

Report on the Implementation of Changes to the Adult Social Care Charging Policy 2022-23

Date: 26 July 2023

Report of: Director of Adults and Health

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report provides an update to Executive Board about the implementation of the changes to the Leeds City Council (LCC) Charging Policy for non-residential Adult Social Care, as agreed by the Executive Board on 15th December 2021, that came into effect in April 2022.

The Board made the following resolutions at its meeting in December 2021:

- (a) That changes to the current charging policy, as detailed within the submitted report, be approved, so that where more than one care worker is required to deliver home care services at the same time, the customer is required to contribute towards the costs of all workers present
- (b) That approval be given to the removal of the Maximum Assessed Charge (MAC) cap of £482 a week
- (c) That it be noted that the approach for the implementation of such matters will be a phased approach; with it being noted that the approach is recommended to be a staggered percentage increase, with charges increasing by 25% of the difference between the current charges and the new charges initially; by a further 25% after 3 months, a further 25% after 6 months: and with customers expected to pay the full amount of their new charges after 9 months
- (d) That further to resolution (b) above, it be noted that the charging policy will be amended so that customers in Supported Living will be charged for this service at the cost of their Individual Placement Agreement (subject to financial assistance)
- (e) That it be noted that the officer responsible for the implementation of the decision to amend the charging structure will be the Chief Officer of Resources & Strategy
- (f) That it be noted that an update on the impact of this decision will be brought to Executive Board within six months of its implementation, with it also being noted (as detailed above), that Executive Board Members would receive briefing papers at 6 and 12 months in order to monitor how the changes were progressing and the impact that they were having

The original full report can be found here at Item 11, pages 205-307: [Review of Non Residential ASC Charging Cover Report 061221.pdf \(leeds.gov.uk\)](#).

Following the implementation of the changes to the LCC Charging Policy for non-residential care, an update report was submitted to the Executive Board in Oct 2022. This update report can be found here: [Report on the Implementation of Changes to the Adult Social Care Policy 2022-23](#).

Recommendations

- a) That Executive Board note the successful implementation of the changes to the Charging Policy, as approved on December 15th, 2021.
- b) That Executive Board note the impacts on affected service users.
- c) That Executive Board note that the revised expectation for potential income / savings achieved by both changes within a full year is £3,221,848.

1 What is this report about?

- 1.1. A report was submitted to the Executive Board for consideration on 15th December 2021. The report made recommendations for changes to the Adult Social Care Charging Policy for non-residential services to address the following identified inequalities in existing charging policy provision:
 - Subsidising people who require two workers per visit where this care is arranged by the Council but people who have a Direct Payment are charged for both staff
 - Limiting total charges for non-residential services with a cap. This means that people with higher disposal income are protected compared to people with lower incomes
- 1.2 The report also noted the significant financial challenge facing the local authority and increasing demand for Adult Social Care services, and that average client contributions for community services in Leeds are significantly lower compared to comparable Local Authorities. Also, that if the Council cannot reduce the cost of delivering statutory Adult Social Care services, then it may have to reduce its spending on non-statutory preventative services.
- 1.3 The report also made clear that should the recommendations be approved, several customers would be asked to contribute more towards the costs of the services they use, however, no customer would be asked to pay more if they cannot afford to as financial assistance would remain unchanged for those who qualify, i.e., those who cannot afford to meet the full costs of the services required to meet their needs.
- 1.4 Equally, the financial assessment process includes a Minimum Income Guarantee so people cannot be charged to a degree that leaves them without enough money to live on, the increased charges would be phased in over a transitional period, and no one's care package would be changed without a review by a Social Worker or Occupational Therapist. Special consideration would also need to be given to people with Supported Living placements.
- 1.5 In addition, the Director of Adults & Health has the discretion to waive charges or service user contributions at any time, on an individual basis where this is considered appropriate, e.g., to respond to any individual risk of hardship.
- 1.6 All recommendations as described above were approved by Executive Board on the 15th December 2021. Following the implementation of the changes to the Charging Policy in April 2022, an update report was submitted to the Executive Board in Oct 2022. This report contains an explanation of how the changes were implemented and can be found here:

[Report on the Implementation of Changes to the Adult Social Care Policy 2022-23](#) (see part 2 “Implementation Summary”).

2 Implementation updates The changes to the charging policy approved were:

- a) The removal of the subsidy for multiple care workers (care from more than one care worker during the same trip or visit is herein referred to as “2 to 1” care)
- b) The removal of the Maximum Assessed Charge cap of £482 a week.
- c) The change to charging for Supported Living placements at the cost of the Placement Agreement considering the above.

2.2 These changes were implemented in 2 stages:

- a) The changes came into effect for new Adult Social Care service users as of the 1st of April 2022
- b) The changes came into effect for existing ASC service users from 25th April 2022

2.3 As part of the approval of the recommendations to Executive Board in December 2021 it was noted that a transitional phase-in approach be applied:

“That it be noted that the approach for the implementation of such matters will be a phased approach; with it being noted that the approach is recommended to be a staggered percentage increase, with charges increasing by 25% of the difference between the current charges and the new charges initially; by a further 25% after 3 months, a further 25% after 6 months: and with customers expected to pay the full amount of their new charges after 9 months.”¹

2.4 The final transitional invoices were received by impacted customers in March 2023 (for the charging period from 2nd January 2023 to 30th January 2023). Impacted customers will henceforth be invoiced in full amount for their chargeable services (subject to means-tested financial assistance).

2.5 Table 1. Summary of financial impact of the changes and comparison to previous projections.

	Figures from Exec Board Report, Dec 15 th 2021		Revised figures for update report Oct 2022		Most recent figures based on care plan data up to Feb 2023	
	No. of service users	Potential Income / savings	No. of service users	Potential Income/ savings	No. of service users	Potential Income/ savings
Total full year effect of both changes	266	£4,022,616	254	£2,974,528	226	£3,221,848

2.6 The 226 service users affected consist of 179 individuals who are impacted by changes to 2 to 1 care charges, and 142 individuals who are impacted by the removal of the MAC cap.

¹ Review of Non-Residential ASC Charging Cover Report 061221.pdf (leeds.gov.uk) Reports Pack, Item 11, Appendix D page 249.

The sum of these figures is greater than the total of those who are impacted overall, because 95 individuals are impacted by both changes, i.e., they are receiving 2 to 1 care and are paying above the previous MAC cap of £482 a week.

2.7 Please note:

- Actual service usage and therefore invoices for care, can vary week on week
- People's circumstances may change, resulting in a change in care plan or financial assessment which in turn affects their service use and / or financial contribution
- Several full cost payers will likely exhaust their capital above the upper threshold for means-tested financial assistance over the course of the financial year
- Projections are based on service user data from April 2022 to Feb 2023
- Considering the above that it is only possible to determine a *potential* income level from the changes

3 What impact will this proposal have?

3.1 An Equality, Diversity, Cohesion and Integration impact assessment was appended to the report recommending the changes to the charging policy ([Review of Charging for Non-Residential Adult Social Care Services, 15th December 2021, Appendix E](#)). This impact assessment has been updated and is appended to this report (see Appendix 1- EDCI Assessment).

3.2 The report to the Executive Board on 15th December 2021 suggested that **266** individuals could be affected by the changes, based on an analysis of care plan data. Further cleansing of outdated care plan and financial assessment data was subsequently conducted, meaning that the final number of impacted service users identified who had existing 2 to 1 service, or whose charges were capped at the MAC cap of £482 a week, *before* the 1st April 2022, was **199**.

3.3 In the last update report to the Board (Oct 2022), a further **55** individuals were identified as impacted by the changes based on new services or financial assessments that began *after* 1st April 2022. The total number of impacted individuals identified in the last update report to the Board was **254**.

3.4 The most recent analysis shows an overall **226** individuals who are impacted by the changes. This includes 100 individuals from the originally impacted group who are still impacted and 126 individuals who are impacted now but were not impacted when the changes were implemented, because they are new service users, their care plan has changed, or because their financial assessment has changed.

Transitional group

3.5 The transitional group is made up of those service users who were impacted at the time of implementation because the changes meant they would pay more for their services, based on their care plan and financial assessment information. Charges for this group were phased in over a period of 9 months to mitigate the potential financial shock of the increased charges.

3.6 Table 2. How number in the Transitional Group have changed over time

Analysis for original Exec Board report Dec 21	266
Number after data refined for implementation	199
Currently still impacted by the changes	100

3.7 Table 3. Breakdown of impact of changes on Transitional Group

Impacted by the changes	100
Currently impacted by the removal of the MAC cap	60
Currently impacted by the change to 2 to 1 charges	88
Currently impacted by both changes	48

Changes to service use since the 1st April 2022 for Transitional Group (TG):

3.8 Table 4. Service use impact on TG

Impacted at time of implementation	199
Have died	36
Have stopped receiving care through LCC (excluding died)	31
Are in residential care	1
Total still receiving services	131

3.9 Table 5. Those impacted in TG who are still in receipt of community services

Still receiving community services	131
No longer impacted by changes	31
Still impacted by either change	100

Non-Transitional Group

3.10 This group is made of individuals who are not in the transitional group, who are impacted based on their current care plan and financial assessment. This group was not impacted at the time of implementation but have become impacted because they are new service users, have changed their care plan, or have had a new financial assessment which has changed how much they are required to pay. They are paying more for their services than they would have done if the changes had not occurred.

3.11 Table 6. Breakdown of impact on Non-transitional Group

Impacted by changes	126
Impacted by changes to 2 to 1 charges	91
Impacted by the removal of the MAC cap	82
Impacted by both changes	47

4 How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

4.1 Increasing the income achieved for the delivery of non-residential Adult Social Care services, will positively impact on the sustainability of Adult Social Care services in Leeds, ensuring that LCC can continue to meet needs at the highest possible standard.

4.2 Providing care in the community to a high standard is key to ensuring that individual service users have the best possible quality of life, whilst being able to maintain independence in their own homes. This independence is one factor to ensuring that individuals can take part in the growth and opportunities that Leeds provides.

4.3 The changes have a net zero impact on LCC's Zero Carbon objective.

5 What consultation and engagement has taken place?

Wards affected: All Wards

Have ward members been consulted? Yes No

- 5.1 Consultation was held between June 18th and August 13th, 2021, with all non-residential service users, or their representatives invited to respond. In addition, several Third sector organisations and internal experts were consulted. Details of this consultation can be found in the consultation report that accompanied the original December 2021 report ([Appendix F- Consultation Report.docx \(leeds.gov.uk\)](#)).
- 5.2 All Ward Members were briefed on the then proposed changes to the charging policy and the consultation plan.
- 5.3 In May 2022, letters were sent to all service users or their representatives, with a community-based charging assessment, notifying them in brief of the changes to the charging policy.
- 5.4 Financially impacted service users who pay on invoice were written to in three stages between May and June 2022, not less than one month before the changes came into effect for their bills.
- 5.5 Impacted service users who pay in advance were informed in March 2022.
- 5.6 All Social Workers, including Hospital Social Workers, Occupational Therapists, and Health organisations have been communicated with to explain the changes to the Charging Policy.
- 5.7 A helpline was established and operated between 30th May and 31st August. Details of how this helpline was operated and the reasons that individuals contacted it, can be found in section 5.6 of the last update report to the Board in October 2022. This can be found here: [Report on the Implementation of Changes to the Adult Social Care Policy 2022-23](#).

6. What are the resource implications?

- 6.1 Whilst lower than the original savings projections, the figures included in table 1, have been adequately accounted for in the Adults & Health budget and relevant budget action plans.
- 6.2 There was an additional resource commitment of 0.5 hours a week by a Senior Finance Officer to administer transitional protections and any adjustments / reimbursements between April and July 2022. This commitment was reduced to 0.25 hours from July 2022 and will be in place until March 2023.
- 6.3 Social Work or Occupational Therapy visits have been managed within existing resources.
- 6.4 Financial Assessments have been managed within existing operational resources.

7 What are the key risks and how are they being managed?

- 7.1 Key risks and management of those risks remains unchanged from time of the previous update report for the Board in October 2022. Details of these risks and how they continue to be managed can be found in section 6 of the report, which can be found here: [Report on the Implementation of Changes to the Adult Social Care Policy 2022-23](#).
- 7.2 Importantly, under the Council's Charging Policy, the Director of Adults & Health maintains the discretion to waive charges or services user contributions at any time, on an individual basis where this is considered appropriate, e.g., to respond to any individual risk of hardship
- 7.3 No care plan for an impacted service user has been reduced or otherwise changed without the agreement of a Social Worker or Occupational Therapist, ensuring that *all* care needs continue to be met under any new care arrangements in place.
- 7.4 Though several individuals in the Transitional Group are no longer in receipt of services, there is no evidence to suggest that this was due to financial considerations, or care needs being left unmet.

8 What are the legal implications?

- 8.1 Please refer to the previous Executive Board Report (Review of charging for non-residential adult social care services, 15th December 2021). No new legal implications have been identified.

Options, timescales and measuring success

9 What other options were considered?

- 9.1 Please refer to the December 2021 Executive Board report, [Review of Non-Residential ASC Charging Cover Report 061221.pdf \(leeds.gov.uk\)](#)

10 How will success be measured?

- 10.1 Increase in recovery of assessed charges.
- 10.2 The revised projections for potential income / savings achieved by the changes to the charging policy in a full year, is £3,221,848.
- 10.3 Services will be delivered and maintained at same high quality.
- 10.4 There is no evidence that services have reduced in quality as an impact of the changes made to the charging policy.
- 10.5 Care needs in Leeds will be met and people supported to manage their health condition.

10.6 Care needs assessments remain the best vehicle for ensuring that care needs are met, and a financial assessment remains the best way to ensure that any charges for services are affordable to the individual.

11 What is the timetable and who will be responsible for implementation?

11.1 Implementation for *new* 2 to 1 services users and new full-cost payers of non-residential ASC service users as of 1st April 2022, occurred on the 1st April 2022.

11.2 Implementation for *existing* 2 to 1 service users and full-cost payers of non-residential ASC service users as of 1st April 2022 (the Transition Group), occurred on the 25th April 2022.

11.3 Transitional phase-in protection was in place until 30th January 2023 for the Transitional Group.

11.4 The Chief Officer of Resources & Strategy maintains responsibility for the implementation of the changes to the ASC charging policy.

Appendices

- Equality, Diversity, Cohesion and Integration (EDCI) Impact Assessment: Updated Review of the impact of changes to the charging policy for non-residential care.

Background papers

- None.