

1. Topic of assessment

EIA title:	Charging Policy for Adult Social Care Services
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EIA author:	Toni Carney, Head of Resources
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2. Approval

	Name	Date approved
Approved by	Helen Atkinson	28 June 2016

3. Quality control

Version number	3	EIA completed	22/06/2016
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4. EIA team

Name	Job title (if applicable)	Organisation	Role
Pam Hassett	Senior Manager	Surrey County Council	Project Team
Dina Bouwmeester	Policy Development Manager	Surrey County Council	Project Team

5. Explaining the matter being assessed

<p>What policy, function or service is being introduced or reviewed?</p>	<p>In April 2015 Surrey County Council adopted the current Charging Policy to adhere to the Care Act 2014 and supporting regulations and statutory guidance.</p> <p>The policy affects all residents of Surrey who are assessed as needing chargeable care and support services. Any adult needing care and support is assessed to see if they need to contribute towards their care costs. The charging policy sets out in clear terms how contributions are calculated. The resident is informed of their assessed charge and how it was arrived at so they can plan their care.</p>
<p>What proposals are you assessing?</p>	<p>The proposed changes to the charging policy are as follows:</p> <ol style="list-style-type: none"> 1. The council will charge an administration fee in any case where the person is able to pay the full cost of their care and support at home but nevertheless the person asks the council to make the arrangements for the placement under the council's usual terms and conditions. 2. The council will increase the percentage of available income contributed in charges for non-residential services from 90% to 100% 3. The council will include the full rate of higher rate Attendance Allowance/Disability Living Allowance Care Component/Personal Independence Payment (excluding mobility components) in the calculation of income. 4. The council will no longer disregard £20 per week when calculating the available income for charging for respite care. <p>Income from charging is an important contribution to Adult Social Care's budget to help maintain front-line services and the council exercises the power to charge for all residential and nursing care and non-residential services unless it is prohibited from charging under the regulations or otherwise outside of our current policy</p> <p>Charging an administration fee for putting arrangements in place</p> <p>From 1 April 2015, when a person has capital above the upper capital limit (£24,500 for people living at home), and would be required to fund their own care, the person can still request that the council makes arrangements for their care and support needs to be met. The council may charge an arrangement fee to cover the cost of managing the contract with the provider and any administration costs. It is proposed that an administrative charge will be made. An initial set-up cost of £295 will be charged at the outset and thereafter a weekly fee of £5 will be charged for each week that the council commissions support.</p>

Percentage of available income taken in charges

For people in receipt of non-residential care and support, the financial assessment calculates the service user's total weekly income, less certain disregarded income, statutory allowances, certain housing costs and any disability related expenditure to determine the amount of net disposable income left over for charging. The Department of Health recommends that local authorities should consider whether it is appropriate to set a maximum percentage of disposable income which may be taken into account in charges. Many neighbouring local authorities take between 90% and 100% of available income. The current contribution in Surrey is 90% of net available income.

The full rate of Attendance Allowance/ Disability Living Allowance/Personal Independence Payment (excluding mobility elements) should be included in the calculation of income

Under the current charging policy, the council disregards £27.20 per week, equivalent to the 'night-time' support element of both higher rate Attendance Allowance [AA] and the higher rate Disability Living Allowance [DLA] Care Component when calculating available income for care and support at home. This disregard has also been applied to the 'enhanced' rate of Personal Independence Payments [PIP] daily living component. The charging framework permits local authorities to take the benefits into account in full.

It is proposed that the council takes the full rate of AA, DLA and PIP (excluding mobility components) into account when calculating income. The council allows for all reasonable disability related expenditure when calculating the amount of net disposable income available for charging and therefore the inclusion of these benefits in full is appropriate.

Removal of the £20 per week disregard when charging for respite care.

When assessing a person's ability to contribute towards respite care in a residential or nursing home, in addition to allowing for reasonable household expenditure, the council disregards £20 per week. This disregard has been in place for many years. It is proposed that the council removes this disregard from the respite charging policy.

Who is affected by the proposals outlined above?

The proposals will affect those residents of Surrey who have eligible needs and are supported to remain in their own homes. The proposals will affect those who are currently receiving services who have already been financially assessed as well as those who are assessed as having needs in the future. There may also be an impact on the carers and families of those individuals.

Surrey County Council staff will not be directly affected by the changes; however they will need to understand the new policy and any new procedures which come out of the proposals. Staff in frontline teams will also need to understand the policy so they can provide appropriate advice and guidance during assessments.

External organisations will not be directly affected; however there may be an increase in demand on information, advice and advocacy services and as such, organisations will need to have an awareness of the changes to the charging policy so that they are able to provide correct advice and guidance to their customers.

6. Sources of information

Engagement carried out

- Consultation on the proposed changes to the council's charging policy took place from 7th April 2016 to 16th June 2016 for a period of 10 weeks.
- All current people in receipt of chargeable services were sent copies of the consultation documents, a further letter was sent to those people impacted by proposals 2 and 3, to encourage people to respond to the consultation.
- The consultation also appeared on the Council's consultation web pages, 'Surrey Says.'
- Representatives of relevant user led organisations, including Surrey Coalition for Disabled People, Sight for Surrey, Age UK and Action for Carers were consulted on the EIA and contributed to the final version.
- Scrutiny from the Social Care Services Board on 23 June 2016

Data used

The following data has been used to inform changes to the charging policy.

- Surrey County Council in house data from the Adults Information System (AIS) database on client characteristics
- Joint Strategic Needs Assessment (JSNA) data on the profile of Surrey's population broken down by the protected characteristics.
- Feedback from the 10 week consultation

7. Impact of the new/amended policy, service or function

7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 33</p> <p style="text-align: center;">Age</p>	<p><i>1) Charging an administration fee to offset the costs of commissioning care for full cost payers at home</i></p> <p>People who ask the council to make arrangements for them may benefit from decreased rates of payment as the council negotiates reduced rates in some circumstances compared to those which private buyers are able to achieve. Even if an administration fee is charged this may be cost effective for some people.</p> <p><i>2) Increasing available income contributed in charges from 90% to 100%</i></p> <p>Increasing the contribution in available income will mean that there will be a larger contribution paid towards the overall Adult Social Care budget which may help in the longer term to ensure that council services are sustainable for vulnerable groups with the protected</p>	<p><i>1) Charging an administration fee to offset the costs of commissioning care for full cost payers at home</i></p> <p>This may preclude self funding clients from accessing our professional services to arrange care and support as they do not want to pay an administration charge. There is also concern that the reference to administration fees may prevent people from seeking an assessment in the first instance.</p> <p><i>2) Increasing available income contributed in charges from 90% to 100%</i></p> <p>This could have a negative impact in that it will reduce the disposable income of people who are charged for services. We do not know on an individual basis what people spend their disposable income on and consequently cannot analyse the impact of decreasing that amount.</p>	<p>Adult Social Care records show that around 80 people have asked the council to commission their care and report at home since April 2015.</p> <p>Joint Strategic Needs Assessment: Data shows that Surrey has a higher proportion of people over eighty five years old and estimates that this population is set to double by 2033. This will lead to a greater demand on council services and a higher number of people who are able to fund their own care seeking advice and support.</p> <p>Approximately 1700 people will be affected</p> <p>The average weekly increase will be £4.85 per week; the range of increases will be £0.21 to £66.47 per week</p>

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
<p>Page 34</p>	<p>characteristics.</p> <p>People will be offered a further financial reassessment which may highlight their entitlement to other benefits, identify other DRE, or other change of circumstance they have not previously stated.</p> <p><i>3) The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.</i></p> <p>Increasing the income from charging will mean that there will be a larger contribution paid towards the overall Adult Social Care budget which may help in the longer term to ensure that council services are sustainable or increased for vulnerable groups with the protected characteristics.</p>	<p>People’s well-being could be impacted if they do not have the means to purchase one off items of occasional expenditure or do not have the funds to socialise and could become socially isolated.</p> <p>An increase in care charges could be compounded by other changes in the welfare benefit system for some people, creating a larger and more complex negative impact.</p> <p><i>3) The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.</i></p> <p>This could have a negative impact in that it will reduce the disposable income of people who are charged for services. We do not know on an individual basis what people spend their disposable income on and consequently cannot analyse the impact of decreasing that amount. All reasonable disability related expenditure is taken into account</p>	<p>There are approximately 700 people in Surrey who would be directly impacted by this proposal</p>

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 35</p>	<p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p> <p>As above</p>	<p>when assessing the amount of income available for charging.</p> <p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p> <p>As above</p>	<p>It is estimated that around 400 people would be affected by this proposal</p> <p>Consultation documents were sent to 6,992 people currently in receipt of chargeable services. A second letter was sent to the 700 or so people potentially impacted by two proposals to highlight the offer of a new financial assessment and encourage the return of the questionnaire. At the end of the consultation period 1,649 responses were received. People were given the opportunity to comment on the proposals and a wide range of views were expressed, ranging from those people who disagree with charging for social care to those people who believe that the proposals were reasonable in the current financial climate. The responses have been considered and are reflected in general terms in the EIA.</p>
<p>Disability</p>	<p>Same as above</p>	<p>Same as above</p>	<p>Same as above</p>
<p>Carers, including Young Carers</p>	<p>1) <i>Charging an administration fee to offset the costs of commissioning care for full cost payers at home</i></p> <p>People who ask the council to make</p>	<p>1) <i>Charging an administration fee to offset the costs of commissioning care for full cost payers at home</i></p> <p>This may preclude self funding</p>	<p>The number of carers impacted by the proposals cannot reasonably be quantified.</p> <p>However, it is likely that it will be</p>

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
<p>Page 36</p>	<p>arrangements for them may benefit from decreased rates of payment as the council negotiates reduced rates in some circumstances compared to those which private buyers are able to achieve. Even if an administration fee is charged this may be cost effective for some people. This could be of benefit to carers as well as the cared for person.</p> <p><i>2) Increasing available income contributed in charges from 90% to 100%</i></p> <p>Increasing the contribution in available income will mean that there will be a larger contribution paid towards the overall Adult Social Care budget which may help in the longer term to ensure that council services are sustainable for vulnerable groups with the protected characteristics.</p>	<p>clients from accessing our professional services to arrange care and support as they may not want to pay an administration charge. This could result in their carers not seeking information, advice or support in their own right. This could lead to increased stress on the carers of an individual and impact their health and wellbeing.</p> <p><i>2) Increasing available income contributed in charges from 90% to 100%</i></p> <p>This could have a negative impact in that it will reduce the disposable income of people who are charged for services. We do not know on an individual basis what people spend their disposable income on and consequently cannot analyse the impact of decreasing that amount. It may produce an indirect cost to the carer/young carer if they chose to provide additional financial support or increased stress if they feel they have to meet additional 'needs' the individual was paying for using their disposable income. This could negatively impact carers/young</p>	<p>significantly less than the number of people directly impacted.</p>

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 37</p>	<p>People will be offered a further financial reassessment which may highlight their entitlement to other benefits, identify other DRE, or other change of circumstance they have not previously stated. It may also highlight addition benefits that carers are entitled to.</p> <p><i>3) The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.</i></p> <p>Increasing the income from charging will mean that there will be a larger contribution paid towards the overall Adult Social Care budget which may</p>	<p>carers health and wellbeing.</p> <p>People's well-being could also be impacted if they do not have the means to purchase one off items of occasional expenditure.</p> <p>An increase in care charges could be compounded by other changes in the welfare benefit system for some disabled people, carers and families e.g. changes to PIP, minimum wage affecting receipt of carers allowance, potentially creating a larger and more complex negative impact. This could result in an increased burden on carers, and negatively impact their health and wellbeing.</p> <p><i>3) The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.</i></p> <p>This could have a negative impact in that it will reduce the disposable income of people who are charged for services. We do not know on an</p>	

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 38</p>	<p>help in the longer term to ensure that council services are sustainable or increased for vulnerable groups with the protected characteristics.</p> <p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p> <p>As above</p>	<p>individual basis what people spend their disposable income on and consequently cannot analyse the impact of decreasing that amount. It may produce an indirect cost to the carer/young carer if they chose to provide additional financial support or increased stress if they feel they have to meet additional 'needs' the individual was paying for using their disposable income. This could negatively impact carers/young carers health and wellbeing.</p> <p>People's well-being could also be impacted if they do not have the means to purchase one off items of occasional expenditure.</p> <p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p> <p>By removing the £20 disregard some carers may be deterred from taking respite or may feel they need to 'top up' any additional cost. This could negatively impact carers.</p>	

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
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Gender reassignment	No impact	No impact	No impact
Pregnancy and maternity	No impact	No impact	No impact
Race	No impact	No impact	No impact
Religion and belief	No impact	No impact	No impact
Sex	No impact	No impact	No impact
Sexual orientation	No impact	No impact	No impact
Marriage and civil partnerships	No impact	No impact	No impact

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7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	These proposals do not impact on staff, unless they are in receipt of services in which case see above.	These proposals do not impact on staff, unless they are in receipt of services in which case see above.	These proposals do not impact on staff, unless they are in receipt of services in which case see above.

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Disability	As above	As above	As above
Carers	As above	As above	As above
Gender reassignment	As above	As above	As above
Pregnancy and maternity	As above	As above	As above
Race	As above	As above	As above
Religion and belief	As above	As above	As above
Sex	As above	As above	As above
Sexual orientation	As above	As above	As above
Marriage and civil partnerships	As above	As above	As above

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8. Amendments to the proposals

Change	Reason for change
None	

9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
<i>The actions below would need to be undertaken should the recommendations made to Cabinet be agreed.</i>			
<i>1) Charging an administration fee to offset the costs of commissioning care for full cost payers at home</i>	<p>Review the administration charge annually to ensure it is covering no more than the cost of the process to the Council</p> <p>Periodically benchmark with other councils in relation to their administration fees</p> <p>The council has a duty to assess needs and will continue to do so regardless of the person's financial circumstances. This duty will be promoted to ensure people seek support to enable people to remain independent in their own homes.</p>	Annually	Toni Carney
<i>2) Increasing available income contributed in charges from 90% to 100%</i>	<p>Any person in receipt of a chargeable adult social care services may request a new financial assessment under any revised policy.</p> <p>Promote awareness of other forms of support available to people for the payment of significant items/services e.g. white goods, property maintenance. This will include signposting via SIP and within charging leaflets/information. Co-design with representative groups on this communication to</p>	<p>July 2016 onwards</p> <p>October 2016</p>	Toni Carney

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
	<p>ensure it is as effective as possible, particularly Age UK in respect of older people and Action for Carers, to support carers.</p> <p>Maintain the disregard of Tariff Income from capital within the current policy. This will mean that capital is not reduced through care charges and could be used e.g. to fund unexpected costs or significant items/services.</p> <p>Continue to promote face to face financial assessment support to ensure that Disability Related Expenditure (DRE) is identified, and other benefit entitlement is maximised.</p> <p>Provide guidance to staff to ensure that where appropriate, specialist support is provided at the financial assessment, specifically for deaf/blind people who would benefit from a Communicator Guide</p> <p>Maintain free services to Carers within the current policy.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>October 2016</p> <p>Ongoing</p>	
<p>3) <i>The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.</i></p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p>	<p>Continue to promote carers assessments to ensure carers have adequate support.</p> <p>Develop an effective way to monitor any potential impact on</p>	<p>As above</p>	<p>As above</p>

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
	carers		

10. Potential negative impacts that cannot be mitigated

Potential negative impact	Protected characteristic(s) that could be affected
<p>The disposable income of residents would be lowered if the council increases individual's contributions to care.</p> <p>By removing the £20 disregard some carers may be deterred from taking respite or may feel they need to 'top up' any additional cost. This could negatively impact carers. As stated in page 3 above this only applies to respite care in the form of residential or nursing care, for the cared for individual.</p>	Age, disability, carer

11. Summary of key impacts and actions

<p>Information and engagement underpinning equalities analysis</p>	<ul style="list-style-type: none"> • 10 week consultation • Consultation with relevant User Led Organisations on the completion of the EIA • Focus group with Members and people receiving services • Scrutiny from the Social Care Services Board on 23 June 2016
<p>Key impacts (positive and/or negative) on people with protected characteristics</p>	<p><i>1) Charging an administration fee where a person is able to pay the full cost of their care and support</i></p> <ul style="list-style-type: none"> • This may have a positive impact on Surrey residents needing care and support who would normally have to make their own arrangements. This group will be able to access services at a lower rate which will offset any administration fee charged. • A potential negative impact is that people who fund their own care may be put off using Surrey services due to having to pay an administration fee. This could also have a negative impact on carers as described above.

	<p>2) <i>Increasing the amount of available income contributed in charges from 90% to 100%</i></p> <ul style="list-style-type: none"> • Increasing the amount taken to 100% will bring greater income to Adult Social Care to enable ASC to continue to support people to live well at home independently for as long as possible. • A negative impact of this policy would be that the disposable income of residents would be lowered if the council takes more in way of contributions to care. • This could also have a negative impact on carers as described above <p>3) <i>The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.</i></p> <p style="text-align: center;">As in 2 above</p> <p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p> <ul style="list-style-type: none"> • By removing the £20 disregard some carers may be deterred from taking respite or may feel they need to 'top up' any additional cost. This could negatively impact carers. As stated in page 3 above this only applies to respite care in the form of residential or nursing care, for the cared for individual
<p>Changes you have made to the proposal as a result of the EIA</p>	
<p>Key mitigating actions planned to address any outstanding negative impacts</p>	<p>1) <i>Power to make a charge of an administration fee where a person is able to pay the full cost of their care and support</i></p> <ul style="list-style-type: none"> • Cost of charge may be offset by the reduced cost to people who fund their own care of paying for services when these are organised by the council. • In all other respects ensure frontline social care staff support people who fund their own care on an equivalent basis to those in receipt of local authority funding, including the offer of free assessments of their needs, universal information and advice, and signposting to appropriate sources of support, including family, friends and community support. To achieve this through staff training and ongoing development.

2) Increasing the amount of available income contributed in charges from 90% to 100%

- Write to affected residents offering a reassessment of their financial situation if they feel the charge is not financially sustainable.
- Continue to support frontline social care staff to advise and signpost all residents requiring support, irrespective of their level of funding, on how they can access family, friends and community support, some of which may be free of charge at the point of access.
- Promote awareness of other forms of support available to people for the payment of significant items/services e.g. white goods, property maintenance. This will include signposting via SIP and within charging leaflets/information. Co-design with representative groups on this communication to ensure it is as effective as possible, particularly Age UK in respect of older people and Action for Carers, to support carers.
- Maintain the disregard of Tariff Income from capital within the current policy. This will mean that capital is not reduced through care charges and could be used e.g. to fund unexpected costs or significant items/services.
- Continue to promote face to face financial assessment support to ensure that Disability Related Expenditure (DRE) is identified, and other benefit entitlement is maximised.
- Provide guidance to staff to ensure that where appropriate, specialist support is provided at the financial assessment, specifically for deaf/blind people who would benefit from a Communicator Guide
- Maintain free services to Carers within the current policy.

3) The council will include the full rate of Higher Rate Attendance Allowance/Disability Living Allowance/Personal Independence Payment in the calculation of income.

As in 2 above

	<p>4) <i>Removal of the £20 per week disregard when charging for respite care.</i></p> <p>As in 2 above</p> <ul style="list-style-type: none"> • Continue to promote carers assessments to ensure carers have adequate support.
<p>Potential negative impacts that cannot be mitigated</p>	<ul style="list-style-type: none"> • The disposable income of residents would be lowered if the council takes more in way of contributions to care. • By removing the £20 disregard some carers may be deterred from taking respite or may feel they need to 'top up' any additional cost. This could negatively impact carers. As stated in page 3 above this only applies to respite care in the form of residential or nursing care, for the cared for individual.