

<b>Report of:</b>	Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion Director of Adult Social Care and Health Integration
<b>Submitted to:</b>	Executive
<b>Date:</b>	7 March 2023
<b>Title:</b>	Adult Social Care: Respite Charging
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Strategic priority:</b>	Vulnerability
<b>Key decision:</b>	Yes
<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
<b>Urgent:</b>	No
<b>Why:</b>	Not Applicable

**Executive summary**

This report sets out the proposed review of the charging policy for respite care services within adult social care services.

Respite care is a service to support informal carers to take a break through the provision of residential and nursing care for the cared for person.

In 2019/2020 a review of respite charging was undertaken which changed the charging policy for respite care. Having embedded this for two and a half years and in preparation for social care charging reform we are proposing further amendments to the respite charging policy.

This is due to the fact that phased approach to implementation took place, preserving the payment rates for existing service users. This in turn has led to confusion regarding the rate that the service user was required to pay and in some cases the service user has been quoted and paid the flat rate or the local authority contracted rate which has left a shortfall in fees for the care home. Upon appeal from service users that they were being asked to pay increased costs, the Local Authority has had to meet this shortfall which is contributing to current budget pressures

A decision is required to approve the proposed amendments to the current charging for respite care in order to rectify this situation.

## **Purpose**

1. To seek approval for the proposed changes to the charging policy for respite care services.

## **Background and relevant information**

2. The Care Act 2014 Statutory Guidance identifies that Carers play a significant role in preventing the need for care and support for the people they care for, and local authorities must consider interventions which can prevent Carers from developing needs for care and support themselves, as result of their caring responsibilities. One of these interventions is a period of residential respite stay for the cared for person, allowing the carer, time to take a break from their caring duties.
3. In 2019 a review of respite charging was commenced. The position at that time was that all respite care was charged at a flat rate, irrespective of the savings of the service user, which was contributing to a loss of revenue to the council. The average cost of a stay for one week in a Middlesbrough care home at the time was £550, however all adults using this facility in Middlesbrough were being charged the flat rate fee of £140.35. The recommendation was that the cost of respite care would be means tested, as with all other social care provision, and would be charged according to ability to pay.
4. The review recommendations would bring Middlesbrough Council in line with the charging practice of neighbouring local authorities. A level 1 impact assessment was carried out which determined that the policy will not adversely affect the Human Rights, Equality or Community Cohesion of the service user group.
5. Approval by single member was given to undertake consultation on 10.10.2019. Consultation took place from 01.01.20 to 31.03.20 and the review was concluded following this.
6. On 9th July 2020 a single member decision was made to approve the decision to charge service users for respite care, in accordance to their ability to pay. The changes to respite charging were approved as recommended.
7. In preparation for the planned introduction of the lifetime cap on care costs in 2023 (now deferred until 2025) we have reviewed the charges for respite care.
8. The review has shown that the implementation of the respite charging was only partly successful as a phased approach was taken to those self-funders who had previously received financial support from the council. These individuals continued to be offered the flat rate for respite care. For new service users the intention was for those with savings over £23,250 to pay for their respite care in accordance with their level of savings.
9. This approach unfortunately created confusion both within adult social care teams and the care home market. The distinction between those who were existing service users and those who are new services users has been difficult for the care home market to manage, particularly as respite stays do not always take place in the same care home.
10. New clients were advised by Social Workers that the local authority no longer contracted for respite care for individuals who were self-funding and they were advised to pay the

cost of their respite directly to the care home. However the care homes have not always charged as per this guidance.

11. Thus the two tier approach has led to confusion regarding the rate that the service user was required to pay and in some cases the service user has been quoted and paid the flat rate or the local authority contracted rate which has left a shortfall in fees for the care home. Upon appeal from service users that they were being asked to pay increased costs, the Local Authority has had to meet this shortfall which is contributing to current budget pressures.
12. We would like to address this unintended consequence of the change in the respite charging process by having a clear distinction between those who are eligible for local authority support with respite costs and those who are self-funding, irrespective of their previous payments for respite care.

### **What decision(s) are being recommended?**

13. That the Executive:

Approves the amendment to the respite care charging system which would mean that the council no longer contracts for respite care for self funding service users, which will include removing the current subsidy for those who have been in receipt of respite care prior to July 2020.

This will require the following steps to be implemented:

- Care homes will be advised that the local authority will only contract for respite care for those who have savings below the threshold.
- Subsidy for existing self-funders receiving respite care will cease
- All individuals with savings over the £23,500 will pay the care home directly at the home's self-funding fee rate.

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

14. We feel that the implementation of the above steps will align the respite charging with charging for all other residential services.
15. This in turn will support us with the preparation for the care cap whereby all self-funders will inform the local authority of respite charges paid to care home providers and this will contribute to their care account. The current two tier system places us in a position where those currently paying the flat rate are not clearly identified as self-funders. This may lead to the local authority failing to track their care account effectively
16. The changes will also ensure that we maximise service user contributions and remove any budget pressures that have arisen from undercharging existing recipients of respite care and pressures that have arisen by payment of additional respite charges to rectify fee challenges that the new system has created.

### **Other potential decision(s) and why these have not been recommended**

17. We could maintain the current charging system, however this has been discounted due to the practice issues that have arisen.

18. We could revert to the system in place prior to the 2019 review, however this would no longer be fit for purpose.

**Impact(s) of the recommended decision(s)**

***Legal***

19. There are no legal implications as the proposal would be in line with The Care Act 2014 and Statutory Instrument (2017) No.555 provides guidance on Charging and Financial assessment of service users in receipt of care and support in a care home.

***Strategic priorities and risks***

20. This supports the delivery of services to the most vulnerable in our society and supports the role of unpaid carers.

***Human Rights, Equality and Data Protection***

21. There would be no impact on the provision of respite services, this proposal only relates to the charging for services.

***Financial***

22. This would support the council's management of the budget as it would reduce current spend on respite care services.

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

Action	Responsible Officer	Deadline
To amend the charging policy for respite care	Jane Wickins, Operations Manager Business Process and Client Finance, Financial Governance and Revenues	1.4.23

**Appendices**

1	Impact Assessment Level 1: Initial screening assessment
2	
3	

## Background papers

Body	Report title	Date
Executive Member for Adult Social Care & Public Health,	Consultation for Respite Charging	Thursday 10th October 2019
Single Member Decision	Charging for Respite Care in accordance with ability to pay	Thursday 9th July 2020

**Contact:** Ruth Musicka, Head of Access and Safeguarding

**Email:** [ruth\\_musicka@middlesbrough.gov.uk](mailto:ruth_musicka@middlesbrough.gov.uk)