residential or nursing care;
- Who owns a legal or beneficial interest in a property which is their main or only home and which is registered with the Land Registry;
- Who has less than £23,250 in assets (excluding the value of their home);
- Whose home is taken into account in their financial assessment;
- Who can provide adequate security for the debt (usually by way of a land registry charge over their property);
- Who agrees with the terms and conditions set out in the Deferred Payment Agreement.

**19.7** If the person lacks mental capacity to enter into a deferred payment agreement, a Deputy for Property and Affairs, or Lasting Power of Attorney for Property and Affairs may enter into the agreement on their behalf.

**19.8** The amount of the deferral will be agreed between the council and the service user (or their representative) and set out in the agreement. This will be reviewed every 6 months or where there has been a change of financial circumstances.

**19.9** When a service user requests a deferred payment arrangement, a financial assessment will be carried out, or reviewed, to determine the amount of contribution they are liable to pay towards their care costs. Where a person wishes to enter into a deferred payment agreement, they (or their representative) must complete an application form.

**19.10** The property must have a recent independent valuation, which is carried out at the expense of the service user. Based on this valuation, the council will offer a deferred payment agreement in accordance with the 'equity limit' (The equity limit is the equivalent of the value of the property, less the total amount of any debt secured on the asset, minus 10%, minus £14,250)

**19.11** In the first instance, the Council will offer a deferred payment of 90% of the equity limit of the property.

**19.12** The council will review the deferred payment agreement when the service user approaches 75% of the equity limit of the property or other security to identify whether the deferred payment agreement remains the best way to meet the costs.

**19.13** The Council will expect the property to be adequately maintained and insured during the period of the DPA.

**19.14** The Council will require a nominated person to deal with the termination of the agreement and to assist to reclaim the costs on the death of the service user.

**19.15** If a relative moves into the property during the lifetime of the agreement, the council will require written agreement that the debt owed to the Council will take precedence over any beneficial interest they may accrue in the property.

**19.16** The Council will charge interest at the current bank gilt rate and will levy a charge for administrative costs. The council will provide bi-annual written statements of the amount of fees deferred, interest and administrative charges accrued to date, the total amount due and the equity remaining in the property.

**19.17** Any person wishing to enter into a deferred payment agreement is strongly advised to seek independent financial and legal advice. The person will need to acknowledge that the Council has advised them to do so.

**19.18** The service users must notify the Council of any changes to their circumstances which would affect the agreement or the value of the property.

## **20. Security for the Deferred Payment agreement (DPA)**

**20.1** The Council must ensure that there is adequate security in place before it will enter into a DPA. This will generally be by way of a legal charge over the property.

**20.2** Where a property is jointly owned, a DPA can only be offered with the agreement and written consent of all joint owners.

**20.3** Where the above options are not available, the Council will consider alternative forms of security, such as a third party guarantor (if they can personally provide adequate security); or an undertaking from a solicitor; or valuable assets. These cases will be considered on an individual basis having regard to the circumstances and agreed only where the Council is satisfied that there is sufficient security to protect the Council's interests.

**20.4** Security will be reviewed periodically to ensure that it remains adequate. If the value has significantly changed, the amount deferred will be reviewed.

## **21. Cessation of the DPA**

**21.1** The Council **may** refuse to defer any further charges under the following circumstances:

- Where a service user has reached the upper limit they are allowed to defer;
- Where the value of the security has decreased so the upper limit has been reached;
- Where a person becomes eligible for local authority support in paying for their care;



- Where the property becomes disregarded for any reason;
- Where a person no longer has a need for residential care;
- Where a person has breached the terms of the agreement;

The Council **must** cease any further payment:

- When a person has reached the equity limit they are allowed to defer as agreed;
- Where a person is no longer receiving care and support in a residential setting.

**21.2** The Council will give not less than 30 days' notice of the date when further deferred payments will cease and will provide an indication of how care costs will be met in the future. The service user may be required to meet the future costs from their income or assets.

## **22. Refusal to offer a Deferred Payment**

**22.1** The Council may refuse to offer a deferred payment agreement where;

- It is unable to secure a charge on the property or secure other suitable security;
- The person wishes to defer a larger amount than they are able to provide security for;
- In certain circumstances, if the person is seeking a top up (see 18 above);
- The person's property is uninsured or uninsurable;
- The person does not agree to the terms and conditions of the agreement.

## **23. Termination of the Agreement**

**23.1** The deferred payment agreement may be terminated in any of the following:

- Voluntarily, by the individual (or their representative) repaying the amount due in full;
- On the sale of the property;
- When the service user dies;
- If the service user receives a capital sum that takes them over the funding thresholds;
- If a service user decides to sell their property they must notify the Council at an early stage (as per the terms of the agreement);
- Payment of the deferred amount becomes due at either the date of sale, or disposal of the property, or 9 days following the death of the service user, whichever is the earlier;
- The Council will discharge any legal charge over the property upon receipt of the full amount due.

## **24. Fees and Charges**

**24.1** The Council will charge an administration fee for arranging the deferred payment, which will include Land Registry fees for registering a charge and any other costs incurred by the Council, such as staff, management and legal costs, and ongoing costs to the Council.

**24.2** Administration charges will only reflect the set-up and ongoing costs incurred in arranging the deferred payment and will be set out within the agreement.

**24.3** Administration charged and interest accrued will be added to the amount deferred to be repaid at the end of the agreement. A service user can request to pay these amounts separately.

**24.4** The Council will charge interest on the amount deferred. Interest will be charged at a rate set by government and will continue until the deferred amount is repaid in full. Full details of interest charges will be set out in the agreement.

## **25. Arrangements for People Who Lack Capacity**

**25.1** Section 18 of the Care Act 2014 places a duty on the Council to make arrangements for people assessed as having an eligible need for residential care who lack the mental capacity to make arrangements for themselves, if there is no other person authorised to do so under the Mental Capacity Act 2005 (for example, through Deputyship or a relevant Lasting Power of Attorney). This applies regardless of a person's financial circumstances.

**25.2** Where there is a family member or a close friend who is able to act as a financial deputy, they will be advised that they should apply to the Court of Protection to take on this role. If they are unwilling to take on this role, they will be advised to contact a private solicitor. The Deputy and Appointee Team are able to provide advice and guidance to family members on applying for deputyship.

**25.3** The Council will not normally provide care management or care co-ordination for any person with a property and Financial Affairs Deputy (except for a Public Authority Property and Financial Affairs Deputy) unless there are exceptional circumstances such as (this list is not exhaustive):

- A person who is subject to safeguarding enquiry in respect of financial abuse;
- A person who has no relatives able to assist or support with welfare matters;
- A person who has a degenerative condition which, without support, will impact on their health and wellbeing;
- A person who is subject to undue influence or coercion or control by another.

**25.4** When there is no one else available to take on the role of Property and Financial Affairs Deputy the Council may apply to take on this role. Where the Council takes on this role it will continue to care manage and review the case in order to comply with the Office of the Public Guardian Deputy Standards.

## **26. Payment**

**26.1** Temporary or respite stay or for care homes outside of Middlesbrough. In such circumstances, a clients contribution will need to be paid directly to the care home and the net payments will be paid by Middlesbrough Council.

Long stay Payments

An invoice will be sent every four weeks, which can be paid in any of the following ways:

- Direct Debit;
- At the Post Office/Pay Point using the bar code on the invoice;
- By debit or credit card (details will be provided on the invoice);
- Via the Council's website (details will be provided on the invoice);
- By telephone or online banking (details will be provided on the invoice);
- By PayPal.

**26.2** The Council's preferred method of payment is by Direct Debit.

## **27. Self-Funders**

**27.1** A self-funder is someone who is responsible for paying the full cost of their care. The following applies to self-funders:

- Have enough income to pay for care home fees yourself and/or have capital, savings, or assets above the capital limit (£23,250) - the capital limit is reviewed in April each year by the Department of Health
- As a self-funder care can be purchased without any involvement from the Council. The Council can still provide advice and support to find a suitable care home which provides the right level of care for a person's circumstances. When deciding on a care home a person will need to consider:
  - the weekly fees for the care home
  - whether the fees are payable weekly or monthly
  - whether the fees are payable in advance or in arrears
  - any extras you may have to pay for (eg, your choice of room)
  - the likely frequency of any increases in fees.

**27.2** If the Council has arranged a person's care, your case worker will provide advice when a needs assessment is carried out. This may include advice on whether private arrangements are needed with a care provider, without the need to complete a financial assessment.

**27.3** If a person does not want a financial assessment or does not wish to give the Council their full financial information, the Council will not be able to help with the cost of care and private arrangements will need to be made directly with the care home.

**27.4** It could be beneficial to request a financial assessment to see if you are a self-funder as some types of savings or assets (including property) may not be taken into account.

**27.5** If the Council has arranged care, and it is determined that a person is a self-funder then it is the responsibility of the individual to arrange care with the care home. Full charge will be made for the service received and 21 days' notice of the start date of the private arrangement will be given to the home and the self-funder.

**27.6** The care home self-funder rates may be higher than the Council's contracted rate.

**27.7** Self funders will be provided with a contract to their stay at their chosen care home. The Citizens Advice Service can provide help with understanding the wording of a contract and the terms of the contract including:

- what to pay
- care homes legal responsibilities
- any unfair penalties, restrictions or responsibilities

**27.8** Self-funders are eligible to make a claim for Attendance Allowance/Disability Living Allowance/Personal Independence Payment (PIP), all at the higher rate, if not already claimed. The Department for Works and Pensions (DWP) should be notified of the date the full cost of residential care is requested. Some types of savings or assets (including property) may not be taken into account.

**27.7** Self funders will be provided with a contract to their stay at their chosen care home. The Citizens Advice Service can provide help with understanding the wording of a contract and the terms of the contract including:

## **28 Annual Reviews**

**28.1** Assessments will be reviewed annually to capture changes in circumstances which may affect care contributions.

## **29. Benefits Advice**

**29.1** All service users who are subject to a financial assessment will be offered a welfare benefits-check and where appropriate help and advice to complete any claims for benefits to which they may be entitled.

**29.2** Should the service user require assistance to appeal against rejection of a claim for welfare benefits, they will be signposted to the Council's relevant supporting team if required. A financial re-assessment will be undertaken following the award of benefits to recalculate the charges payable under this policy.

### **30. Debt Recovery**

**30.1** The Council takes a firm and fair approach to managing debt. Large amounts of debt can build up very quickly in respect of social care contributions. Not only does this make the debt very difficult to recover, it can also have a detrimental effect on the individual's wellbeing. If debt starts to accrue, it is important that the Council acts as quickly as possible to ensure that the debt does not become unmanageable.

**30.2** The Council will actively pursue the recovery of debt outstanding as a result of non-payment of accounts or invoices. Debt will be pursued in accordance with the Council's Debt Management Policy.

### **31. Review**

**31.1** The service user may make a request for a review where they believe the decision to be incorrect. A request for review must be received in writing within 21 working days of the original decision. Following the request being submitted, a further decision will be issued within 21 working days, subject to all supporting evidence being provided.

### **32. Appeals**

**32.1** The service user has the right to appeal against the outcome of their review decision in accordance with the Council's Finance Appeals Process:

Any appeals should be submitted in writing to:

Appeals  
Adult Social Care Finance  
Middlesbrough Council  
PO Box 500  
TS1 9FT

The appeal process consists of two stages:

**32.2 Stage 1 - Appeals** - should be submitted within 21 working days of the date the financial assessment is issued in writing, providing any additional information which may affect the decision.

Where an appeal is not upheld the service user will be informed of their right to progress the case to a stage 2 appeal by responding in writing within 10 working days of receipt of the outcome letter.

**32.3 Stage 2: Appeal Panel** - appeals should be submitted within 21 working days of the date the outcome letter is issued.

The appeal panel will be arranged within 10 working days of the request for a stage 2 appeal. The panel meeting will aim to be held within 21 working days of the Stage 2 appeal being received following which a decision will be provided within 7 working days.

**32.3 Stage 3: Complaint** - Where an appeal is not upheld, and the service user is dissatisfied they will be informed of their right to make a complaint through the Council's formal complaint process. Email [complaints@middlesbrough.gov.uk](mailto:complaints@middlesbrough.gov.uk),

telephone 01642 729814, or write to Complaints Team, PO Box 500, Middlesbrough, TS1 9FT. Any complaint can only be made about the process followed and not the actual panel outcome.

**32.4** The final decision rests with the Council. Any challenge relating to a decision would be by way of the Local Government and Social Care Ombudsman.

### **33. Fraud and Misrepresentation**

**33.1** Middlesbrough Council reserves the right to verify any application or associated evidence. Where fraud is alleged, or the authority suspects that such a fraud may have been committed, the matter will be investigated in accordance with the Fraud Act 2006.

**33.2** If fraud is found to have occurred, action will be taken including the recovery of overpaid monies and, if appropriate, criminal proceedings.

### **34. Roles and Responsibilities**

Head of Service – Resident and Business Support.	Overall responsibility for the delivery of Adult Social Care finance and the Policy Owner.
Records Manager	Responsible for the development and implementation of the corporate Records Management Policy and Retention Schedule, and for this email policy, which underpins them. Will liaise with the Data Protection Officer.
Service Delivery Manager/All Managers	Responsible for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
All staff, contractors, consultants, interns and any other interim or third parties	Responsible for compliance with this policy.

### **35. Communications**

**35.1** All staff within finance will receive communications in respect of the revised Adult Social Care Residential charging policy and how to ensure the most in need are identified.

**35.4** In addition, partner organisations, such as those participating in the council’s Financial Inclusion Group, will be updated of the corporate approach once this has been fully endorsed.

### **36. Monitoring and Review**

**36.1** Any alterations to the policy will be subject to approval by Executive. This policy will be reviewed every three years, unless there is a significant development that would require a more urgent review, such as a change in legislation.

**36.2** For the first 12 months the policy will be subject to quarterly review, followed by a full review every 3 years, to ensure processes remain fair and in line with legislation and best practice.

### **37. Information Sharing**

**37.1** The Welfare Reform Act 2012 and the Social Security Regulations 2012 (information sharing in relation to welfare services, etc.) enable the Council to access Department for Work and Pensions (DWP) data directly.

**37.2** The purpose of this access is to support the financial assessment process and to assist in identifying unclaimed benefits to which the service user may be entitled.

### **38. Data Protection**

**38.1** The collation and use of personal data will be managed in accordance with the Council's Data Protection policy and the Adult Social Care Privacy Notice [Privacy notice - Adult Social Care | Middlesbrough Council](#)

### **39. Delivering the Policy**

**39.1** This Policy will be incorporated into Middlesbrough Council's working practices to ensure every client is treated fairly, with transparency and consistency throughout.

### **40. Evaluation**

**40.1** The Policy will be evaluated annually by the Strategic Business Managers within Resident and Business Support. A detailed analysis will be provided to the Head of Resident and Business Support and should the findings indicate that revisions to the Policy are required, the necessary proposals will be fully documented and passed through to Executive for consideration.

**40.2** The policy provides clear guidance for all Council officers, partners and Middlesbrough residents on the Council's approach to ensure consistency of assessment, fairness and clear and transparent charging for residential care.

**40.3** It also promotes wellbeing, social inclusion, and supports the Council's vision for social care of personalisation, independence, choice and control having regard to the principles provided in the statutory guidance.

<b>Checklist for:</b>	ASC Residential Charging Policy
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<b>Planned submission timeline (complete all that apply)</b>	<b>Body</b>	<b>Target date</b>
	DMT	22.8.24
	LMT	29.8.24
	Mayoral briefing	Exec member briefing undertaken
	Scrutiny	n/a
	Pre-Executive	17.8.24
	Executive / single Member	2.10.24
	Council committee	n/a
	Full Council	n/a

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**No report should be submitted to any of the above bodies until all of the questions below have been answered. Good time must be allowed to engage corporate governance leads to ensure they have the time and space to fully consider your report. A minimum of 5 working days for comments should be planned into report development.**

Corporate Governance discipline	Question	Answer Y/N	If you answered yes	Record of action
Projects and Programmes	Is the report seeking approval to start a new project?	N	No report must be submitted to Members until the business case for a new project has been agreed by LMT. The Council's approach to programmes and project management is set out in the <u>Programme and Project Management Policy</u> and supporting <u>Programme and Project Management Framework</u> .	
Projects and Programmes	Is the report presenting a business case for a new project or seeking to revise an existing business case?	N	The <u>Programme and Project Management Framework</u> requires that all business are approved by the Heads of Strategy, Information and Governance and Financial Planning	
Revenue Finance	Does the report have revenue expenditure or income	Y	The Finance Business Partner must be engaged and give approval that the financial implications are accurately	Linked with Finance Business Partner. There is no additional cost to the Council in respect of the

Corporate Governance discipline	Question	Answer Y/N	If you answered yes	Record of action
	implications for the organisation?		described and the planned approval route is in line with the constitution.	implementation of this policy as income assessment levels have not changed. Policy process will include a welfare benefit check to ensure full entitlement is claimed, ensuring that the cost of care to the Council is minimised should unclaimed benefits be identified.
Capital Finance	Does the report require any capital borrowing or change the Council's approach to planned capital borrowing	N	The Head of Finance and Investment must be engaged and give approval that the capital implications are accurately described and the planned approval route is in line with the constitution.	
Tax implications	Is the report likely to impact the councils tax position, for example in relation to VAT liabilities of the Council?	N	The Senior Financial accountant must be engaged and give approval to the representation of VAT and taxation liabilities outlined in the report.	
Assets	Does the report involve the acquisition, enhancement, disposal of an asset? Does it involve any kind of asset leasing arrangement?	N	The Head of Asset Management must be engaged and the <u>Asset Disposal Policy</u> should be adhered to.	
Grant / funding obligations	Will the Council incur grant / funding obligations as a result of this report? This should include any new grant / funding, any decision to repurpose an existing grant or funding	N	The Finance Business Partner must be engaged and give approval that the grant implications are accurately and fully described, along with a plan to manage them and the planned approval route is in line with the constitution.	
Insurance	Will the report impact on the Council's insurance position?	N	The Insurance manager must be engaged and give approval that the recommendations reflect the impact on the Council's insurance posture.	
Risk	Does the report impact on the Council's known risks or create a new risk to the organisation?	N	The Risk assessment section of the report must set this out in full. Advice should be sought from the Risk Business Partner to ensure new risks are captured once the report is agreed. The Risk Business Partner must be engaged to seek guidance on capturing all risks. The Council's approach to risk is set out in the <u>Risk and Opportunity Management Policy</u> .	
Workforce	Will the report involve decisions to establish new posts, restructure or delete posts? Will it involve procurement of interim or agency staff?	N	The Head of HR and the must be engaged Discuss where this goes:  Establishment control – finance business partner / HR  Control over agency – procurement / finance business partner	
Public Sector	Is the report relevant to the	N	A screening impact assessment must be completed and	



Corporate Governance discipline	Question	Answer Y/N	If you answered yes	Record of action
Equality Duty	PSED?		appended to the report. The Governance and Information Manager must be engaged and give approval that the assessment is robust. The process is set out in <a href="#">the Impact Assessment Policy</a> . Guidance can be sought from the Policy Business Partner.	
Consultation	Is the report seeking approval to consult?	N	The Governance and Information Manager must be engaged and approve the approach to consultation. The policy will be updated in 2023, attached is a link to the existing <a href="#">policy</a> .	
Data Protection	Does the report have implications for data protection? Does it seek to gather new data or use existing data in a different way	Y	The <a href="#">Data Protection</a> officer must be engaged and approve the proposed use of data.	The collation and use of personal data will be managed in accordance with the Council's Data Protection policy and the Adult Social Care Privacy Notice <a href="#">Privacy notice - Adult Social Care   Middlesbrough Council</a>
Legal	Does the report have legal implications?	Y	All reports must be submitted to the Monitoring officer for legal services views.	Linked with AM Wilson and Claire Farrell. The assessment is undertaken in accordance with the Care and Support Regulations (Statutory Instruments) and Care and Support Guidance and Annexes issued under the Care Act 2014. No other legal implications
Page 41	Does the report have implications for ICT? This could include procuring or using a new ICT system, decommissioning systems(s), expanding access to existing systems.	N	The Head of Strategy, Business and Customer who is responsible for ICT must be engaged and approve the proposed ICT implications.	
Procurement and commissioning	Will the report trigger new procurement and commissioning activity, including: commence, change or cease a service. Enter into a new contract, vary a contract, terminate a contract?	N	The Head of Commissioning and Procurement must be engaged and approve the proposed approach to ensure it is in line with the <a href="#">strategy</a> , constitution and legislation	
Partnership governance	Will the report create, change or cease partnership arrangements	N	The Head of Strategy, Information and Governance must be engaged and approve that the recommendations are in line with the Council's <a href="#">Policy for Partnership Governance</a>	
Health inequalities	Will the report have an impact on health inequalities or is there an opportunity to use the proposed outcomes to impact positively on health inequalities?	N	The Public Health Principal must be engaged and approve the proposed approach to ensure that it is in line with the Council's commitment to reduce health inequalities as set out in the <a href="#">Health and Wellbeing Strategy</a> .	

**Checklist completed by:**

<b>Name</b>	<b>MB/DI</b>
<b>Date</b>	<b>20.8.24</b>

Impact Assessment Level 1: Initial screening assessment

<b>Subject of assessment:</b>	ASC Residential Charging Policy			
<b>Coverage:</b>	Crosscutting			
<b>This is a decision relating to:</b>	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Service	<input type="checkbox"/> Function
	<input checked="" type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input checked="" type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> To assess the impact of proceeding with an updated Residential Charging Policy.</p> <p><b>Statutory drivers</b> The Council has a legal obligation to hold a Residential Charging Policy as set out in the Care and Support (Charging and assessment of resources) Regulations 2014.</p> <p><b>Differences from any previous approach</b> Following a review of the policy, some amendments have been necessary to reflect and update in policy and legislation and to respond to some inconsistencies and presentational issues. The minor amendments required in the updated policy will result in no changes to the threshold to services and support.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> Key stakeholders: the Council; Service Users; Social Care providers</p> <p><b>Intended outcomes.</b> To seek the adoption of an updated a suitable policy under which to assess the level of financial support required for residential care services</p>			
<b>Live date:</b>				
<b>Lifespan:</b>	Until Further Notice (review every 3 years)			
<b>Date of next review:</b>				

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on individuals in terms of human rights.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on individuals in terms of equality.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	☒	☐	☐	No evidence to suggest that the policy will have an adverse impact on relationships between different groups, communities of interest or neighbourhoods within the town.
<b>Next steps:</b> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

<b>Assessment completed by:</b>	Martin Barker	<b>Head of Service:</b>	Janette Savage
<b>Date:</b>	16.4.24	<b>Date:</b>	16.4.24

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.