

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

Contact: Janette Savage (Head of Residents and Business Support)

Email: Janette_Savage@middlesbrough.gov.uk