SOCIAL WORK SERVICES' CHARGING POLICY - PROPOSALS FOR REVIEW

1 PURPOSE

1.1 The purpose of this report is to present to Committee proposals for the review of specific areas of the existing Charging Policy for Social Work Services.

2 SUMMARY

2.1 The report outlines the context of Stirling Council’s inherited Charging Policy, and the legal framework for residential nursing home, and domiciliary charges.

2.2 It summarises the current policy, and identifies key areas which require review to ensure consistency, coherence and equity.

2.3 The report contains specific proposals to address each of the anomalous areas.

3 RECOMMENDATION(S)

3.1 It is recommended that Committee:

approves the proposals as outlined in Section 4 of the Report

receives a further report in the September 1997 cycle giving information on the impact of the changes, based on the monitoring proposals in Section 5.2 of the Report.

4.0 CONSIDERATIONS

4.1 Context

4.1.1 Inherited Policy

Stirling Council's Social Work Services' Charging Policy has been inherited from Central Regional Council. Following Local Government Reorganisation and charging issues which have been raised over the past few years, it is apparent that certain key areas within the Charging Policy require to be reviewed. It is important to stress that any proposals for review do not constitute a change to the Policy itself - rather, they aim to give a consistency of approach and ethos within the current policy,
and redress some anomalies that have been highlighted.

4.1.2 Statutory and Discretionary Framework

With respect to charging for Social Work Services, it should be emphasised that there is a key difference depending on whether residential/nursing home or domiciliary care is involved.

The legal framework for residential and nursing home charges is based on a statutory means-test which is a national system with little discretion for local authorities. The National Assistance Act as amended by the NHS and Community Care Act 1990, provides for individuals to be charged for such accommodation. The National Assistance (Assessment of Resources) Amendment Regulations and Guidance sets out how the charge should be worked out;

Charging for non-residential services such as home and clay care does allow some discretion in determining the structure and operation of charging systems. However, introducing and implementing such charges can be complex for authorities. The Scottish Office Circular SWSGI/97, "Charging for Adult Non-Residential Sector Care" provides general guidance on local authorities' discretionary powers.

Principles

In reviewing any charging policy, it is suggested the following principles are integral. As far as possible, the charging system should

- be simple and easy to understand
- balance equity and fairness
- minimise means-testing for services
- reduce administration
- help to deliver services quickly
- be cost effective to collect
- minimise any potential for system abuse
4.1.4 Revision for consistency

The current policy does now offer familiar procedures, set-up systems
and an understanding by social work staff. A completely revised policy
would require wholesale change and major upheaval to both users and
staff. This report therefore focuses on giving consistency and dealing
with inherited anomalies in the existing policy.

4.2 Current Policy

4.2.1 There are a mixture of charges (means-tested and flat-rate charges) for
services provided, as detailed below.

<table>
<thead>
<tr>
<th>Service</th>
<th>Current Charge</th>
<th>Basis</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respite Care (LA)</td>
<td>£49 per week</td>
<td>Statutory</td>
<td>Flat</td>
</tr>
<tr>
<td>Respite Care (private)</td>
<td>£49 per week plus DSS Residential Allowance</td>
<td>Statutory</td>
<td>Means Test</td>
</tr>
<tr>
<td>Home Care</td>
<td>£7.10 per hour</td>
<td>Discretionary</td>
<td>Means Test</td>
</tr>
<tr>
<td>Equipment/Adaptations</td>
<td>No charge</td>
<td>Discretionary</td>
<td>-</td>
</tr>
<tr>
<td>Crossroads</td>
<td>No charge</td>
<td>Discretionary</td>
<td>-</td>
</tr>
<tr>
<td>Mobile Emergency Care Service</td>
<td>No charge</td>
<td>Discretionary</td>
<td>-</td>
</tr>
<tr>
<td>Meals on Wheels</td>
<td>£1.20 per meal</td>
<td>Discretionary</td>
<td>Flat</td>
</tr>
<tr>
<td>Lunch Club Meals</td>
<td>£1.20 per meal</td>
<td>Discretionary</td>
<td>Flat</td>
</tr>
<tr>
<td>Meals (Community Day Care Centre)</td>
<td>£1.20 per meal</td>
<td>Discretionary</td>
<td>Flat</td>
</tr>
<tr>
<td>Meals (Kerse Road Day Centre)</td>
<td>None</td>
<td>Discretionary</td>
<td>Flat</td>
</tr>
<tr>
<td>Meals (Residential Home Day Care)</td>
<td>Various</td>
<td>Discretionary</td>
<td>Flat</td>
</tr>
</tbody>
</table>

4.3 Proposals for Review

Statutory Areas

4.3.1 Respite Care

Currently, Respite care is included in our Charging Policy as a community
service. Most other authorities and specifically Scottish Office Guidance
consider Respite to be part of the Residential Care service. Such
Guidance on Charging for Residential Care has clearly defined rules for
Temporary Residential Care, including respite.
The "flat-rate" charge for Respite Care intended in the current policy has not been achieved in practice. Payment of the D.S.S. Residential Allowance for Private and Voluntary establishments has in fact meant that some users are being financially assessed to determine how much of this Residential Allowance the authority can recover from them.

It is proposed that all Respite Care should be financially assessed within the Scottish Office Guidance and Regulations. This balances equity and fairness with a realistic service charge - all user-s, whether they receive Respite Care in a local authority, private or voluntary establishment, will contribute according to their income levels. At the same time, a financial assessment will highlight users who are failing to claim their full entitlement to benefits, and help can be given to maximise their income living at home in the community.

**Discretionary Areas**

4.3.2 **Day-Care for Users Placed by the Private/Voluntary Residential Sector**

Scottish Office Guidance currently states that residents should not be charged extra for day time activities which have been negotiated as part of the residential care package, as the cost of these services would already be included in the standard charge agreed by the Local Authority for that package.

Stiring Council currently places users with private and voluntary sector providers, paying those providers the full appropriate rate for residential care. Certain users then receive day care outwith the care home. This takes away the financial onus for that part of the care cost from the provider, even though this Service has made payment for it.

It is therefore proposed to cease the subsidy of day care for users placed by the Private/Voluntary Care sector. These sector providers will in future be expected to meet their contractual obligations in terms of providing full care to these users.

4.3.3 **Home Care Service - Attendance Allowance (AA) and Disability Living Allowance Care Component (DLA Care)**.

Service users are currently means-tested. The user is charged a contribution calculated from the financial assessment or the cost of care, whichever is less. The cost of care is calculated at £7.10 per hour. The service is free to people who are receiving Income Support.
Current policy totally disregards AA and DLA Care from the financial assessment, despite the fact that these allowances are paid by the Benefits Agency in recognition of the need for cars.

Social Work Services are providing often significant packages of personal care to individuals who receive either AA or DLA Care, but obtain no contribution from this income towards the cost of the care package. This, it is suggested, is no longer tenable.

Most other authorities take AA and DLA Care into account within a financial assessment, many in their entirety. It is proposed that Stirling Council should take only one half of these allowances into account when calculating users' contribution to the cost of their care package. This recognises the additional expenses caused by disability, as half the allowances will still be retained for personal use. It also recognises the cost to the authority in providing a high quality and responsive service.

To ensure equity, it is proposed that where someone pays for informal care (and this is recognised within their care assessment) that this is allowed for as a deductible expense. Similarly, where someone is in receipt of Independent Living Fund payments (from the 1993 Fund), and they are already expected to put half of their DLA Care Component towards the cost of their care, this will be recognised.

4.3.4 Attending Allowance Payments

Users of Adult Day Centres e.g. Kerse Road have traditionally received a nominal sum (currently £3.15 per week), in recognition of the output flowing from the Centre's activities. This nominal sum is knows as the "Attending Allowance", and is rooted in the concept of paying a token "wage" in the old-style Adult Training Centre.

The ethos of Day Centres has evolved since then, with a much greater focus on integration and development. Such a focus is contrary to, and negates the value of, this token payment. Such a nominal sum adds little user empowerment and bears no correlation to true wages.

It is therefore proposed to cease this token payment.
4.3.5 **Day Centre Meals**

Users who attend Kerse Road Day Centre are not currently charged for meals. Charging for meals, however, does occur in Day Care and Residential Care settings.

It is therefore proposed that an equivalent charge of £1.20 is made for Day Centre meals to redress the anomaly, and give consistency in this area of charging. This proposal does need to be considered alongside the proposal at 4.3.3 to cease payment of Attending Allowance, as both will impact on the same users.

4.3.6 **Withdrawal of Subsidy from Lunch Clubs**

Fourteen lunch clubs operate at present. These are run by volunteers and provide users with a hot meal and an opportunity to socialise. Housing and Social Services cover the costs of meals, premises and administration. Approximately 230 meals are provided by the Catering DLO Service each week.

It is proposed to withdraw subsidy by Housing and Social Services to these clubs. The social element, which has been their main feature, is of less value now as it is mainly the younger and fitter ‘elderly’ who use these clubs. All travel by their own method of transport. It is important to stress that there is no element of risk to any individual through not providing the subsidy, due to the nature of the user group.

Withdrawal of subsidy would increase the cost of the meal to users from £1.20 to £1.99. Users would have the choice of paying for the service, or using other facilities if they felt it offered better value for them.

**POLICY IMPLICATIONS**

5.1 This report seeks to give consistency and coherence to the existing Charging Policy. Any substantive change in the basic structure, framework and direction of the Charging Policy would require to be remitted for wholesale review.
5.2 Social Work Services will advise all current users of the changes by personal letter, through key worker contact, by use of a dedicated 'phone number, and by meeting with groups of users.

The Service will also produce written information to current and potential users of services available and associated charges e.g. information leaflets. The information will make explicit how representations can be made against assessed liability for any charge.

The Service will also monitor the impact of the charging policy review by recording and examining all cases where existing services are cancelled by users, and by analysing service take-up and rejection rates by people newly assessed as requiring the service.

5.3 The proposals contained within this report contribute to, and are compatible with the following strategic aims of Stirling Council -

- Promote Social and Economic Inclusion
- Promote Equality
- Enhance, Diversity and Promote Quality Services

6 CONSULTATIONS

6.1 There will clearly be an initial work impact on administrative staff due to the need to reassess care package costs. Financial assessment forms and guidance will also require amendments.

6.2 Advice Services staff will have a crucial role to play in offering advice and assistance to the public and supporting social work staff in ensuring take-up of maximum benefit entitlement.

6.3 There will be goats involved in the production of information leaflets for the public, and monitoring of the changes proposed within the Charging Policy.

6.4 The proposals set out in Section 4 of the report would result in potential revenue for the authority of up to £329,5000

7 CONSULTATIONS
7.1 The proposals contained in section 4 of this report have been the subject of consultation among representative staff from all areas of service provision. Legal Services have also been consulted.

Author(s)

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Approved by

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