

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2202

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Department:

Children and Families

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Subject:

Fairer Charging - Fees and Charging Adult Social Care

Total Value:

£0.419m (Type: Revenue)

Decision Being Taken:

Having regard to the outcome of consultation and paying due regard to the Council's statutory equality duty, give approval to implement increases to fees and charges for Adult Social Care as set out in this report below

On the 24th February the Executive Board agreed, as part of the medium term financial plan, the proposal to review fees and charging for Adult Social Care.

Nottingham City Council is committed to maintaining quality services for elderly, disabled and vulnerable people. However the numbers of people requiring these services will continue to rise over the coming years and within the climate of the current budget reductions, Nottingham City needs to consider how to sustain these services.

Adult social care charges are means-tested and citizens who receive these services are asked to contribute towards the cost if they're assessed as being able to do so. This means-testing is carried out to comply with the Government's financial assessment guidance which seeks to ensure no-one is asked to contribute more than they can afford and that citizens are accessing other benefits that might be available to them. Currently over 5000 citizens receive social care services. Approximately 1230 citizens pay for all or part of their social care.

On 21 July permission was agreed to consult with all citizens receiving Care, Support and Enablement services, Day Care and Transport to ask them to complete a survey to express their views on the following proposals:

The proposal consulted on consists of:

Ø The existing fairer charging policy to be introduced for those citizens receiving Care, Support and Enablement services.

Ø The charging for Traditional Day Care to increase from £5 to £12 per day.

Ø The charging for Traditional Transport to Day Centres to increase from £5 to £8 per return

This consultation was also available on the Nottingham City web site.

The period of consultation was one month and responses to the survey have now been collated. Approximately 540 citizens were sent consultation letters, 182 surveys were completed.

82% of respondents strongly agreed/ agreed that the system Nottingham City Council operates should be fair to everyone. 11% of respondents strongly disagreed / disagreed

60% of respondents strongly agreed/ agreed that citizens should pay towards their care package if they have been assessed as being able to afford to. 38% of respondents strongly disagreed/ disagreed

48% of respondents strongly agreed/ agreed with an increase to contributions as the funding budget reduces. 43% of respondents strongly disagreed / disagreed.

Citizens were also asked:

Ø As a result of proposed changes you may be asked to contribute more to the cost of your care. If you would like to comment on this, please tell us here:-

Ø Do you have any other suggestions that could help Nottingham City Council to meet the rising costs of Adult Social Care?

All responses to the above have been noted as part of the consultation process.

As part of the consultation all citizens where made aware of their right to a financial assessment and the offering of support to find alternative more cost effective support. 14 citizens have requested this support and will be offered this support as part of the implementation process.

Briefing notes documents:	Options - Fairer Charging.doc
Other Options Considered:	Please see attached document
Background Papers:	Not applicable
Published Works:	Not applicable
Affected Wards:	Citywide
Colleague / Councillor Interests:	No significant impact on any one area
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	There are no implications arising from these proposals
Equality:	Please login to the system to view the EIA document: EIA Fees and Charging 2015 update vfinal ashx.doc
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	16/10/2015
Advice Sought:	Legal, Finance, Equality and Diversity

Legal Advice:

1.The Care Act 2014 gives Councils a discretionary power to charge adult users of the services identified in this report.

2.The report sets out the key outcomes of the consultation in relation to the proposals being put forward for approval to enable the Portfolio Holder to properly take these into account in making a decision in relation to this report

3.It also identifies the key equality considerations including any proposals to reduce adverse effects, which will assist the Portfolio Holder when having due regard to the Council's statutory equality duty, when making a decision in relation to these proposals.

4.The public sector equality duty, as set out in section 149 of the 2010 Equality Act, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a "protected characteristic" such as age, disability, race, religion, sex, sexual orientation, pregnancy and maternity, and gender reassignment and those who do not share that protected characteristic.

5.A decision-maker must pay due regard to any obvious risk of such discrimination arising in respect of the decision before them. There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. For this reason these matters are examined in the EIA appended to this report.

6.The public sector equality duty is not a duty to achieve the objectives or take the steps set out in section 149 of the Equality Act 2010; rather it is a duty to bring these objectives into consideration when carrying out its public functions. At the same time, a decision-maker will also need to pay regard to other factors which it is proper and reasonable for them to consider. Budgetary pressures and economic and practical factors will also be relevant.

Advice provided by Sarah Molyneux (Legal Services Manager) on 30/09/2015.

Finance Advice:

It is estimated that the increased income generated from these proposals will be approximately £0.419m per year based on current levels of social care support. Full financial assessments will continue to be carried out such that individuals pay only what they can afford.

This decision will contribute to savings included in the Council's Medium Term Financial Plan.

Advice provided by Darren Revill (Finance Analyst) on 25/09/2015.

Equality and Diversity Advice:

The proposal clearly has adverse impacts that would appear to some mitigating elements by the Fairer Charging Policy. Whilst a proportion of consultees felt that the option of citizens paying if they were able to afford it had merit, it will be important to ensure that our most vulnerable citizens are kept under constant review to ensure that no hardship or disadvantage occurs. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 22/09/2015.

Signatures

Alex Norris (PH for Adults, Health and Community Sector)
SIGNED and Dated: 07/10/2015
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 07/10/2015