

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Finance
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<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	13 March 2024
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<b>Title:</b>	Non-Residential Charging Policy (Fairer Charging)
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Vulnerability
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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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<b>Proposed decision(s)</b>
<p>That Executive approves the refresh and minor amends to the Non-Residential Charging Policy (fairer charging) effective from 1 April 2024.</p> <p>That delegated authority to approve any future minor revisions/modifications is provided to the Director of Finance to reflect revisions to statutory guidance to the policy.</p>

<b>Executive summary</b>
<p>Central Government provide Local Authorities with Statutory Guidance issued under the Care Act 2014 for charging for care and support needs. 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 in relation to non-residential care.</p>

The Non-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. Following the review there are some inconsistencies and presentational issues that require minor amendments to the policy.

The proposed minor amendments include:

- i. Refresh of the existing policy with some minor amendments which are as follows:
  - An update to the appeals processes which provides further clarity.
  - An insertion around the lower hourly contracted rate of care and signposting service users to the council's web site.
  - The introduction of average response rate for processing assessments.
  - The removal of a home visit offering where online solutions can be provided effectively.
  - An update of the language to ensure that the policy meets the current statutory and legal requirements as set out in the Care and Support (charging and assessment of resources) Regulations 2014.

## **Purpose**

1. 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.

## **Recommendations**

2. That Executive approve delegated authority to the Director of Finance to make future minor revisions/modifications to the policy to provide clarity and reflect alterations in legislation during the period to the next 3 year review.
3. That Executive consider the proposals as set out below and approves the updated Non-Residential Charging Policy:
  - An update to the appeals processes which provides further clarity.
  - An insertion around the lower hourly contracted rate of care and signposting service users to the council's web site.
  - The introduction of average response rate for processing assessments.
  - The removal of a home visit offering where online solutions can be provided effectively.
  - An update of the language to ensure that the policy meets the current statutory and legal requirements as set out in the Care and Support (charging and assessment of resources) Regulations 2014.

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

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

5. The updated policy upholds good practice within democratic processes and enables the refreshed policy to maintain visibility with the Executive.
6. The minor amendments required will result in no changes to the threshold to services and support provided.
7. Delegated authority to the Director of Finance to approve future minor modifications to the policy maintains service operation levels. As a working policy failure to keep pace with new legislation leaves the Council at risk and can result in inconsistent practices.
8. The proposals provide clarification and an update to language to provide residents with simplified and clearer details of how their income, savings and property will be financially assessed should an individual require care in a non-residential setting.

### **Background and relevant information**

9. 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 (Charging and Assessment of Resources) Regulations 2014 which Local Authorities must follow when charging individuals for their care and support needs.
10. The minor amendments to the 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. The policy now provides for timescales to which assessment should be considered.
11. All residents who ask for a financial assessment will have a full benefit check carried out to maximise any benefits to which they may be entitled, and 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 maximised should unclaimed benefits be identified.
12. An improvement to the application process has also been introduced. 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 home visits which historically has been necessary to gather the relevant information. The approach is extremely effective and efficient.
13. Where service users are unable to access online solutions, the service continues to provide a home visit for vulnerable groups.

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

14. Leave the existing policy in place: although the current policy does not provide sufficient defined criteria or use appropriate language and in some instances falls outside of

legislation requirements, albeit where this occurs the service will apply legislation rather than policy.

15. The current policy refers to home visits as being the default option. However with the introduction of a e-form solution provides a more cost effective option. A face to face solution will be made available where the service user is unable to access online solutions.

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

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

16. There is no additional cost to the Council in respect of the proposed minor changes to the policy as income assessment levels have not changed.
17. The proposals now 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. .

#### ***Legal***

18. The Council is responsible for designing a suitable policy under which to assess the level of financial support required for non-residential care services. The assessment is undertaken in accordance with the Care and Support (charging and assessment of resources) Regulations 2014.
19. There are no other legal implications around this policy.

#### ***Risk***

20. The review of the Non-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, by now reviewing the scheme every 3 years, the Council continues to effectively review and amend the scheme to comply with legislative changes (Risk 08-055).

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

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

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

22. 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.

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

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

**Data Protection / GDPR**

24. 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 Non-Residential Charging Policy will be updated as outlined above, subject to Executive approval. Publish updated policy and information on the Council’s website by 31 March 2024.	Janette Savage	31 March 2024

**Appendices**

Non-Residential Charging Policy

**Background papers**

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

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