

# North Lanarkshire Council

## Report

### Adult Health and Social Care Committee

Agenda item \_\_\_\_\_  approval  noting Ref JC/PMcA/ES Date 09/05/2019

### Charges For Non Residential Services, Meals Provision, Independent Sector Care Homes, In House Residential Care & Respite Care

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#### Executive Summary

The purpose of this report is to advise Committee of the charging levels to be applied by the service for non-residential services, meals provision, independent sector care homes, in-house residential care and respite care in 2019/20.

The Council's charging policy has been updated for 2019/20 to reflect the new rates.

The Council's leaflet/public information on charges will be revised and updated to reflect the changes for 2019/20 and made available to residents and service users.

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#### Recommendations

It is recommended that the Committee notes:

- a) the threshold figure for payment of home support charges set at £210 for single people and £320 for couples;
- b) the hourly rate for home support of £17.74;
- c) the daily rate for attending an Integrated Day Service of £10.00;
- d) the charge for meals provided in day services of £5.00;
- e) implementation of the increase to Independent Sector Care Home fees as negotiated via COSLA, Scottish Care and the Scottish Government;
- f) a charge for in house residential care of £649 per week;
- g) an uplift in charges for residential respite in line with increases in pensions and allowances; and
- h) rates for free personal care and nursing care will rise from £174 to £177 and £79 to £80 respectively.

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#### Supporting Documents

**Council business plan to 2020** Improve the Council's resource base

- Improve the health and care of communities
- Targeting resources to those most in need

## 1. Background

- 1.1 Local Authorities are empowered through the Social Work (Scotland) Act 1968 and the Housing Scotland Act, 2001 to apply charges for services. In setting its charging levels, North Lanarkshire Council has followed the national guidance issued by COSLA in respect of charging.
  - 1.2 The COSLA guidance operates on the principle that people on the lowest levels of income do not pay for the service and that those who do pay contribute according to their means. This objective is achieved by setting a charge threshold which is up-rated annually and applying a taper contribution of income above the threshold level. The threshold level increased by a 25% buffer from 2016/17, compared to the previous 16.5% buffer, in line with the Scottish Government's offer in relation to the Integration Fund.
  - 1.3 In accordance with COSLA guidance, North Lanarkshire Council maximises the income of all service users who are liable to make a contribution towards the cost of the service. In 2019/20, the Financial Inclusion Team is expected to generate benefit income in the region of £2m for people receiving a non-residential service.
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## 2. Report

### Non Residential Services

- 2.1 In line with the COSLA recommendations, the charge threshold for 2019/2020 will be £210 per week for a single person and £320 for couples (2018/19 £204 and £311). Persons with income less than those figures will not be required to pay for home support services.
- 2.2 When calculating maximum service users charge, the Council deducts from their assessable income any costs which the service user is liable for in respect of housing costs, i.e. rent, mortgage, council tax and water charges. A taper contribution of 50% of excess income is then applied. For example, a single person with income of £238 per week after deductions would have their charge assessed as follows:

Income	£238
Threshold	£210
Disposable Income	£ 28
Client charge = £28 x 50%	= £14.00
- 2.3 The hourly rate for Home Support Services will increase by 2%, from £17.39 to £17.74.
- 2.4 The charge applied for attending an Integrated Day Service will be £10.00 per day.
- 2.5 Charges for meals provided in day services will also increase by 2% from £4.90 to £5.00 for 2019/20.

### Independent Sector Care Home Fees

- 2.6 Care home fees are negotiated annually via COSLA, Scottish Care and the Government. The agreed weekly rates for 2019/20 are £714.90 (Nursing Care) and £614.07 (Residential Care) both effective from 8 April 2019.

The financial settlement requires all providers delivering publicly funded care to pay all care workers, regardless of age, experience or time in employment, a minimum of £9.00 by 1st May 2019, in line with the commitment to the Living Wage policy. The settlement also commits providers employing nurses and delivering publicly funded care to pay nursing staff agenda for change band 5, the Cost Model benchmarks against the top point.

### **In-house Residential Care**

- 2.7 The Council is required to set a rate for residential care provided in its own homes. The current rate of £636 will be increased to £649 per week in line with the inflationary uplift applied to other social work services.

### **Respite**

- 2.8 The weekly charge for residential respite (£98.95 in 2018/19) will rise in line with increases in pensions and allowances to £101.45 for 2019/20.

### **Free Personal Care**

- 2.9 The rates to be applied to free personal care and nursing care for people in residential and care homes for 2018/19 will rise in accordance with the Scottish Government directive from £174 to £177 and £79 to £80.

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## **3. Implications**

### **3.1 Financial Impact**

The new threshold figure at which service users will become liable for home support charges is in line with the existing policy of the Council. It affords protection to those on incomes less than £210 for single people and £320 for couples. People with income below these thresholds will be exempt from charges.

The hourly charge for support services, meals and in house residential care for 2019/2020 is increased by 2% in line with the Consumer Price Index (CPI). For future planning the January CPI will be used as the relevant reference point for adjustments in April each year.

The actual amount which a person will contribute towards the cost of their care in a residential home will be determined by a financial assessment applying national guidance.

### **3.2 HR/Policy/Legislative Impact**

#### **Free Personal Care (FPC)**

Free Personal Care (FPC) for over 65s was introduced in 2002, following recommendations of the Royal Commission on Long-Term Care which recommended that personal care should be funded from general taxation.

Self-funders in residential care are eligible to receive a payment direct to the care provider for their personal care, as set out in Regulations. At present this is £177 per week for personal care. Care at home clients over the age of 65 currently receive their personal care at home free of charge, and those under the age of 65 are means tested and a charge for personal care made according to their available income.

Subsequent campaigning focused on the different treatment of over- and under-65s and called for the extension of free personal care to all those assessed by local authorities as requiring it. The campaign gained cross-party support, and in the Programme for Government in 2016, the Scottish Government announced a feasibility study to consider the possibility of extending to under-65s. Local Authorities were consulted as part of that feasibility study, which revealed a strong support for the policy subject to appropriate funding being put in place.

Following the publication of the feasibility study, in September 2017, the Scottish Government announced that it would bring forward legislation to extend free personal care to Under-65s. As part of the work to extend, the Scottish Government set up an Implementation Advisory Group, which included representation from COSLA and a number of local authorities.

The draft Scottish Budget announced by the Finance Secretary in December 2018 gave confirmation of the level of funding to local authorities for the implementation of the extension of free personal care to under-65s.

The Scottish Government has proposed that £30m of funding be allocated in 2019-20 to local authorities for the extension of free personal care to under-65s.

Related legislation was passed in June 2018 to extend FPC to under 65s and this comes into force on **1<sup>st</sup> April 2019**.

The group impacted will include those with physical disability, learning disability and mental health problems predominantly. The majority of these will be receiving care at home, while a small number will receive local authority funded care in care homes and an even smaller number will receive free personal care payments direct to their care home provider as self-funders in residential care.

The change in legislation to extend FPC to under 65's will not however automatically mean that service users will not be charged for services, as many under 65's will receive other types of support, other than FPC.

Health and Social Care will review care packages and IT systems to ensure that this legislation is applied from 1<sup>st</sup> April 2019.

### **The Carers (Scotland) Act 2016**

The Carers (Scotland) Act 2016, which came into force in April 2018 was developed to support carers through a rights based and preventative approach. The Act introduced the power and the duty to support carers, including the requirement to waive charges for supports identified through an Adult Carer Support Plan or Young Carer Statement.

#### **3.3 Environmental Impact**

No implications.

#### **3.4 Risk Impact**

There is no significant risk with the changes to the Non Residential Charging Policy.

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**4. Measures of success**

- 4.1 Through the income maximisation and charging policy, service users have their income fully maximised through the social security benefit system.
- 4.2 This policy ensures that disability benefits etc are claimed and the Council in turn receive revenue from charges for services.
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