
UPDATE TO SOCIAL WORK CHARGING POLICY

Report by Chief Social Work Officer

SCOTTISH BORDERS COUNCIL

25 February 2016

1 PURPOSE AND SUMMARY

1.1 This report proposes updates to the Charging Policy 2015/16. This is to take account of feedback on the Policy and new national guidance and legislation.

1.2 The Charging Policy was updated on 1 April 2015 following an extensive review. The policy introduced a number of changes, including an extension of the charging policy to people using self-directed support. Given new national guidance, legislation and feedback from people on the impact of the policy it has been updated with key stakeholders and some changes have been made to the non-residential charges. The Charging Forum will continue to meet to consider and address issues that will affect the policy.

The updates have been incorporated into the Charging Policy for 2016/17 and this draft Policy is attached in the Appendix.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:-

- (a) Approves the draft Charging Policy 2016/17 and any subsequent amendments.**
- (b) Notes the continuing work of the Charging Forum.**

3 BACKGROUND

- 3.1 A comprehensive review of social care charging was carried out in 2014 and the Charging Policy for Social Work Services was approved by Council in November 2014 and implemented on 1st April 2015.
- 3.2 The review aimed to deliver a number of key benefits:
- Sustainability of Services
 - Fairness and Equity
 - Consistency of Application
 - Consistency across Services
 - Compliance with Legislation
 - Ensuring full application of the Council's Policy on External Fees and Charges
- 3.3 The policy is being updated for 2016/17 due to four main drivers:
- New requirements through COSLA.
 - New legislation for Carers through the Waiving of Charges Regulations and the Carers (Scotland) Bill, 2014 which is expected to become legislation in 2017.
 - The impact of welfare reform which, for example, will in future impact on the flat rate charge for services.
 - Any issues raised by users and carers.
- 3.4 A charging review group has been established with representatives of stakeholder organisations and people who use services and carers i.e. BVCV (Borders Voluntary Care Voice), Citizens Panel, providers and Encompass, and council staff. The forum has highlighted key areas where the updated charging policy is working well and areas of charging which could be clearer. It has been helpful to gain direct feedback on charging and to consider recommendations made by the group.
- 3.5 The Charging Forum identified that the policy was working well in the following ways:
- (a) It is viewed as being more equitable:
- There are fewer flat rate charges and more charges based on an assessment of people's ability to pay;
 - Support for reablement has extended the 42 day free policy to include people at home as well as within a care home;
 - People receiving support through SDS are now included in the charging policy.
- (b) The timely notification people received of their new or revised assessed charge improved this year.
- (c) The charging policy leaflet with easy read version improved accessibility to information.
- 3.6 The Charging Forum identified that the policy could be improved by:
- (a) Taking into account the feedback from individual users, carers and stakeholders on the charges for weekly short breaks and for housing with care, and by improving communication to people about their charge.
- (b) Ensuring an appropriate method to take into account of disability related expenditure, as required by COSLA.

- (c) Improving equity by including all people under guardianship within the charging policy.

4 PROPOSED UPDATES TO CHARGING POLICY 2016/7

- 4.1 It is proposed that a small number of updates to the charging policy will take effect from 1 April 2016 and are detailed below.
- 4.2 The introduction of charging to people using self-directed support had a key impact on people whose budget is used only for a short break. It is proposed that people whose only support is a short break are financially assessed per week of short break rather than across 52 weeks. This will be of financial benefit to the cared-for person and recognises the importance of a break for Carers, in recognition of the forthcoming Carers legislation.
- 4.3 Following a number of representations from people a change to the housing with care rate is proposed. This only applies to a small number of tenants who live in rented accommodation where staff teams are available on site during the day. This introduces a £10 per week flat rate charge to all tenants receiving housing support and housing with care. People will continue to pay for housing support. This proposal replaces the capital linked flat charge of either £27.94 or £55.88 per week and recognises that some people are using a lower level of support through housing with care.
- 4.4 In line with COSLA guidance which has introduced the need to take into account disability related expenditure it is proposed to disregard 20% of the disability related benefits included in a financial assessment. This option offers the benefit of minimum administration for clients and for Council staff as a standard disregard is applied.
- 4.5 Currently people with a guardian under the Adults with Incapacity (Scotland) Act 2000 are financially assessed with an exemption for people whose guardian is the Chief Social Work Officer. There are twenty four people currently exempt. It is proposed that, for equity, the charging policy is extended to people whose guardian is the Chief Social Work Officer. Independent advocacy and the appeals process can be accessed if there is a need for further advice or representation on behalf of individuals.
- 4.6 It is proposed that planned income received through charging for equipment will be replaced by an alternative option agreed in discussion with NHS Borders. This will include resetting the baseline budget to ensure an equitable contribution from both organisations.
- 4.7 In line with the Scottish Government settlement agreed with COSLA the income threshold from which charging is applied will increase from 16.5% to 25%. This means people will have more of their money disregarded when calculating any charge.
- 4.8 Additional changes include clarifying the policy with respect to permitted work and to trust funds, and there has been a redrafting of letters to clients to ensure clear communication.
- 4.9 The following table summarises the proposed Charging Policy changes for non-residential support.

Support/Service	Current Policy 2015/16	Updated Policy 2016/17
Short breaks/respite is the only support and used to take weekly breaks.	The charge is based on the individual's social care budget being calculated over 52 weeks.	The charge is based on the individual's social care budget being calculated over the number of weeks of break.
Equipment through the joint service.	Ordering charge of £10 and fitting and maintenance charge of £25.	Equipment is not chargeable.
Disability related expenditure.	No automatic disregard for disability related costs such as extra heating, unless through the appeals panel.	If receiving a disability related benefit and have additional disability related costs then 20% of benefit be disregarded in the financial assessment.
Chief Social Worker is the Guardian.	No charge if receiving non-residential support.	Will have a financial assessment, as do other people with a guardian.
Housing with Care.	A flat rate charge of either £27.94 or £55.88 per week dependent on capital, and no housing support payment.	Housing support charge continues, with exemption for people on housing benefit. Plus a £10 flat rate charge for everyone receiving support through housing with care.
Charging threshold for income	People can have a level of income equivalent to income support or pension credit plus 16.5% before a charge is made.	People can have a level of income equivalent to income support or pension credit plus 25% before a charge is made.

5 IMPLICATIONS

5.1 Financial

There will be no change to the financial plan. While some of the updates in charges, e.g., for short breaks will reduce income to the Council there will be additional income through the extension of charging, e.g., guardianships and an allocation has been made within the local government financial settlement for the change to the charging threshold.

5.2 Risk and Mitigations

- (a) The risk of people declining social care support due to the changes in charging policy are mitigated by the disregard for disability related expenditure and the increase in income threshold before charging.

- (b) The financial assessment process includes a welfare benefits check to maximise potential income and also an appeals process for people where there is financial hardship or exceptional need.
- (c) To ensure people continue to receive appropriate support an appeals panel process is in place to consider individual circumstances in relation to any potential financial hardships or risk.

5.3 Equalities

- (a) A full Equalities Impact Assessment has been carried out on this proposal and equality was a strong feature of the review. The recommended proposals are designed to increase access and ensure equity.
- (b) The charging policy can be complex. These proposed changes within the Charging Policy 2016/17 aim to simplify some aspects. A communication plan will be put in place to ensure that people receive information that is accessible in a timely and appropriate way.

5.4 Acting Sustainably

There is no effect anticipated on the economy, social or environment arising from the proposals.

5.5 Carbon Management

There is no effect anticipated on the Council's carbon emissions arising from the proposals in this report.

5.6 Rural Proofing

This report does not relate to a new or amended policy or strategy where rural proofing would be required.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in the report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report. Corporate Communications have also been consulted.
- 6.2 The proposals which form the basis of this report are the result of the work of the Charging Forum, which includes representatives of stakeholder organisations, including people who use services and carers. This Forum will continue to meet to monitor and review the policy.

Approved by

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Title Chief Social Work Officer

Signature

Author

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Background Papers: Client contribution and charging policy for social work services 2015/6, Scottish Borders Council, 20 November 2014.

Previous Minute Reference: Scottish Borders Council 20 November 2014, paragraph 7.

Appendix: Draft Charging Policy for Residential and Non-Residential Support 2016/17.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Susan Henderson can also give information on other language translations as well as providing additional copies.

Contact us at People Department, Scottish Borders Council Newtown St Boswells, 01835 824000.