

CABINET

7 JULY 2015

THE CARE ACT (CHARGING AND ASSESSMENT OF RESOURCES) REGULATIONS 2014

Portfolio Holder: Councillor David Brake, Adult Services

Report from: Barbara Peacock, Director of Children and Adults Services

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Summary

From 1 April 2015, Local Authorities were required to implement part 1 of the Care Act 2014. Whilst fundamental reforms in respect of the way people pay for their care do not become law until April 2016, the Care Act provides the opportunity to implement changes to the way that charging for care and support operates from 2015.

This report provides an overview of the proposed changes to the charging arrangements for Adult Social Care in Medway and feedback from the public consultation relating to the proposals.

1. Budget and Policy Framework

- 1.1 This report supports the Council Plan priority “Adults maintain their independence and live healthy lives”. It promotes the values “Putting our customers at the centre of everything we do” and “Giving Value for money”.
- 1.2 The information in this report provides Cabinet Members with an overview of the proposed changes to the charging arrangements for Adult Social Care and feedback from the public consultation relating to the proposals.

2. Background

- 2.1 The Care Act 2014 (“Care Act”) and supporting regulations and statutory guidance replaces current legislation and guidance that has been in place for many years. From 1 April 2015, the legal basis for charging became a power rather than a duty to charge. This new power replaced the former duty to charge under the National Assistance Act 1948 for residential and nursing provision and the power to charge for non-residential services.
- 2.2 From April 2015, a Local Authority may make a charge for meeting needs under sections 18 to 20 of the Care Act* but is no longer required to do so, unless, that is, the person’s resources are above the upper capital limit. The local authority is then precluded from paying towards the cost of care in a care home setting.

- 2.3 Councils were required to determine whether or not they intended to exercise their power to charge for residential and nursing provision as well as non-residential services.
- 2.4 Medway Council exercises the right to charge for residential and non-residential care and support services. Financial Assessments are completed to determine how much a person can afford to pay towards the cost of their care.
- 2.5 Medway Council charges for all care and support services we are legally able to and at the appropriate rate.
- 2.6 The Deferred Payments scheme is already in use at Medway, with legal charges being registered against properties to secure debt.
- 2.7 Whilst the implementation of The Care and Support (Charging and Assessment of Resources) Regulations 2014 has little impact to Service Users in relation to our current charging model, there are some additional elements that we are proposing to implement which will have an effect.
- 2.8 Furthermore, there are changes in respect of the Deferred Payment Agreement (DPA) that will have an impact on our residents who meet the criteria and take advantage of the scheme; and also for those Service Users who are currently using the DPA, who have to remain on the current scheme.
- 2.9 There are a number of changes in respect of charging under Care Act regulations. Appendix A – “Care Act consultation on proposed charges for Adult Social Care services” provides detail of the proposed changes recommended in Medway.

3. Options

- 3.1 Local Authorities are asked to consider the need to consult local people, but should not be expected to consult formally if their approach to charging has not changed as a result of the Act.
- 3.2 As mentioned, there are a number of changes in respect of charging under Care Act regulations. Appendix B – “Summary of Changes in respect of Charging and the Care Act” provides a summary of these changes and the rationale behind the decision whether to include these changes in the consultation.
- 3.3 There were three options available with regard to the Care Act Charging Policy:
 - Option1 – Do not consult and continue with current practice.
 - Option 2 – Do not consult and implement the changes in line with the Care Act.

- Option 3 – Follow the Local Government Association’s guidance and formally consult on the changes.

3.4 Medway Council decided to consult (option 3), details of which are set out in paragraph 4 below.

4. Advice and analysis

4.1 Although the approach to charging has not changed in Medway, the Care Act includes elements of charging that are not currently in place in Medway and these changes will have an impact on our Service Users.

The information below provides analysis for the decision to consult.

- Option 1 would not have allowed the authority to implement the proposed changes. This would have eliminated the potential for the Council to avoid additional costs arising as a result of some of the new Care Act requirements and would also reduce our ability to maximise income, which is needed to assist the authority in providing care and support services to Medway’s most vulnerable people.
- Option 2 may have created a risk for the authority by implementing changes without consultation. This may have left us open to challenge and in a difficult position with regard to complaints about charging for services; which can be a sensitive subject for many people.
- Option 3 - determined that we were following recommended guidance.

4.2 As a consequence of the analysis the Council carried out a public consultation, engaging with Service Users and representatives between 14 May 2015 and 15 June 2015.

4.3 Before the Public Consultation took place, the proposals were discussed with a cross section of staff working in relevant areas across the council, including Commissioning, Democratic, Legal Services and Corporate Finance.

5. Risk management

5.1 The following risks have been identified.

| Risk | Description | Action to avoid or mitigate risk | Risk rating |
|---|---|---|-------------|
| Increase in complaints regarding Adult Social Care charges. | Intended charging policy changes are not welcomed by Service Users and an increase in complaints may be seen. | The completion of a consultation will not avoid the risk of an increase in complaints completely due to the sensitive nature of charging for care. However, the ability to advise that a meaningful consultation has been carried out and changes to policy approved will enable the Local Authority to respond appropriately. | C2 |

| | | | |
|--|---|---|-----------|
| <p>Service Users challenge policy changes.</p> | <p>The Local Authority is challenged on the changes implemented in respect of charging for Adult Social Care.</p> <p>This may occur if the changes are implemented without consultation taking place.</p> | <p>The completion of a consultation will not avoid the risk of challenge due to the sensitive nature of charging for care.</p> <p>However, the ability to advise that a meaningful consultation has been carried out and changes to policy approved will enable the Local Authority to respond appropriately.</p> | <p>C2</p> |
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6. Consultation

6.1 The consultation exercise ran for four weeks and was undertaken to inform people about the details of the proposed policy changes and to invite views so that the Council could better understand the direct impact of the changes.

The consultation included contacting and notifying:-

- Local voluntary organisations supported and represented by Medway Voluntary Action.
- Carers First
- The Learning Disability and Physical Disability Partnership Boards
- Health and Wellbeing Board
- Safeguarding Adults Board
- Kent Association for the Blind
- Kent and Medway NHS & Social Care Partnership Trust
- Medway CCG
- Medway NHS Foundation Trust
- The Mental Health Operational Group
- Medway Healthwatch
- Better Care Fund steering group members

6.2 3,000 letters were sent out to those using commissioned adult care services or direct payments. Included with the letter was a survey (Appendix C – “Care Act - Consultation on Charges for Care and Support 2015”); pre paid envelope and a question and answer fact sheet.

An easy read version of the survey was also produced and available on request or online.

Respondents were also pointed to a website which gave further information or they could email or telephone. The website was looked at by 134 people.

Workshops were offered to discuss the proposed options in more detail. No one requested to attend a workshop.

Respondents were asked to say how much they either agreed or disagreed with each of the proposals.

Respondents were also given an opportunity to give alternative proposals and what if anything should be considered when making final decisions.

6.3 The Consultation Results

A total of 88 people responded to the charging policy survey. Of these, 36% described themselves as receiving funded social care, 31% described themselves as an unpaid carer, family or friends of someone needing care and 33% did not describe themselves at all.

61% of respondents were female compared, to 33% male, 6% did not provide this information. The majority of respondents (65%) were aged 55 or over. 47% said they were disabled.

The table below shows whether or not respondents either agree or disagree with the proposals

| Proposal Number | Detail | % Agree | % Disagree |
|------------------------------------|---|---------|------------|
| 1A | To follow Care Act regulations and charge an admin cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme. Based on current costs the set up fee would be £65, the annual fee would be £75 which excludes our legal charges which can be from £250 upwards and will be levied separately depending on the actual circumstances of the case. | 29.5% | 42.0% |
| 1B | To extend the current Deferred Payments Schemes to people moving to Flexicare Housing and Supported Living accommodation on a case by case basis. | 56.8% | 14.7% |
| 2 | To follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner. | 64.7% | 18.1% |
| 3 | To charge those who ask for their care packages to be set up, an initial set up fee and then an annual monitoring fee thereafter (Note: Only those who have been assessed as being able to pay for their own care cost). Based on current cost the set up fee would be £101 and the annual fee £117. | 36.3% | 45.4% |
| Review Charging Support for Carers | There is the possibility that the demand for carer support will exceed the money available to fund these services which means we may need to review the situation for the following year. | 36.3% | 37.5% |

6.3.1 **Proposal 1A – To follow Care Act regulations and charge an administration cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme.**

42% of respondents either disagreed or strongly disagreed with this proposal, with 27% strongly disagreeing. However, 29% did agree (17% agreed and 12% strongly agreed). 22.7% had no opinion and the remainder did not give a response.

6.3.2 **Proposal 1B – To extend the current Deferred Payments Scheme to people moving to Flexicare Housing and Supported Living accommodation.**

57% of respondents either agreed or strongly agreed with this proposal, with 23% strongly agreeing. 7% said they disagree and a further 8% said they strongly disagree. However, a quarter of respondents 25% said they had no opinion. The remainder did not give a response.

6.3.3 **Proposal 2 – To follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner.**

A large majority 65% did agree with this proposal, with only 18% disagreeing, 11% said they had no opinion. Of those that did agree, 29% said they strongly agreed and 35% said they agreed. 11.4% had no opinion and the remainder did not give a response.

6.3.4 **Proposal 3 – To charge those who have been assessed to pay the full cost of their non-residential care fees and ask the council to set up their care packages an administration fee.**

Nearly half of respondent 45% disagreed with this proposal; with 28% strongly disagreeing. However, 36% did agree, this figure is broken down by 23% agreeing and a further 14% strongly agreeing. 14.8% had no opinion and the remainder did not give a response

6.3.5 **Reviewing Charging Support for Carers.**

Respondents were split on whether or not carers should be charged. 36% agreed with the proposal with 37% disagreeing, 20% of respondents had no opinion.

6.4 Appendix D – “Charging Consultation Survey Report” provides further detail of the feedback from the survey.

6.5 A Diversity Impact Assessment – Appendix E, has been completed in conjunction with the consultation to assist the Council in fulfilling the legal obligations under the Equality Act 2010.

The outcome of the DIA confirms that Services Users will be impacted by the proposals. To mitigate the impact the following actions will be implemented.

- Service Users are notified of administration costs at an early stage of the needs assessment process, if they are liable to pay the full cost of their care and ask the council to arrange the care for them.
- Service Users are notified of administration costs relating to the Universal Deferred Payment scheme at the outset of the Financial Assessment.
- Administration charges are publicised on the council’s internet.
- Financial Assessments are carried out within two weeks of the care and support package starting.
- Information and advice leaflets relating to Adult Social Care charges will be developed and given to Social Care teams (in particular the Intake and Hospital teams) so that people will have information at the first stage of their care journey.

6.6 The feedback and comments received from the consultation demonstrate that whilst respondents agree to the proposals of extending the Deferred Payment Scheme and charging for all care from the date care starts; that there are concerns in respect of charging administration costs for both the Deferred Payment Scheme and for setting up care packages for clients who had been assessed to pay the full cost of care.

- 6.7 It is recognised from some of the comments received that respondents suggest that Council Tax should cover the administration costs; that administration costs are too high; that people with savings/property are being penalised and that independent financial advice should be provided. These comments have been reviewed and the following feedback provided.
- 6.7.1 Councils are obliged to implement the Care Act and in doing so it is clear that there are associated costs. The Department of Health state in the Care and Support statutory guidance that the Deferred Payment Scheme is intended to be run on a cost-neutral basis. Unfortunately, Council Tax does not cover these additional costs and therefore, the proposed administration charges are required.
- 6.7.2 Having reviewed other Local Authorities' administration charges, it is clear that the rates we are proposing to charge are comparative to other councils and in some cases considerably lower.
- 6.7.3 The rules in respect of capital limits and properties are not set by the council, but are regulated by central government.
- 6.7.4 The Care Act states that independent financial advice should be sought and Service Users will in future be signposted to gain independent financial advice.
- 6.8 **Proposal 1A – To follow Care Act regulations and charge an administration cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme.**

It is recommended to go ahead with this proposal, as whilst the majority of respondents did not agree with the proposal, the charges would only apply to people who requested and were accepted onto the Deferred Payment scheme. Over the last two years, there have been in the region of 60 Deferred Payments (approximately 30 each year).

The amounts of the administration charges would be available on the internet and an information leaflet provided to them by their Social Worker. It will be discussed in full with the person/representative during the Financial Assessment.

Feed back from the consultation regarding this proposal related to having to pay lump sum administration costs when there were no assets available. One person suggested that these administration costs could be deferred in line with the care charges and paid to the council on the sale of the property.

Other Local Authorities are taking this approach and it is recommended that we follow suit.

- 6.9 **Proposal 1B – To extend the current Deferred Payments Scheme to people moving to Flexicare Housing and Supported Living accommodation.**

It is recommended to go ahead with this proposal. The majority of respondents agreed with this proposal.

As with Deferred Payments for residential/nursing care, each case will be reviewed carefully to ensure that the person applying meets the necessary criteria.

6.10 Proposal 2 – To follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner.

It is recommended to go ahead with this proposal. The majority of respondents agreed with this proposal.

The current charging framework creates inequity for Service Users with regard to the date that charging for their care and support service starts. The Care Act enables Local Authorities to charge from the date the care and support service starts which will remove this imbalance.

Financial Assessments should be carried out within two weeks of the care and support service starting to minimise the risk of backdated charges being applied.

6.11 Proposal 3 – To charge those who have been assessed to pay the full cost of their non-residential care fees and ask the council to set up their care packages an administration fee.

It is recommended to go ahead with this proposal, as whilst the majority of people did not agree with this proposal, the administration charges would only be relevant to people who have been assessed to pay the full cost of their care and also wished the council to set up their care and support packages.

No one is obliged to go down this route and can choose to arrange their own care and support package, which a number of people currently do, and would, therefore, not be obligated to pay these fees.

The amounts of the administration charges would be available on the internet and an information leaflet provided to them by their Social Worker. It will be discussed in full with the person/representative during the Financial Assessment.

6.12 Reviewing Charging Support for Carers

It is recommended not to go ahead with this proposal at this time. Further work needs to be carried out in this area to determine the increase in support needed from the LA for Carers and the impact of support provided by Carers should we start charging them.

7 Financial implications

7.1 The income received from charging for social care is an important aspect of the Council's overall funding. There is potential for the Council to increase income and avoid additional costs arising as a result of some of the new requirements of the Care Act, outlined in Appendix B.

- 7.2 Having looked at a number of other Local Authority websites, where they publicise their costs, we have determined there is a range. Council A, for example, has a flat rate of £680 arrangement fee (including legal costs) for its Deferred Payment Scheme and charges Self-funders a one-off fee of either £150 where the council acts as a broker or £500 where it also manages the provision. Council B charges £480 at the start of the Deferred Payment agreement with £65 charged per year thereafter. In this respect, we do not appear to be too different with our figures detailed in Appendix B1 – “Breakdown of Administration Charges”, particularly as this table does not include our legal charges, which are already charged to customers and therefore not included in the consultation.
- 7.3 The proposed changes to the charging arrangements for Adult Social Care in Medway can be met from within existing budgets, indeed there is scope for additional income generation as a result of the proposals.

8 Legal implications

- 8.1 The Care Act 2014 provides the legal framework for charging for care and support. Section 14 of the Act enables local authorities to charge a person in receipt of care and support services where it is permitted to charge, and Section 17 of the Act permits local authorities to undertake an assessment of an individual’s financial resources to determine the amount, if any, that they will be required to pay towards the cost of their care.
- 8.2 The Care Act, together with the supporting regulations and statutory guidance¹ sets out a single framework model for charging people whose eligible needs are met within a care home setting, and also requires local authorities to develop and maintain a policy for charging people with care and support needs that are met in settings other than care homes. These form the basis of the council’s charging policy, except where the council exercises its power of discretion. The council will also refer to best practice guidance produced by the National Association of Financial Assessment Officers in its financial assessment determinations.
- 8.3 The consultation as outlined in this report was carried out to provide robust background to the changes in practice rather than to comply with a strict legal requirement prior to adopting the current policy of practice.
- 8.4 Where a consultation is necessary in the interests of fairness but is not actually held, if there is a third party challenge it is likely that a court could hold the change of practice or policy involved to be unlawful.
- 8.5 Medway Council has a legal obligation under section 149 Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality, and foster good relations between those with a protected characteristic (pregnancy and maternity, age discrimination, disability, gender reassignment, marriage and civil partnerships, race, religion or belief, sex and sexual orientation) and those who do not share it.

¹ The relevant parts of the guidance are Chapter 8: Charging and financial assessment, Annex A: Choice of accommodation and additional payments, Annex B: Treatment of capital, Annex C: Treatment of Income, Annex D: Recovery of debts, Annex E: Deprivation of assets and Annex F: Temporary and short-term residents in care homes.

9. Recommendations

- 9.1 It is recommended to Cabinet agree proposals 1a, 1b, 2 & 3, as set out in paragraphs 6.3.1 – 6.3.4 of the report and are implemented in Medway from 1 September 2015. This will provide staff with sufficient time to implement the changes.
- 9.2 It is recommended to Cabinet that the proposal “Reviewing Charging Support for Carers”, as set out in paragraph 6.3.5 of the report is investigated further and not implemented at this time with a report submitted back to Cabinet in due course.

10. Suggested reasons for decision(s)

- 10.1 The Care Act enables Local Authorities to apply charges to avoid additional costs arising as a result of some of the new requirements of the Care Act. It is imperative that to enable care and support services to be provided to Medway’s most vulnerable people that income is maximised and additional costs avoided.

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Appendices

- Appendix A - Care Act consultation on proposed charges for Adult Social Care Services
- Appendix B - Summary of Changes in respect of Charging and the Care Act
- Appendix B1- Breakdown of Administration Charges
- Appendix C - Care Act - Consultation on Charges for Care and Support 2015
- Appendix D - Charging Consultation Survey Report
- Appendix E - DIA – Care Act Charging Consultation
- Appendix F - Charging and Financial Assessment for Adult Social Care and Support Services Policy

Background papers

[The Care Act 2014](#)

Appendix A

Care Act consultation on proposed charges for Adult Social Care services

The Care Act is the biggest change to Adult Social Care Law in England in over 60 years. The Act will affect all those needing care or caring for others, either at home or in a care home.

The majority of the changes contained within the Act came into effect on 1 April 2015, with the reform to funding (including the cap on care costs) due to take effect from April 2016.

The Care Act means that Medway, in common with other councils, will need to provide significantly more care and support to residents and this will inevitably increase cost pressures. We want to support as many people as possible, but we must ensure that there is sufficient funding available to meet the needs of our most vulnerable residents. To do this, we are proposing to implement some changes to the way we charge for care and support services.

It is important to note that in accordance with the Act, Medway Council is purely looking at covering the costs of administering these proposed charges and not using this as an opportunity to raise revenue.

Consultation

Medway Council have a legal duty to implement the Care Act. However, there are areas within the act that provide us with some discretion and we want your views about those parts of the legislation; to make sure that the policy put in place is fair and equitable.

In order to introduce some of the changes we want to make, we need to consult with Medway residents and obtain the approval of Medway Council's Cabinet.

There are three main areas that we will be consulting on from May-June 2015:

1. What administration charges we apply to people who can afford to pay in full for their own care at home.
2. All services are charged for from the date that the support or care starts.
3. Charges in respect of and an extension to the Universal Deferred Payments Scheme.

1. What charges will apply to people who can afford to pay for their own care at home?

From April 2015, people who are assessed as needing care and support in their own home (i.e. homecare, day-care) will continue to receive a financial assessment and if they are required to pay the full cost of their care, they can still ask Medway Council to arrange services for them. In setting up these services, there is an administration cost to the Council and the Care Act allows councils to charge for some of those administration costs.

Please be assured there is no charge for assessing someone's needs or for developing a care and support plan to help meet their needs.

What are we proposing?

Medway Council is proposing that where we are asked to arrange non-residential care services for people that are required to pay the full cost of their own care at home, there will be charges to set up the arrangements to begin with (setup fee) and once a year after that (annual charge).

A **setup fee** may include the costs for services such as:

- a) Identifying appropriate providers.
- b) Negotiating with providers the cost of care and type/frequency of care to be delivered.
- c) Putting contracts into place for services.
- d) Setting up methods for the person to pay the care costs, e.g. direct debit.
- e) Dealing with payments to providers.
- f) Dealing with queries relating to services received and ensuring providers meet care and support plans.
- g) Raising and collecting care cost charges to the person receiving the services.

An **annual charge**, payable from year 2 onwards, would include the costs for services e, f & g above.

Who will be affected?

Any person who has more than the upper capital limit and for whom the council has a duty to make arrangements for their care and support in a non-residential setting will be required to pay the administration fees.

2. Services are charged for from the date that the support or care starts.

Changes to regulations under the Care Act allow for all care to be charged from the date that the care and support started making charging more consistent and fair.

The previous regulations permitted local authorities to charge for residential care from the outset that it arranged support and care for an individual.

However, it did not allow Local Authorities to charge non-residential services until the person had been notified how much their financial contribution would be.

This led to cases where some people have had an extended period without having to contribute towards the cost of their care, where others who provided financial information quickly have been charged soon after their care and support started. This meant that the charging system for non-residential care penalised individuals who acted efficiently.

What are we proposing?

Medway Council is proposing to follow Care Act regulations and charge for all care from the date care and support starts, to ensure everyone is charged in a fair and consistent manner.

Who will be affected?

Any person financially assessed to pay for non-residential services.

3. Universal Deferred Payments Scheme

Where someone owns their own home and has to fully fund their care home fees, a person can request to defer payment. Under the Universal Deferred Payments Scheme, if eligible, the person pays an affordable weekly contribution towards the cost of their care and the Council helps with paying the care home fees, recovering the money when the property is sold (when either the person chooses to sell their home or after their death). This means that people should not have to sell their homes in their lifetime to pay for their care.

The Deferred Payment Scheme is already offered and in use at Medway. However, the Care Act introduces the following changes:

a) Administration Costs

The Care Act allows Councils to charge an amount to cover the administration costs associated with setting up and monitoring the Deferred Payment Agreement. We incur two types of costs in operating Deferred Payments: the initial costs of setting them up and the continuing, or ongoing, costs.

Examples of administration costs for setting up Deferred Payment Agreements include (but are not limited to):

- Costs of legal time and administration time spent drawing up the Deferred Payment Agreement
- Costs of valuing property that is being used as security
- Land Registry costs such as searches, placing charges, entries in the register
- Costs of obtaining adequate security (for example whether other parties are involved, such as a leaseholder of the property)
- Costs of printing, postage and office overheads associated with the setup work

Examples of ongoing administration costs for monitoring each Universal Deferred Payment Agreement include (but are not limited to):

- Costs of legal time and administration time to ensure all parties are meeting the requirements of the Deferred Payment Agreement
- Costs of reviewing the valuations of the property capital used for security
- Costs of printing, postage, and office overheads associated with monitoring the agreement, including regular statements

b) Extension of the Deferred Payment Scheme

Councils may choose to extend their Deferred Payments Schemes to people moving to rented Extra Care Housing and Supported Living accommodation.

What are we proposing?

Statutory guidance states that the Deferred Payment Scheme is intended to be run on a cost-neutral basis to local authorities. Charging administration fees will minimise the budgetary cost to the Council in line with this aim.

We propose to extend the Deferred Payments Scheme to Extra Care Housing and Supported Living accommodation. However these will be agreed on a case-by-case basis.

Who will be affected?

Any person accepted on to the Universal Deferred Payment Scheme.

Charging for support for Carers

From April 2015, all carers will be entitled to a carer's needs assessment. The Care Act states that the council cannot charge the carer for any services that will be provided to the cared for person as a result of the carers' assessment. However, the council are able to charge for any support services to help the carer directly.

Medway is not proposing to charge carers during 2015-16 but will review the situation for the following year as although the principle of supporting carers free of charge is our preference, there is the possibility that the demand for carer support will exceed the money available to fund these services.

Appendix B

Summary of Changes in respect of Charging and the Care Act

| | Policy | Consultation | From 1 April 2015 | After Consultation & Cabinet Approval |
|---|---|--|--------------------------|--|
| Carers – The Care Act provides councils with the power to charge for support to carers where they have an eligible need in their own right, providing the adult they care for also meets the eligibility criteria for care and support. | No charge in 2015-16. To be reviewed for 2016-17 | Positive impact – consultation not required but included in this document for clarification. | √ | |
| Disability Related Expenditure – The Care Act states “Where disability-related benefits are taken into account, the local authority should make an assessment and allow the person to keep enough benefit to pay for necessary disability related expenditure to meet any needs which are not being met by the local authority.” | The council will include the expenditure within the financial assessment. | Positive Impact – consultation not required. | √ | |
| Set-up fees and annual arrangement fees (Non-residential) – If Service Users have financial assets above the upper capital limit (currently £23,250) they may ask the LA to meet their | Non-residential – Appendix B1 provides breakdown of fees. | Consultation Required Consultation is required as this is a new element of the policy. | | √ |

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| <p>needs.</p> <p>The LA has the right to charge an arrangement fee for non-residential services.</p> <p>This fee will also apply to the provision of in-house services.</p> | | | | |
| Self-funders | Introduction of charges delayed until 2016 | Required for 2016 | N/A | N/A |
| Couples – The Care Act states couples should be financially assessed as an individual. | The Care Act implementation must not be to the detriment of Service Users and the DoH have recognised that this policy will have an impact and are therefore reviewing this element. They have recommended that LA's continue with current charging arrangements for couples. | Not required until 2016 | N/A | N/A |
| Backdating Non-Residential Charges – From 1 April 2015, the Care Act has enabled LA's to charge for non-residential services from the date that care and support starts. | <p>Non-residential – From 1 April 2015 we are able to backdate charges to the date that non-residential care package start if charges are applied in a timely manner and backdated charges are not to the detriment of the Service User.</p> <p>The Financial Assessment should be carried out within two weeks of care and support starting so that charges are never backdated</p> | Consultation Required for Non-residential – Consultation is required as this is a new element of the policy. | Residential – √ Guidance continues to state that residential/nursing charges can be backdated to the date that care and support started. Therefore no consultation is required. | Non-residential √ |

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| | for a period greater than two weeks from the start of care. | | | |
| Prisons – The LA is obliged to provide care & support to eligible people in prisons. | Option to apply charges but on likely nature of individual's circumstances and low numbers involved decision is to review requirement on a case by case basis. | No consultation required - this simply extends financial assessment process to this new group of users | N/A | N/A |
| Trusts – Ability to use trusts in the calculation of charges. | No change in the current arrangements. When compensation is awarded an element of it may be to pay for care costs. However, solicitors often place the award in a trust. The Care Act states that trusts must be disregarded for the purposes of charging. | Consultation not required – legislation. | √ | |
| UNIVERSAL DEFERRED PAYMENT SCHEME | | | | |
| Universal Deferred Payment Scheme – Medway currently offer the Deferred Payment scheme to eligible Service Users. | Medway will be offering the scheme and looking at extending it to Extra Care Housing and Supported Living, however these will be agreed on a case-by-case basis. | Consultation Required with regard to extending Deferred Payment Scheme to Extra Care Housing and Supported Living. | | √ |
| Section 22 - Legal charge applied to the property to secure deferred debt. This charge does not need | This ends on 1 April 2015 and can no longer be applied. | Consultation is not required – withdrawal of arrangement nationally | N/A | N/A |

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| authorisation from the Service User. | | | | |
| Section 34 – Legal charge applied to the property to secure deferred debt. This charge requires authorisation from the Service User. | Medway will require the debt to be secured on the property for all schemes entered into or it will reserve the right to refuse to enter into the agreement | Consultation not required – The Act provides us with the discretion to turn down any application that is not secured. Furthermore, a legal charge is already in use in our current scheme. | √ | |
| Annual Property Valuation – to enable the LA to monitor the property value against the debt rising. | Medway Council will insist on a formal valuation at the applicant's expense before approving any agreement. Medway Council will carry out an annual valuation thereafter, primarily via an online search. | Consultation not Required – the Act provides us with the discretion to turn down any application to the Deferred Payment Scheme if an individual does not meet criteria. | √ | |
| Interest Rates (New users) | Currently 8%. Under the Act, a LA must not charge more than the maximum nationally set limit (2.65% for Apr-Jun) and from Day 1 of the property disregard ending start of care. Medway are implementing the national maximum set interest rate. | No consultation required – the ability to charge interest at a greater rate than the nationally set limit is a Care Act requirement. | √ | |
| Interest Rates (Existing Users) | Existing users will stay on the current arrangements | No Consultation Required – this is a Care Act requirement. | N/A | N/A |
| Interest Rates (Transitional Arrangements) | In transitioning to the new Legal framework, policy is to make the offer to any applicants already in the system or whose applications are received on or before 31 March | N/A – Transition to legal framework | N/A | N/A |

| | | | | |
|---|--|--|---|---|
| | and won't have signed by 1 April the choice of New or old scheme | | | |
| Set-Up Fees and Annual Administration Charges – The Care Act enables Local Authorities to charge administration fees to Service Users who use the Deferred Payment Scheme. | Administration fees to cover the actual costs will be charged. As follows: See appendix B1 for breakdown of fees. | Consultation Required Consultation is required as this is a new element of the policy. | | √ |
| Compound Interest – Compound interest will be applied to deferred charges. | In line with payment terms to providers, policy is to charge interest 4-weekly | Not Required – a regularising measure that purely affects the process of administration | √ | |
| Personal Expenses Allowance – Everyone in receipt of residential/nursing care must be left with an amount of money for personal expenses. | The amount of money people are able to keep for personal expenses if they are taking advantage of the Deferred Payment scheme rises to £144 from £24.50 a week. This must be offered and Service Users are able to decline and stay at the lower amount. | Not required – positive impact and nationally set rate | √ | |

Charging for the Deferred Payment Scheme

The Care Act allows councils to charge an amount to cover administration costs for setting up and monitoring the Deferred Payment Agreement. We incur two types of costs: the initial costs of setting up the agreements known as the “**Deferred Payment Set Up Administration Fee**” and the continuing, or ongoing costs, known as the “**Deferred Payment Annual Administration Charge**”.

The Deferred Payment Set Up Administration Fee

The following table provides detail of the cost of the Set Up Administration Fee outlined in this proposal. *This will be reviewed on an annual basis.*

| Service | Cost |
|---|---------------|
| Administration time spent drawing up the Deferred Payment Agreement – Customer Contact Financial Assessment Team and Exchequer Services | £16.78 |
| Office overheads, printing, postage, monitoring, processing. | £48.28 |
| Total Cost | £65.06 |

The Deferred Payment Annual Administration Fee

The following table provides detail of the cost of the Annual Administration Fee outlined in this proposal. *This will be reviewed on an annual basis.*

| Service | Cost |
|---|---------------|
| Office overheads, printing, postage, monitoring the agreement including regular statements. | £75.25 |
| Total Cost | £75.25 |

Charges for people who can afford to pay in full for their care at home

If someone can afford to pay the full cost of their care at home (as determined by a financial assessment), they can ask Medway Council to arrange services for them. In setting up these services, there is an administration cost to the Council and the Care Act allows councils to charge for some of those administration costs. There will be charges to set up the arrangements to begin with, known as the “**Set Up Administration Fee**” and the ongoing costs, known as the “**Annual Administration Fee**”.

The Set Up Administration Fee

The following table provides detail of the cost of the Set Up Administration Fee outlined in this proposal. *This will be reviewed on an annual basis.*

| Service | Cost |
|---|----------------|
| Identifying appropriate service providers, arranging care and putting contracts in place. | £16.52 |
| Setting up method of payment for care (e.g. Direct Debit) | £4.11 |
| Dealing with payments to providers | £4.11 |
| Dealing with queries and ensuring providers meet needs for service user. | £62.29 |
| Raising invoices and collecting charges from the service user. | £14.32 |
| Total Cost | £101.35 |

The Annual Administration Fee

The following table provides detail of the cost of the Annual Administration Fee outlined in this proposal. *This will be reviewed on an annual basis.*

| Service | Cost |
|--|----------------|
| Dealing with payments to providers | £6.75 |
| Dealing with queries and ensuring providers meet needs for service user. | £64.93 |
| Raising invoices and collecting charges from the service user. | £45.69 |
| Total Cost | £117.37 |

Care Act - Consultation On Charges For Care and Support 2015

With the introduction of the Care Act, care and support in England has changed. New arrangements that came into effect from April 2015 help ensure care and support is delivered more consistently across the country. Under the Care Act, Medway Council has a legal duty to implement these changes. However there are areas within the Care Act that provide us with some discretion, which we would like to seek your views on.

To make sure everyone can get the care they need, we are proposing some changes to the way we administer our service. We want to support as many people as possible, but we need to make sure that there is enough funding to be able to do this.

The purpose of this survey is to find out your opinions on what we are proposing. The proposals have been based on guidance issued by the Department of Health in October 2014, and will enable us to meet our legal requirements. **If you are currently receiving care from Medway Council, you're not likely to be affected but are welcome to respond.**

Paying for Care

Whether or not, you have paid National Insurance contributions all your life, it's possible that you'll still have to contribute something to the cost of your long-term care. This applies whether it's provided at home or in a care home. How much you'll have to pay depends on your income, capital and your outgoings. After a care assessment identifies what services you need, the next step is to work out who is going to pay. Medway Council might pay for all of it, part of it or nothing at all. Your contribution to the cost of your care is decided following your financial assessment.

Universal Deferred Payment Scheme

From April 2015 the Care Act requires all councils across England to offer Deferred Payment Agreements to people needing care and support who meet certain eligibility criteria. A Deferred Payment Agreement means that, if they don't want to, people should not have to sell their home in their lifetime in order to pay for their care. Medway Council, will offer a deferred payment plan to people who meet the criteria for residential care.

If you have to go into residential care and most of your money is tied up in your property, Medway Council may offer you the option of delaying payments so you don't have to sell your home to pay for care. This is known as a deferred payment. The local authority can then reclaim what you owe in fees when you sell your house or from your estate after your death.

There are certain criteria for receiving a deferred payment and these will be explained to you during the financial assessment if you own your house. A deferred payment is one way you can pay for care. To find out about other options available, you can speak to a financial adviser or seek advice from an independent organisation such as: Money Advice Service:

<https://www.moneyadviceservice.org.uk/en/categories/paying-for-care>

Proposal 1A: Applying Admin Cost to Deferred Payment Scheme

To set up a deferred payment scheme, which is a legal agreement, does incur costs for such things as: drawing up the deferred payment agreement, land searches, registry charges, office overheads associated with the setup work. Once the agreement has been agreed, it will then have to be monitored: checking the necessary insurance is in place, checking annual maintenance has been completed, provide regular statements on care charges incurred and interest rates, staff, stationery, printing and photocopying, updated property valuations and possible property security.

Medway Council is proposing to follow Care Act regulations and charge an admin cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme. Based on current costs the set up fee would be £58.10, the annual fee would be £67.19 plus legal costs of about £250.00 depending on the case.

Q1 Please say how much you agree or disagree with this proposal:
Strongly Agree Disagree No opinion.....
Agree Strongly Disagrees.....

Q2 If you believe, this should not be considered as an option, please provide an alternative proposal as to how this could be achieved and funded?

Q3 If this proposal is accepted, is there anything that we should be taking into consideration?

Proposal 1B: Extension to the Deferred Payment Scheme

Flexicare Housing and Supported Living accommodation is for those with varying levels of care and support needs. The accommodation is a specialist type of housing designed to give individuals the opportunity to live as independently as possible with help from staff when needed. People who live in this type of accommodation have their own self contained homes, their own front doors and a legal right to occupy the property.

Medway Council is proposing to extend the current Deferred Payments Schemes to people moving to Flexicare Housing and Supported Living accommodation on a case-by-case basis.

Q4 Please say how much you either agree or disagree with this proposal:
Strongly Agree Disagree No opinion.....
Agree Strongly Disagrees.....

Q5 If you believe, this should not be considered as an option, please tell us why?

Q6 If this proposal is accepted, is there anything that we should be taking into consideration before making any final decisions?

Proposal 2: Services Charged From The Date Support or Care Starts

The previous regulations permitted local authorities to charge for residential care from the outset it was arranged making charging more consistent and fair. However, it did not allow Local Authorities to charge non-residential services until the person had been notified how much their financial contribution would be. This led to cases where some people have had an extended period without having to contribute to their care, where others who provided financial information quickly have been charged soon after their care and support started. This meant that the charging system for non-residential care penalised individuals who acted efficiently.

Medway Council is proposing to follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner.

- Q7 Please say how much you either agree or disagree with this proposal:**
Strongly Agree Disagree No opinion.....
Agree Strongly Disagrees.....

- Q8 If you believe, this should not be considered as an option, please provide an alternative proposal that will ensure everyone is charged in a fair and consistent manner?**

- Q9 If this proposal is accepted, is there anything that we should be taking into consideration before making a final decision?**

Proposal 3: Set Up Cost for Arranging Care Needs

As well as providing places in residential care homes, local authorities can also help people with care needs to stay in their own homes. They can provide everything from personal care, carers, meals and transport, to home modifications and equipment that help with the tasks of daily living. Some services are provided free but now most councils will only pay for these services if your financial assessment shows that you cannot afford to contribute towards the cost of your care. The outcome of the financial assessment will show whether you can afford to pay for all of your care, can make a contribution towards your care or will not have to contribute towards your care.

Community care and support is not a free service like the NHS. People have always had to pay something towards the cost of their care and support. From April 2015, people who are assessed as needing care and support in their own homes (i.e. homecare, day-care) will continue to receive a financial assessment. However, if someone is required to pay the full cost of their care, they can still ask Medway Council to arrange services on their behalf. Although, as a result of offering this service additional costs are incurred by council. The Care Act now allows councils to recover some of those incurred costs.

Medway Council is proposing to charge those who ask for their care packages to be set up, an initial set up fee and then an annual monitoring fee thereafter. (Note: Only those who have been assessed as being able to pay for their own care cost). Please be assured there is no charge for assessing someone's needs or for developing a care and support plan to help meet those needs. Based on current cost the set up fee would be £90.49 and the annual fee £104.80.

Q10 Please say how much you either agree or disagree with this proposal?

Strongly Agree Disagree No opinion.....
Agree Strongly Disagrees.....

Q11 If you believe, this should not be considered as an option, please provide an alternative proposal as to how this could be met and funded?

Q12 If this proposal is accepted, is there anything that we should be taking into consideration?

Charging Support For Carers

From April 2015, all carers will be entitled to a carer's needs assessment. The Care Act states that councils cannot charge the carer for any services that will be provided to the cared for person as a result of the carers' assessment. However, the council is able to charge for any support services to help the carer directly. **Medway is not proposing to charge carers during 2015 -16** but will review the situation for the following year as although the principle of supporting carers free of charge is our preference, there is the possibility that the demand for carer support will exceed the money available to fund these services.

- Q13 Please say how much you either agree or disagree with this proposal?**
- Strongly Agree Disagree No opinion.....
Agree Strongly Disagrees.....

- Q14 If you believe, this should not be considered as an option, please tell us why?**
-

- Q15 If this proposal is accepted, is there anything that we should be taking into consideration?**
-

About You

- Q16 Which of the following best describes you? (Please tick all that apply)**
- Receiving funded social care
- Member of the public arranging and paying for their own social care without council support - (a self funder)
- Unpaid carer - family or friend of someone needing care
- Paid carer.....
- Council employee
- Representative of an independent, voluntary or community sector organisation
- Other

If 'other' please say

- Q17 Gender:**
- Male Something else
- Female.....

If 'something else' please say

- Q18 Age:**
- 16-24..... 35-44..... 55-59..... 65+
- 25-34..... 45-54..... 60-64..... Prefer not to say

- Q19 Ethnicity:**
- White UK..... Indian Asian other
- Black Caribbean..... Bangladeshi Other.....
- Black African..... Pakistani Prefer not to say
- Black other Chinese.....

If 'other' please say

- Q20 Disability:**
- Yes No Prefer not to say

THANK YOU

Appendix D

Charging Consultation - Survey Report

**Version one
17th June 2015**

Survey Findings

Background

The care Act is the biggest change to English adult social care in over 60 years and will reform the law relating to care and support for adults and their carers. The majority of the changes contained within the Act took place in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

Under the Care Act, Medway Council has a legal duty to implement these changes. However there are areas within the Care Act that provide us with some discretion. These include aspects relating to fees, charging and the Universal Deferred Payments Scheme as follows:

The three main areas are:

- Charging for the Deferred Payments Scheme.
- Charging for chargeable services from the date that the support or care starts.
- Charges for people who can afford to pay for their own care at home

With more people living longer and the introduction of the Care Act, Medway Council will increasingly need to provide more care and support. To make sure everyone can get the care and support they need, proposals have been put forward in terms of Medway Council's fees and charges.

Consultation

The consultation started on Thursday 14 May until Monday 15 June 2015, lasting 30 days.

3,000 letters were sent out to those using commissioned adult care services or direct payments. Included with the letter was a survey; pre paid envelope and a question and answer fact sheet. An easy read version of the survey was also produced and available on request or online. Respondents were also pointed to a website which gave further information or they could email or telephone. There was also an offer to attend a workshop to discuss in more detail the proposed options was also available. However, no one took up this offer.

Respondents were asked to say how much they either agreed or disagreed with each of the proposals. Respondents were also given an opportunity to give alternative proposals and what if anything should be considered when making final decisions.

Summary Findings

A total of 88 people responded to the charging policy survey. Of these, 36% described themselves as receiving funded social care and 31% described themselves as an unpaid carer, family or friends of someone needing care.

61% of respondents were female compared, to 33% male. The majority of respondents (65%) were aged 55 or over. 47% said they were disabled.

The table below shows whether or not respondents either agree or disagree with the proposals

Table 1: Proposal Overview – agree or disagree

| Proposal Number | Detail | % Agree | % Disagree |
|------------------------------------|---|---------|------------|
| 1A | To follow Care Act regulations and charge an admin cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme. Based on current costs the set up fee would be £65, the annual fee would be £75 which excludes our legal charges which can be from £250 upwards and will be levied separately depending on the actual circumstances of the case. | 29.5% | 42.0% |
| 1B | To extend the current Deferred Payments Schemes to people moving to Flexicare Housing and Supported Living accommodation on a case by case basis. | 56.8% | 14.7% |
| 2 | To follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner. | 64.7% | 18.1% |
| 3 | To charge those who ask for their care packages to be set up, an initial set up fee and then an annual monitoring fee thereafter (Note: Only those who have been assessed as being able to pay for their own care cost). Based on current cost the set up fee would be £101 and the annual fee £117. | 36.3% | 45.4% |
| Review Charging Support for Carers | There is the possibility that the demand for carer support will exceed the money available to fund these services which means we may need to review the situation for the following year. | 36.3% | 37.5% |

Findings

Demographics

A total of 88 people responded to the charging policy survey.

The most common self-description from respondents was 'receiving funded social care' accounting for 36% of all respondents. Followed by 31% unpaid carers. Please note respondents could have chosen more than one option.

Chart 1: Which of the following best describes you?

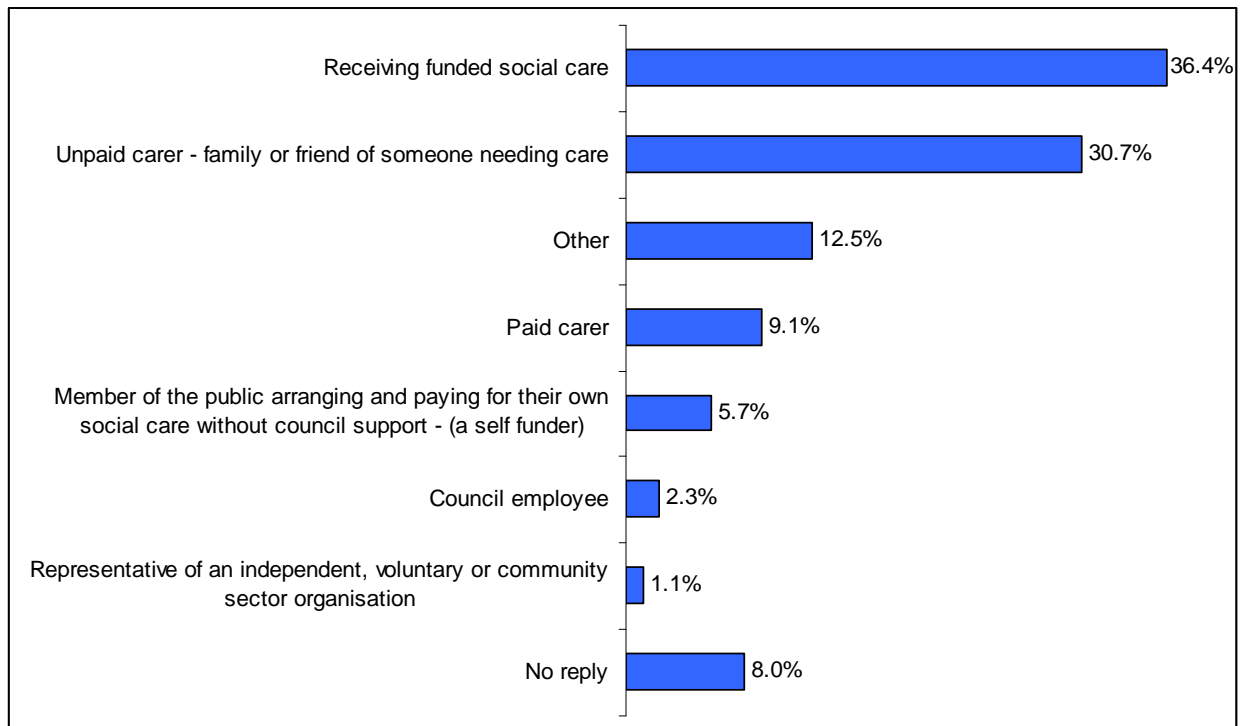
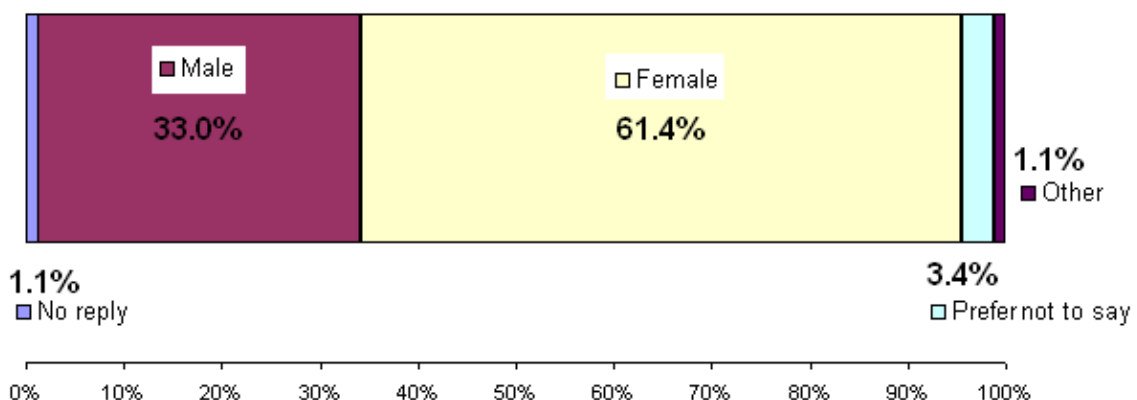


Chart 2: Respondents by Gender

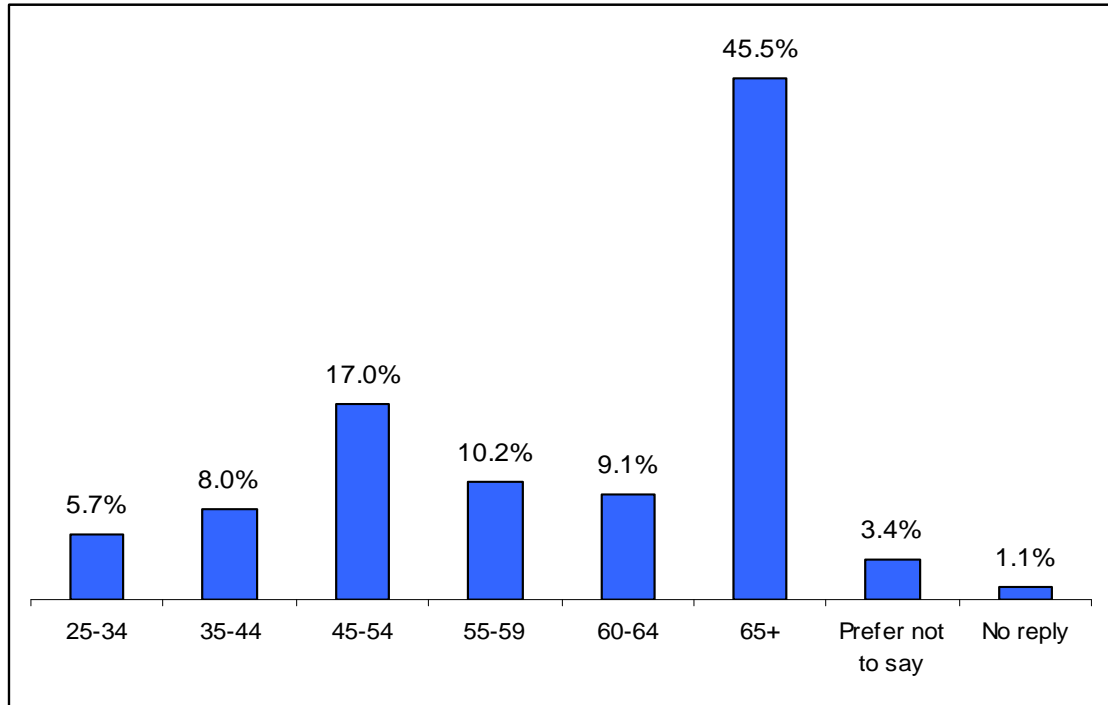
62% of respondents were female compared to 33% male.

Three respondents preferred not to say, one respondent did not answer the question and another said 'other'



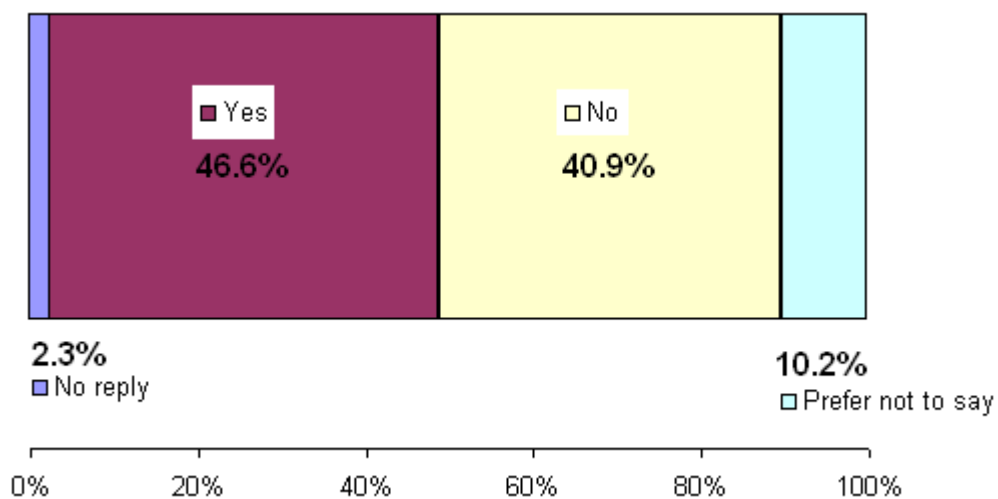
The largest age group (45.5%) was those aged 65 and over, followed by 17% who were aged 45 to 54 years. We received no responses from those under the age of 25 years.

Chart 3: Respondents by Age Group



47% of respondents said they were disabled compared to 41% who said they were not. A further 10% said they preferred not to say.

Chart 4: Respondents by Disability



The majority of respondents (87%) described themselves as 'White UK'.

Table 2: Ethnic Group

| Ethnicity: | Count | % |
|-------------------|--------------|----------|
| White UK | 77 | 87.5% |
| Black African | 1 | 1.1% |
| Bangladeshi | 1 | 1.1% |
| Asian other | 1 | 1.1% |
| Other | 1 | 1.1% |
| Prefer not to say | 3 | 3.4% |
| No reply | 4 | 4.5% |
| No of Respondents | 88 | |

Proposal 1: Charging for the Deferred Payments Scheme

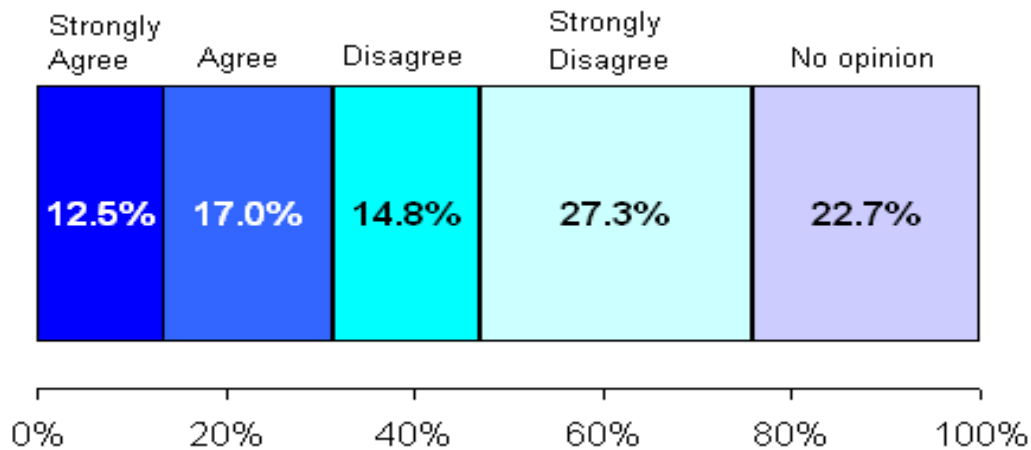
The Deferred Payments Scheme gives people who own their home and are moving into a care home the option to use the value of their house to pay for care costs. This means that people should not have to sell their homes in their lifetime to pay for their care, as they have sometimes had to do in the past. Medway Council already runs a deferred payment scheme, but we are proposing some changes.

What are we proposing - Proposal 1A

| Proposal Number | Detail | % Agree | % Disagree |
|-----------------|---|---------|------------|
| 1A | To follow Care Act regulations and charge an admin cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme. Based on current costs the set up fee would be £65, the annual fee would be £75 which excludes our legal charges which can be from £250 upwards and will be levied separately depending on the actual circumstances of the case. | 29.5% | 42.0% |

42% of respondents either disagreed or strongly disagreed with this proposal, with 27% strongly disagreeing. However, 29% did agree (17% agreed and 12% strongly agreed).

Chart 5: To what extent do you agree or disagree with this proposal?



Respondents were also given an opportunity to provide alternative proposals

Direct comments:

- Council Tax
- These costs are relatively small per case for the Authority but relatively large for possibly cash-poor individual service users who while having significant assets may have little disposable income. It is inequitable to seek to charge purely on the basis that a service user is a property owner, whereas non-property owners have no need to incur such charges. I feel that the fact of property ownership and its use as security for the deferred payment scheme are soundly based and just, however I do not believe property owners should pay charges for entering the deferred payment scheme. These costs should be funded from the Social Care budget and should, like NHS services, be free at the point of delivery.
- My father's care is under deferred payments (I am POA) During the five years, I have never been asked about insurance, checking of maintenance security, valuations. I would therefore object to payment £75 per year for nothing. However, I understand from your literature as my father is already on the scheme he will not be effected by any changes/charges additional.
- A slight increase in council tax shares the load equally.
- What do we pay Council Tax for? Are the wages of Council employees not paid for by it? It seems that we "customer" is being asked to pay twice for just about anything the Council is doing
- I cannot understand your staff and admin charging.
- . Staffing seems irrelevant to my needs. Ie noting above costing my benefits, care costs seem to be 'whoever' totally irrelevant to my cursed needs.
- The elderly person is already going to lose money from her property to the council, why pay her own admin costs too. I think it's a cheek
- I feel strongly that interest should not be added to any charge as this is unfair. If no interest is added and an upper limit put on legal charges then i would agree
- Through money received through national insurance contributions already paid for by the client over many years.
- My only doubt in this is that you charge for every ins and outs so will you be better of or not?? Printing and photocopying why should we be charged for something so silly. Don't we have enough to pay.
- You might as well steal all the money straight away rather than piece meal.
- You should not consider charging at all make cuts to some of your ludicrous schemes such as roundabouts and fund the important schemes that way, Medway Council are shambolic.
- Care home costs are expensive
- People that are paying full care costs have worked hard there entire lifetime to have theses funds. It is sad enough that they have to pay for care let alone an administration fee. The people that are in receipt of full care benefits paid by the local authority should contribute to the

administration fund. The local authority must be more proactive in retrieving unpaid NHS health care bills ie health tourists that would contribute to funding the deficit. The amount of time and money used to reinvent the wheel within the local authority must also be analysed to ascertain if money could be saved and transferred into meeting the Care Act statute requirements.

- This scheme should be optional. Some people cannot cope with paperwork so this proposal is useful but others can do their own paperwork well so why should they pay for someone to do the work they are capable of doing themselves.
- I personally am not in favour of a deferred payment scheme. My house is paid for and I do not wish to use it against any care costs, the government should cut child benefit payments and use this money.
- It is already funded via local authority Council Tax!
- I am not in a position to undertake commitment to unknown amounts re set up fee £65, annual fee £75, councils legal charges could be from £250 to whatever council decides.
- If they could afford to pay for care themselves you would not be contributing. No idea where you would get the money, maybe a reduction in staff wages or cap management wages.
- What ever happens by selling the house straight away to pay for care or defer it, there could be a shortfall in money needed.
- Same as Scotland, this is the United Kingdom. Why do the English have to pay more for everything than the Scots! So proposal is stop charging if that means taking people's property, like Scotland.
- Council get enough money from council tax, social housing rent, subsidies, parking and other penalties charges.
- I can see the need for searches to set up the legal agreement but i am not happy with the annual fee of £75. What efficiency savings could reduce this? I trust any charge is proportionate to the amount that a client has to pay towards their care, if any.
- Perhaps a set fee, the proposals are rather open ended.

Direct comments from respondents on things they want to be considered before making any final decisions

- The various income situations of service users, while some may have plenty to live on, others may not.
- To actually do something to warrant the fee
- People's ability to pay, people might be discouraged from getting help they need.
- People pay council tax. Only if they haven't should any pernicious charge be levied on them
- Yes my inability to pay and sacrifice my meagre hardly callous costing. It frightens the life out of me. What the hell will so called charging cost me out of my pence and clearly pounds.
- Consider not charging admin costs on top of everything else
- No interest charges or interest added on for any reason! An upper limited placed on any legal charges.
- Some people may be unable to pay one lump sum. I also believe that it shouldn't matter about your financial status there should be a charge for what ever care you need whether your rich or poor
- Do not accept it.
- The fee should be added (or at least have the option to) the deferred payment
- General dissatisfaction with the plan, that may result in feeling of no confidence in the local authorities financial priorities.
- Not a one off payment because of the benefits rates could take small amount out of each benefit payment.
- Need to provide a better service if charges are to be made. Due to poor/ lack of communication between council and care home. Both care home and council have charged me during the period, which the deferred payment scheme should have been operating for four months. The matter was only rectified due to my actions, ie emails, letters and telephone calls.
- The ability of person to pay yearly charge. Legal costs might be much greater than £250, maybe consider a cap to it. What demands/ expectation of maintenance on pervert, eg would person be required to carry out building work etc.
- Fees should be only considered / applied to the person / child's income not on family, parents, spouse income too.
- What happens if the house is let to a tenant? Does this income get taken into account?
- It does not seem fair that those who own their home pay but those who don't will pay a lot less.
- My mother is a pensioner and she lives with me, her daughter. The house is mine she only has per pension to live on.
- Fees should also be deferred and a limit on legal charges.
- People on low income
- Yes, discrimination against people living in England.
- Only to consider families with very little income
- Individual income should be considered
- But ability to pay has to be considered in individual cases

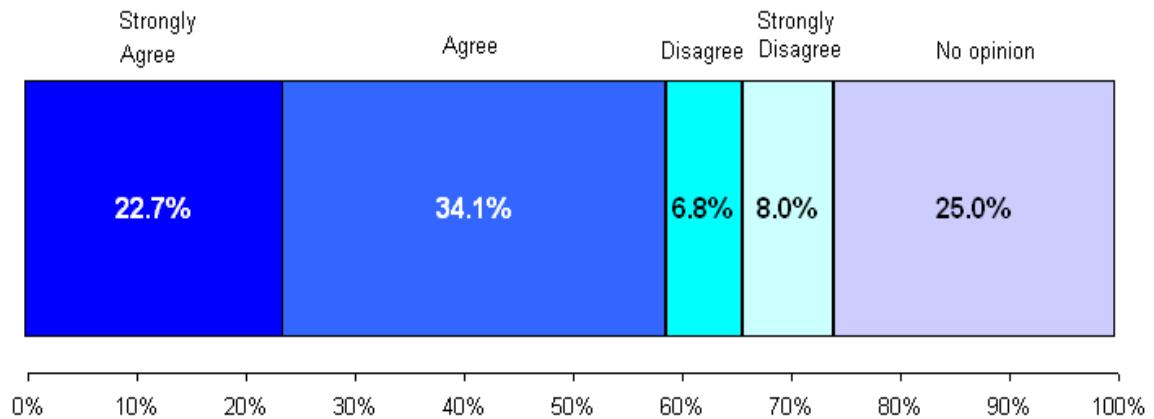
- I trust that the council has explored how to reduce this and other costs before seeking to charge the public and are there any charities that might be willing to be involved, maybe in setting up a stream lined procedure to reduce costs?
- Yes, relative should be charged for legal fees of £250 upwards if they cannot care for the person
- It will be very necessary to take each person's circumstances into consideration. The same fees should not be payable fro a person with less money than someone with a much greater amount.

What are we proposing - Proposal 1B

| Proposal Number | Detail | % Agree | % Disagree |
|-----------------|---|---------|------------|
| 1B | To extend the current Deferred Payments Schemes to people moving to Flexicare Housing and Supported Living accommodation on a case by case basis. | 56.8% | 14.7% |

57% of respondents either agreed or strongly agreed with this proposal, with 23% strongly agreeing. 7% said they disagree and a further 8% said they strongly disagree. However, a quarter of respondents 25% said they had no opinion.

Chart 6: To what extent do you agree or disagree with this proposal?



Respondents were also given an opportunity to provide alternative proposals

Direct comments:

- Under the disability discrimination act disabled people have the right to live on an equal basis as non disabled people, they should not be discriminated against by being charged more because they need extra assistance to live in an equal way.
- Same as before, why should we have to pay twice. It seems that any council assessment is driven not by trying to find what they can do to help elderly council tax payers but rather what reason they can find not to do as much. Shameful
- Same as answer to proposal 1A - Consider not charging admin costs on top of everything else
- My only groan which I've repeatedly mentioned is the point of what your doing is the help with your payments which is good but i strongly believe your only helped when financially stuck otherwise you pay the lot. I know this due to experience with a friends family member.
- Don't understand
- If accommodation is owned by the person then fine, but not if it is rented because this would block this type of specialist accommodation.
- You have not properly explained the impact of 'Deferred Payment' nor have you stated precisely what the current status quo is, so how can anyone answer?!
- Same as previous questions. Borrow money from other sources.
- Not applicable at present flexi care/ supported accommodation not being considered.
- Not sure about this.
- Same as before - treat the English the same as Scottish
- This I don't believe would effect our family
- Because it's unfair
- Why not a tenancy agreement?

Direct comments from respondents on things they want to be considered before making any final decisions

- Each case to be assessed individually to ensure fairness in resource allocation.
- Disabled people's rights to live independently. Also with education and health care plans they will be trying to live more independently. If this is not an option it could lead to more expensive options such as residential care, as family may not be able to cope giving the extra assistance needed. And without additional help there may be instance where people who can not manage end up homeless .
- Would you like your loved ones to be faced with all this?
- Very supported by non-connected to caring costing should be considered ie outer consultation, public groups etc. Note these sheets are additionally frightening, difficult to ascertain beyond me. Would such include family holidays, temporary residing in such as Demelza and such.
- Same as A1 - Consider not charging admin costs on top of everything else
- If the person receiving the care owns or part owns the property then I would agree but if the person is renting the home then to avoid cheating debt I don't think this deferred payment scheme will work!
- Make sure it's successful as it's a brilliant idea it's very useful for people with no family or help.
- Yes there is not enough bungalow type housing for the elderly, so they can cope without help or with limited carer assistance. Less social housing for immigrants, more for English elderly.
- Don't understand
- Same as question three. "Need to provide a better service if charges are to be made. Due to poor/ lack of communication between council and care home. Both care home and council have charged me during the period, which the deferred payment scheme should have been operating for four months. The matter was only rectified due to my actions, ie emails, letters and telephone calls."
- For older people, start offering this as a life style choice earlier on in people's lives. It gives them a chance to lay down roots and trusted teams of support. 50's on when people's bodies begin to show signs, arthritis, other conditions ie MS early onset Alzheimer / Parkinsons
- Have you sufficient flexi care housing?
- There should be qualifying criteria rather than case by case to avoid confusion.
- No comment
- No!
- Ensure that applicants for this type of housing are really in need of this help!
- 50+ housing overhaul, nursing/ residential care under 50 (with package award!)
- People must be reassured as to what they may be agreeing to... They must have capacity to make a decision and must be legally represented.

Proposal 2: Services are charged for from the date that the support or care starts.

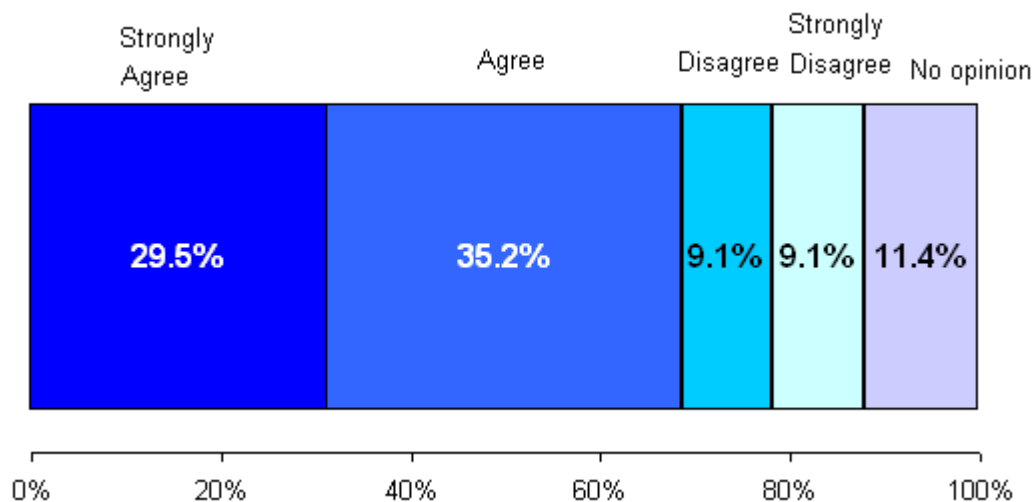
Currently Medway Council does not charge for care at home (non-residential) until you have had a financial assessment. This means that people who are efficient and see us as soon as possible pay for their care at a much earlier date than someone who keeps canceling their appointment. We do not think this is fair so are proposing some changes.

What are we proposing - Proposal 2

| Proposal Number | Detail | % Agree | % Disagree |
|-----------------|--|---------|------------|
| 2 | To follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner. | 64.7% | 18.1% |

A large majority 65% did agree with this proposal, with only 18% disagreeing, 11% said they had no opinion. Of those that did agree, 29% said they strongly agreed and 35% said they agreed.

Chart 7: To what extent do you agree or disagree with this proposal?



Respondents were also given an opportunity to provide alternative proposals

Direct comments:

- I only disagree because funds may be limited and if there is an administrative delay beyond the disabled persons control they could end up with a bill they could not manage, which would be just as unfair, as it is not one they could predict.
- So all elderly people are in good mental health all of the time and know at a drop of the hat where to find all the questionable detail and information required by the Council. Where is the compassion? It is wrong. People in all aspects of life are given time to present their paperwork. The question I would ask the Council is why are you happy to make already vulnerable people even more worried by demanding information that in a lot of instances is not really necessary!
- Care should be given for a set period of time eg, six weeks then charged. People delaying payments would still be charged from the end of the period set. Everyone would be fairly charged.
- Medway Council to get it's act together first. Administration is a nightmare. Having been through the process trying to manage funding and payments for two elderly parents, I have nothing positive to say about the experience
- Don't think I could keep up with payments maybe a payment scheme straight from benefits or reduced benefits to cater for care needs. Then we wouldn't notice the payments made
- The LA should either be more efficient in its processing, or withhold services from people who don't co-operate.
- I agree everybody should be on an even keel and charged accordingly.
- Sometimes, even often! This type of care is sudden on-set. People need time to sort financial arrangements and the added pressure of this financial burden can be very distressing. People will often refuse help knowing it will cost. This will result in almost immediate re-admission back to hospital when they can't cope at home.
- Not applicable at present residential not being considered.
- Where residential care is know in advanced it should work well. The problem is when you need it in an emergency, this area you will need to work on.
- Same as - the whole charge to be funded - the English...the Scottish... we are UK
- All having to use care homes! Should be treated equal. Taking everything into consideration!
- Reduce councillors allowances
- In future and do not go back and start claiming back dated charges.

Direct comments from respondents on things they want to be considered before making any final decisions

- Need to take into account hardship cases.
- In order to prevent large bills occurring admits rating periods need to have a maximum, or/and charges need to be declared up front.
- Listen to the people who pay your wages and elected you! Ask yourselves what exactly do the Council actually provide without any quibble in the care arena? Not a lot I can tell you from experience! The elderly have to fight for everything and if they have no family then it is even worse.
- In my case I didn't pay previously then a financial assessment was done late and my costs of care was back dated to the start of my care for that financial year and I was suddenly in debt to £700, plus paying £180 a month I was forced to reduce my care packages so i could afford it.
- Its not the councils fault that they cant do their paperwork quickly
- It's a good idea for all fairness but does that mean your be better or will it still cost the same? Is this a way to get you to pay?
- Yes how long family members have cared for person without the council being asked for help or costs. Therefore saving councils hundreds of thousands of pounds.
- Not everyone has someone who can help then with the necessary paperwork to ensure efficient completion. Can these be supported to ensure this happens.
- N/A
- This seems a no brainier though again service level needs to be addressed. Nationally the council doesn't charge immediately it shouldn't expect a person to pay any arrears in a lump sum.
- Look at the wider impact - boomerang effect on hospital wards!
- Maybe a good idea to charge a small fee from the onset as opposed to being presented with a large backdates bill.
- Except if it is respite care for a limited period for example one month.
- No!
- Individual circumstances should be looked at with a view of ability to pay.
- Ensure that applicants will have sufficient funds to get care places before charging set up fees.
- People must be fully supported and informed as to what they are agreeing to those who are tardy at supplying info should still be charged.

Proposal 3: Charges for people who can afford to pay for their own care at home

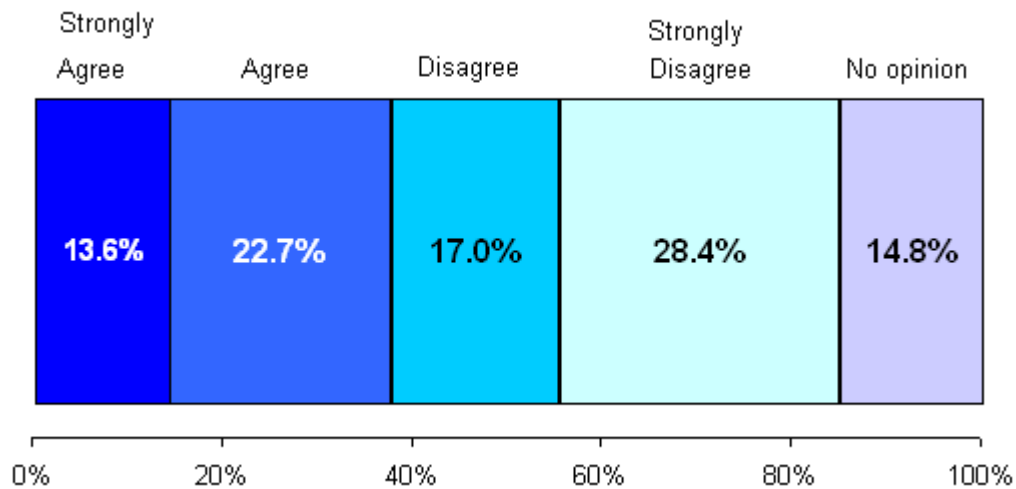
If someone can afford to pay the full cost of their care at home (as determined by a financial assessment), they can ask Medway Council to arrange services for them. In setting up these services, there is an administration cost to the Council and the Care Act allows councils to charge for some of those administration costs.

What are we proposing - Proposal 3

| Proposal Number | Detail | % Agree | % Disagree |
|-----------------|--|---------|------------|
| 3 | To charge those who ask for their care packages to be set up, an initial set up fee and then an annual monitoring fee thereafter (Note: Only those who have been assessed as being able to pay for their own care cost). Based on current cost the set up fee would be £101 and the annual fee £117. | 36.3% | 45.4% |

Nearly half of respondent 45% disagreed with this proposal. With 28% strongly disagreeing. However, 36% did agree, this figure is broken down by 23% agreeing and a further 14% strongly agreeing.

Chart 8: To what extent do you agree or disagree with this proposal?



Respondents were also given an opportunity to provide alternative proposals

Direct comments:

- As a newly retired care manager from another area, service users are often reluctant to pay for their service let alone a set up cost. This would stop people from having appropriate care that they need or is this what is wanted!
- This is outrageous! It is akin to a tradesman charging for an estimate. Is the Council not ashamed by this proposal? I ask again, what do we pay Council Tax for?
- I think that the £101 is not an unfair amount to ask for anyone to set up a care package but maybe do it in instalments. I feel to many take advantage and do not value the services they get because they don't pay anything for them. Those with money should pay I agree but those less well off need to put a value on what they do get!! It is all a privilege and not an entitlement. Some care is needed because people make themselves ill or incapable (drink, drugs, food) and responsibilities need to be taken for actions. There are others who stick to the rules and get nothing from Medway council where as it would be better to act like a selfish person and get all the support you need. People also need to learn to live within their means
- Administrators are paid by the Medway Council to do their jobs, why charge a fee as well?
- Often people like myself have no family support or assist them when in hospital or unwell. Either scrap the set up fee and reduce the annual fee to £100 or scrap the annual fee and have the set up fee at £101
- Through the NHS, contributions already being paid by tax payers and NI contributions
- I see this wring your saying you get some help if your financially stuck but if you've worked hard your whole life and have a few quid you get charged through the roof.
- Try recouping money from those who have not paid anything for the last 20 years
- Why should people be penalised for having savings. They are paying for care and probably being taxed, surely care should be assessed freely
- Medway Council to stop funding hare brained schemes like the themed roundabouts and employ people who have a modicum of intelligence
- Vulnerable people that require support will be deterred due to the fee. The fee at price and this stage is not ethical. Possibly an insurance paying system could be considered, or a two part fee 50% after consultation and 50% after one year with service assessment and feedback
- I converted my own home with my own money, which I earned and paid tax for so my sons can have quality life for the rest of their lives. I also saved money so they can have a back up if they need it in the future. If this is taken away now they will start living a basic life on the border with poverty with just roof over their heads and basics food to survive the next day. I worked hard all my life so they can have secure future and support

with their disability. I also understand that the money for a care has to come from somewhere so my suggestion is to make it legal that after their death entire estate will go back to the Council excluding any other member of family still remaining who can possibly claim rights to the property and money left.

- It is not fair to charge those who can pay more than those that can't . Council costs are the same for both types of person and the charge should be levied against all people if it is to be fair.
- Be equitable and follow the spirit of the Council Tax concept, all paying a small part to achieve the greater good, even if you don't directly use the services during that year.
- If people need care packages set up they should not be charged for this whether they can afford care or not.
- As said before this social care cost is already being met via LA Council Tax. Increase it! Don't punish sick, elderly and disabled.
- I do not receive sufficient monies to pay out any more than the present direct debit already paid monthly thorough Lloyds bank
- Either charge a set up fee or an annual fee not both.
- To set up a care plan should be a right. Costs could be recovered if the council supplies the care.
- If people are found to have enough money to pay for care after a financial assessment, presumably they are paying the Council Tax, why charge twice - unfair.
- Central government
- Again - the Scots manage the funding apply the same funding to the English. Try giving funding per head of population so it's shared fairly.
- I have given you enough reason how to fund
- Point the person who needs care to a support group for voluntary help. eg MS Society
- The set up and annual fee seem a bit high again, the question of efficiency saving arises.
- The council should apply for government funding to be used to reimburse the initial cost. Disabled people on benefits do not receive enough money to survive on let alone pay for care that is the governments responsibility
- More efficiency oast the Council, people will have enough to pay without this fee.
- Not applicable to my wife's case

Direct comments from respondents on things they want to be considered before making any final decisions.

- Have a social conscience
- N/A
- Spread the cost over a period of time to set up the package but do not charge an annual fee
- It's too much it will cause hardship for a lot of people like myself trying to cope financially. People like me are vulnerable and need a system and charges that are fair and easy to understand.
- Try recouping money from those who have paid nothing over the past 20 years for care.
- Agree with set up cost but annual fee seems unfair, especially for those who are border-line
- Via payment plan or reduced benefits rates
- Same as question 3 "Need to provide a better service if charges are to be made. Due to poor/ lack of communication between council and care home. Both care home and council have charged me during the period, which the deferred payment scheme should have been operating for four months. The matter was only rectified due to my actions, ie emails, letters and telephone calls."
- Impact on elderly, sick and disabled as they will suffer inappropriate care is not sought/ sourced. Bigger impact costs, more sicker people as a result is expensive
- In approx six months my only account which is a current/debit one, will be empty.
- Perhaps annual fee charged on a sliding scale depending on capital.
- You have staff whom duplicate financial assessments ie respite and day care (waste of tax payers money). It only takes one person to arrange a care plan/ package and assess an individuals care needs, social worker.
- No!
- Again people must not feel bullied or threatened in any way, or financially penalised. Perhaps an independent person should be available for advice?

Carers

From April 2015, all carers will be entitled to a carer's needs assessment. The Care Act states that councils cannot charge the carer for any services that will be provided to the cared for person as a result of the carer's assessment. However, the council is able to charge for any support services to help the carer directly.

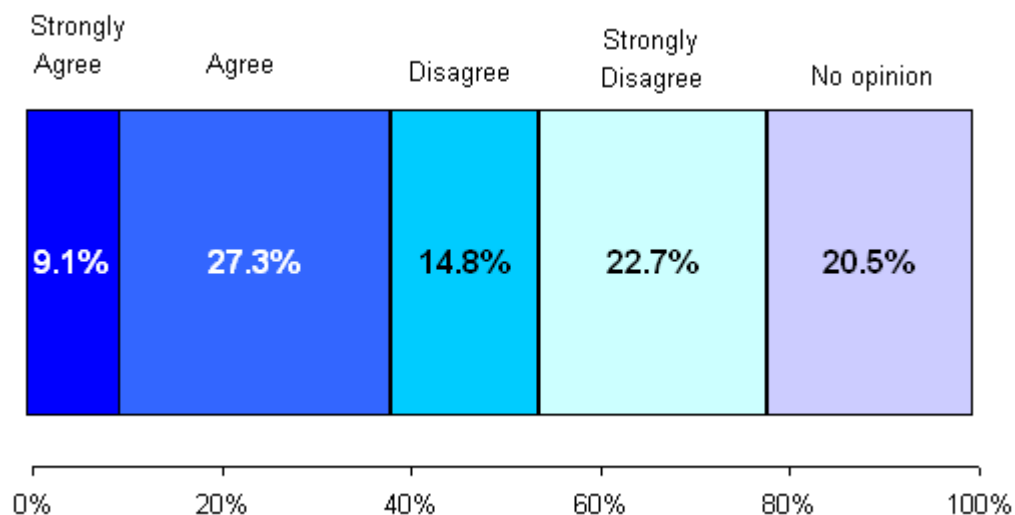
Medway is not proposing to charge carers during 2015 -16. The principle of supporting carers free of charge is our preference, however, there is the possibility that the demand for carer support will exceed the money available to fund these services and hence why we may need to review the situation for the following year.

What are we proposing – Carers Proposal

| Proposal Number | Detail | % Agree | % Disagree |
|------------------------------------|---|---------|------------|
| Review Charging Support for Carers | There is the possibility that the demand for carer support will exceed the money available to fund these services which means we may need to review the situation for the following year. | 36.3% | 37.5% |

Respondents were split on whether or not carers should be charged. 36% agreed with the proposal with 37% disagreeing, 20% of respondents had no opinion. This could be down to the respondents not fully understanding what was being proposed.

Chart 9: To what extent do you agree or disagree with this proposal?



Respondents were also given an opportunity to provide alternative proposals

Direct comments:

- Carers need to be supported in order to assist them to provide care in the community. Carers save the council a great deal of money, in comparison to what they cost it, without them the council would have to provide much more residential care, and even from this point of view alone their care is a good investment.
- I am astounded and frankly cannot believe that any human being would charge a carer for something that the cared person receives.
- Again should be on a case-by-case assessment, if they career can afford the help they should pay. Sign post them to services to use themselves. I've never even had an assessment and get no help or support
- The government should give councils more money so that they can continue providing support and care for free
- What is the proposal? The wording is not clear. Does it mean review the following year? (Poor English)
- Too much money is funded into drug/alcohol services. I think people with a genuine disability should be given help. This should be one of the top things for the country, especially in care for elderly people who have worked all their lives, some even fought for us.
- I was a carer for 20 years with no help, either financially or with assistance, it made me very ill. I now need full time care. So your proposals help no one. It forces the hard presses carers into care.
- A lot of carers have to cut their paid work to help care for relatives
- Don't understand
- The question does not make sense. It is difficult to agree with something you are proising not to do.
- Carers usually save the council money, unfair to burden them with any extra paperwork, worries and expense.
- I care for 3 people with disability 24/7 with no brake and no support from anybody even family. I receive £63 for the care I provide. It is slave work, which affects my health. Charging me for anything else is despicable. I lost my employment due to my commitment, have no social life and live in isolation and facing additional charges leaves me speechless.
- Wages is already very low this would prevent people from going into care sector! Increase wage rates then changes wouldn't be so much of a burden.
- Charging carers for support could easily result in carers not asking for support, leading to increased stress for carers and diminishing quality of care for those in need of care.

- Stick by your principles, if you don't believe a carer should be charged. (Considering the reason for that decision) then don't charge a carer now or ever. As aforementioned, add it to Council Tax (or government funding)
- Make sure there is funding and put money where it needs to be!!!
- This cost should be already covered in our social services budget from LA Council Tax
- My husband and I have a joint current/debit account. The balance will be almost exhausted in six months approx. As all household utilities are paid by monthly direct debits.
- If the person is living at home with a carer the cost is less then if they were in a care home. So do not agree with adding a cost.
- If the principle of supporting carers free of charge is Medway's preference then continue it past 2015/16. You know there are other ways to fund this. Stop trying to hit those most vulnerable carers save the government a great deal of money and local councils.
- I understand that central government supply funding for carers, especially in view of the 'dementia ticking time bomb' why would it be cut at local level if this is so?
- Carers have a tough enough time as it is. Stop taking from those least able to pay.
- Anything to help people with little income
- I disagree in principle because as an unpaid carer myself do many things and pay for things without recompense. You cannot put a price on what a carer does for society.
- By cutting on unnecessary spending
- The majority of carers provide free support to the cared for person. How could you charge someone who is saving the council money?
- I do not understand what needs and what charges may occur so find comment difficult.
- Most carers do not use these services provided. They are either too busy or too proud to use them.
- Carers often have very limited means and to be charged fro an assessment is unfair. I believe. Often carers struggle as they may have no other means than their benefits.

Direct comments from respondents on things they want to be considered before making any final decisions

- If you don't look after those that care, you have to look after those that are cared for.
- The amount of work carers do and the money that is saved by the council
- Case by case assessment.
- N/A
- The carer's livelihood / income and health
- The burden of responsibility and damage to their own health that carers face based on their stress levels and poor quality of life and financial constraints placed on them.
- Yes, there is too many people receiving care from care services who don't need it. Drug addicts receive more money than someone with a genuine problem, The elderly need more support.
- You should never charge people who need help.
- N/A
- Should be the last of any options considered.
- Enable more local charities to set up services to provide this care. Agree thresholds for free respite across the board. What happened to Crossroads? Not enough support from LA departments instead very expensive Chief Executive making unit costs go up. Also CEO meant trustee board became impotent!
- I can only repeat what has been written in question 14. When the accounts are empty there is no chance of increasing a deficiency. No money available for unexpected problems like central heating boiler which is over 35 years old.
- Critical and substantial needs should still be covered by free respite.
- Carers save local government millions of pounds. They do unpaid work that is the equivalent of three full time paid carers. Most live in poverty and have to give up work. Any support given should be free, where would Social Care be without unpaid carers.
- No
- If after the 2015/2016 review of carers assessment, Medway Council decide to make a charge for carer's assessment, there must be some way of monitoring the carer needs without charging, as all older carers don't get paid. We are saving the government billions of pounds.
- Each case must be assessed individually... Councils are receiving less funding but this is not the fault of the carers or the cared for.

Diversity impact assessment

Appendix E

| | |
|--|---|
| TITLE <i>Name/description of the issue being assessed</i> | The Care Act and Adult Social Care charging |
| DATE <i>Date the DIA is completed</i> | 18.6.2015 |
| LEAD OFFICER <i>Name and title of person responsible for carrying out the DIA.</i> | Jackie Brown – Head of Adult Social Care Business Units Chris Gell – Client Financial Services Manager |

1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

The introduction of the Care Act 2014 has determined that changes to our current charging framework can be introduced. The recommended changes are:

- **People who are assessed as needing care and support in their own home but financially assessed to pay the full cost of their care can still ask Medway Council to arrange services for them.**

In setting up these services there is an administration cost to the council and the Care Act allows councils to charge for some of those administration costs.

Administration costs are not currently passed on to Service Users that have been assessed to pay the full cost of their care.

It is proposed that Medway Council apply administration costs in these circumstances.

- **Care and Support Services are charged for from the date that the service started.**

Changes to regulations under the Care Act allow for all care to be charged for from the date the care started.

Previous regulations permitted Local Authorities to charge for residential care from the outset, however it did not allow Local Authorities to charge for non-residential services until the person had been notified how much their financial contribution would be.

It is proposed that Medway Council apply charges for care from the date care and support services start.

Diversity impact assessment

- **Administration charges are applied to people who take advantage of the Universal Deferred Payments Scheme.**

The Care Act allows Councils to charge an amount to cover the administration costs associated with setting up and monitoring the Deferred Payment Agreement.

Statutory guidance states that the Deferred Payment Scheme is intended to be run on a cost-neutral basis to Local Authorities. Charging interest and administration charges will minimise the budgetary cost to the council in line with this aim.

Administration costs (excluding legal administration costs) are not currently passed on to Service Users.

It is proposed that Medway Council apply these additional administration costs in addition to current legal administration costs.

- **The Deferred Payment Scheme is extended to people who move into Flexicare or Supported Living.**

The Care Act allows Councils to extend the Deferred Payments scheme to people who move into Flexicare or Supported Living.

Currently the scheme is only available to those people who move permanently into residential/nursing care.

It is proposed that Medway Council extend the scheme, but that each case is reviewed on a case by case basis to determine the person's circumstances.

2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

A public consultation was carried out which ran for four weeks and included contacting and notifying:-

- Local voluntary organisations supported and represented by Medway Voluntary Action.
- Carers First
- The Learning Disability and Physical Disability Partnership Boards
- Health and Wellbeing Board
- Safeguarding Adults Board

Diversity impact assessment

- Kent Association for the Blind
- Kent and Medway NHS & Social Care Partnership Trust
- Medway CCG
- Medway NHS Foundation Trust
- The Mental Health Operational Group
- Medway Healthwatch
- Better Care Fund steering group members

3,000 letters were sent out to those using commissioned adult care services or direct payments.

A total of 88 people responded to the consultation. The table below provides feedback from the consultation.

| Proposal Number | Detail | % Agree | % Disagree |
|------------------------------------|---|---------|------------|
| 1A | To follow Care Act regulations and charge an admin cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme. Based on current costs the set up fee would be £65, the annual fee would be £75 which excludes our legal charges which can be from £250 upwards and will be levied separately depending on the actual circumstances of the case. | 29.5% | 42.0% |
| 1B | To extend the current Deferred Payments Schemes to people moving to Flexicare Housing and Supported Living accommodation on a case by case basis. | 56.8% | 14.7% |
| 2 | To follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner. | 64.7% | 18.1% |
| 3 | To charge those who ask for their care packages to be set up, an initial set up fee and then an annual monitoring fee thereafter (Note: Only those who have been assessed as being able to pay for their own care cost). Based on current cost the set up fee would be £101 and the annual fee £117. | 36.3% | 45.4% |
| Review Charging Support for Carers | There is the possibility that the demand for carer support will exceed the money available to fund these services which means we may need to review the situation for the following year. | 36.3% | 37.5% |

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

| Protected characteristic groups | Adverse impact | Advance equality | Foster good relations |
|---------------------------------|----------------|------------------|-----------------------|
| Age | ✓ | ✓ | ✓ |

Diversity impact assessment

| | | | |
|-------------------------------------|---|---|---|
| Disability | ✓ | ✓ | ✓ |
| Gender reassignment | | | |
| Marriage/civil partnership | | | |
| Pregnancy/maternity | | | |
| Race | | | |
| Religion/belief | | | |
| Sex | | | |
| Sexual orientation | | | |
| Other (eg low income groups) | | | |

4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

Service Users in receipt of care and support services will be affected.

They will be affected for the following reasons:-

- Service Users who pay the full cost of non-residential care will be charged administration costs in addition to legal costs.
- Service Users who take advantage of the Universal Deferred Payments Scheme will be charged administration cost.
- Service Users who are on the current Deferred Payment Scheme will remain on the scheme and will not be charged administration costs with the exception of legal costs which will be charged.
- Service Users in receipt of all types of care will be assessed to pay a contribution towards the cost of their care from the day that their care and support package started.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

Diversity impact assessment

To mitigate adverse impacts it is important that:-

- Service Users are notified of administration costs at an early stage of the needs assessment process, if they are liable to pay the full cost of their care and ask the council to arrange the care for them.
- Service Users are notified of administration costs relating to the Universal Deferred Payment scheme at the outset of the Financial Assessment.
- Administration charges are publicised on the council's internet.
- Financial Assessments are carried out within two weeks of the care and support package starting.
- Information and advice leaflets relating to Adult Social Care charges will be developed and given to Social Care teams (in particular the Intake and Hospital teams) so that people will have information at the first stage of their care journey.

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

| Action | Lead | Deadline or review date |
|--|-------------------|-------------------------|
| Carry out consultation with Medway residents | JB/CG | 14.5-15.6.15 |
| Ensure promptness and accuracy of Financial Assessments. | JB/Martin Garlick | 1.9.15 |
| Ensure all Customer Contact Financial Assessment staff are trained to carry out all types of assessment to a standard level. | CG/Martin Garlick | 31.03.15 |

Diversity impact assessment

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change, implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

Proceed with proposals, considering and implementing alternative suggestions where appropriate received in the consultation, i.e. administration charges for deferred payments should not be charged immediately but deferred along with charges.

Ensure the actions to mitigate adverse impact identified in sections 5 and 6 are implemented.

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Assistant Director

Date

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: annamarie.lawrence@medway.gov.uk

C&A: (Children's Social Care) contact your normal P&I contact

C&A (all other areas): phone 1481 email: paddy.cahill@medway.gov.uk

BSD: phone 2472/1490 email: corppi@medway.gov.uk

PH: phone 2636 email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication (corppi@medway.gov.uk)

MEDWAY COUNCIL

Charging and Financial Assessment for Adult Social Care and Support Services Policy

From 01/04/2015

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1.0 Introduction

- 1.1 Medway Council's 'Charging and Financial Assessment for Adult Social Care and Support Services' policy has been designed to comply with The Care Act 2014. Its aim is to produce a consistent and fair framework for charging and financial assessment for all service users that receive care and support services, following an assessment of their individual needs, and their individual financial circumstances.
- 1.2 For the purposes of this policy, an adult is a service user aged 18 and above.

2.0 Legal basis for charging and financial assessment

- 2.1 The Care Act 2014 provides a single legal framework for charging for care and support. It enables local authorities to decide whether or not to charge a service user when it is arranging to meet a service user's care and support needs, or a carer's support needs.
- 2.2 Section 14 of The Care Act 2014 provides local authorities with the power to charge adults in receipt of care and support services, where the local authority is permitted to charge for the service being provided.
- 2.3 Section 14 of The Care Act 2014 provides local authorities with the power to charge for services meeting carer's needs, by providing services directly to the carer.
- 2.4 Section 17 of The Care Act 2014 permits local authorities to undertake an assessment of financial resources. The financial assessment will determine the level of a service user's financial resource, and the amount (if any) which the service user may be likely to be able to pay towards the cost of meeting their needs through care and support services.
- 2.5 Section 14 of The Care Act 2014 instructs that local authorities are not permitted to charge for provision of the following types of care and support:
 - Community equipment (aids and minor adaptations): a service that consists of the provision of an aid, or minor adaptation to property, for the purposes of assisting with nursing at home or aiding daily living. An adaptation is minor if the cost of making the adaptation is £1,000 or less;
 - Intermediate care (including Reablement support) services for up to six weeks.
 - Care and Support provided to people with Creutzfeldt-Jacob Disease;
 - Any service or part of a service that the NHS is under duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care;

- Any Service Users receiving care under Section 117;
- Assessment of need and care planning, including the financial assessment as these constitute “meeting needs”.
- Services which Medway Council have a duty to provide through other legislation.

2.6 Medway Council will refer to Care and Support Regulations (Statutory Instruments) and Care and Support Statutory Guidance and Annexes issued under The Care Act 2014, in all regards for specific guidance relating to charging and financial assessment, and as such, these statutory regulations form the basis of this policy, except where the council exercises its power of discretion as set out within the regulations.

3.0 Diversity and equality

3.1 The council is fully committed to the broad principles of social justice and is opposed to any form of discrimination and oppression. It therefore willingly accepts not only its legal responsibilities but also wishes to embrace best practice in all areas of its work in order to secure equality of both treatment and outcome.

3.2 The council is committed to ensuring that no one is treated in any way less favourably on the grounds of personal differences such as age, race, ethnicity, mobility of lifestyle, religion, marital status, gender, sexual orientation, physical or mental impairment, caring responsibilities and political or other personal beliefs.

4.0 Policy objectives

The principles underpinning this policy are:

- Where the authority is required to arrange care and support for free, it does so;
- That service users will only be required to pay what they can afford as calculated by the financial assessment;
- That financial support from Medway Council towards care costs will be determined through a financial assessment;
- That if a third party top up is required to pay towards care costs that a financial assessment will be undertaken to ensure sustainability
- To provide clear and transparent information so service users know what they will be charged;
- To apply the rules consistently, to avoid variation in the way people are assessed and charged;
- To promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
- To support carers to look after their own health and wellbeing and to

care effectively and safely;

- To be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet service user's needs;
- To apply charging rules equally so those with similar needs or services are treated the same and to minimise anomalies between different care settings;
- To ensure that the charge to the service user for services provided is no greater than the cost of that service being delivered to the council;
- To encourage and enable those who wish to stay in or take up employment, education or training, to plan for the future costs of meeting their needs to do so;
- To ensure that where a service user lacks capacity to undertake a financial assessment that the local authority consults a suitable person defined as having Enduring Power of Attorney (EPA), Lasting Power of Attorney (LPA) for Property and Affairs Property and Affairs Deputyship under the Court of Protection or an Appointee for benefits as appointed by the Department for Work and Pensions.).

5.0 Charging and financial assessment for care and support in care homes on a permanent basis

- 5.1 The council will charge for care and support delivered in a care home on a permanent basis.
- 5.2 Service user's requiring permanent care and support in a care home must initially satisfy an eligibility assessment for care and support. Only where a service user has an eligible care and support need will a financial assessment be required.
- 5.3 All service users requiring permanent care and support in a care home must have a financial assessment. Service users' financial circumstances will determine whether the service user is eligible for support towards permanent care costs from the council.
- 5.4 Service users will be made aware at the outset of the maximum amount of funding the council makes available towards care and support provided by private sector care homes. This rate is inclusive of any assessed service user contribution.
- 5.5 Service users that would like to live in accommodation that costs more than Medway Council's Rate can do so providing a third party or in some circumstances the service user meets the additional cost. This additional cost (known as a 'top-up') must be sustainable and the local authority has the right to refuse a service user using their assets for this purpose, if the costs cannot be met over a sustained length of time.

- 5.6 Where a service user chooses more expensive accommodation than Medway Council's rate and the top-up is to be paid by a third party, the third party must be able to prove that they are able to meet the costs of the top-up for the duration of the agreement, including any price changes that may occur. The third party will be required to provide evidence supporting that they can pay the top up. Both they and the service user will be made aware of the cost and to whom payment is to be made, together with the frequency, as well as provision for reviewing the agreement on an annual basis, the consequences of failing to maintain payment and the effect changes in any parties' financial circumstances will have on the agreement. The third party will be asked to enter into a signed agreement, covering all of these points.
- 5.7 Service users that own a property or other valuable asset, over which security can be taken, may be eligible to defer care costs against the value of the property/asset. This is known as a Deferred Payment Agreement. Medway Council will make deferred payment agreements available under the Deferred Payment Agreement Scheme providing the eligibility criteria has been met. Details of deferred payment agreements can be found within the council's deferred payment agreement policy.
- 5.8 The Council will undertake a financial assessment and benefits check for service users entering residential care on a permanent basis. This is normally done before the service user starts to receive care to enable them to understand the financial implications. If the financial assessment is not completed before the service user starts to receive care, the financial assessment will be carried out no longer than 2 weeks after the start of care. Contributions are payable from the date care commences, but invoices will not be produced until after the financial assessment.
- 5.9 The Financial Assessment will take into account income, capital and the value of any assets. The charging methodology will take into consideration any mandatory disregards of income, capital and property as defined in the Charging for Care and Support Statutory Guidance.
- 5.10 The financial assessment will take into account statutory amounts required to be retained by the service user from their income. These amounts are dependent upon the service users' financial circumstances, and are reviewed annually by the Department of Health.
- 6.0 Charging and financial assessment for care and support in care homes on a temporary basis**
- 6.1 The council will charge for care and support delivered in a care home on a temporary basis.
- 6.2 Following an assessment of a service user's eligible care and support needs, a decision may be taken that the service user would benefit from a temporary stay in a care home. A temporary resident is defined as a person whose need to stay in a care home is intended to last for a limited period of

time and where there is a plan to return home. The person's stay should be unlikely to exceed 52 weeks, or in exceptional circumstances, unlikely to substantially exceed 52 weeks.

- 6.3 Where a person's stay is intended to be permanent, but circumstances change and the stay becomes temporary, then the council will assess and charge as a temporary stay.
- 6.4 Service users that have a temporary stay that becomes permanent will be assessed for a permanent stay at the date permanency is confirmed and the care and support plan is amended.
- 6.5 The council will financially assess all service users having a temporary stay in a care home, and will charge from the date of admittance.
- 6.6 The financial assessment for temporary stays will completely disregard the service user's main or only home where the service user intends to return to that home.
- 6.7 The financial assessment will treat income and capital in the same way as if the service user was entering a care home on a permanent basis with the following exceptions:
 - Where the service user is in receipt of Disability Living Allowance, Personal Independence Payment or Attendance Allowance, these are completely disregarded from the financial assessment.
 - Where the service user receives Severe Disability Premium or Enhanced Disability Premium, these benefits cease when Disability Living Allowance, personal Independent Payment or Attendance Allowance ceases.
 - The financial assessment will be adjusted where the temporary stay extends into this period.
- 6.8 The council will ensure that where a spouse or partner resides in the same residence as the service user, that the spouse/partner will have an income of at least the basic level of income support or pension credit, to which they would be entitled to in their own right.
- 6.9 The council will ensure that where housing benefit is paid, this is disregarded.
- 6.10 The council will ensure that payments made by the service user to keep and maintain their home, such as rent, water rates, insurance premiums are disregarded. Contributions are payable from the date care commences. A new financial assessment will be required in each financial year where a service user requires temporary accommodation in a care home.

7.0 Charging and financial assessment for care and support in all non-residential settings.

- 7.1 The council will charge for care and support delivered in all non-residential settings including a person's own home.
- 7.2 Service users requiring care and support in their own home or other care settings must initially satisfy an eligibility assessment for care and support. Only where a service user has an eligible care and support need will a financial assessment be required.
- 7.3 Where a service user has an eligible care and support need, the council will calculate how much the personal budget might be, using its Resource Allocation Tool (RAT). Once the indicative budget is known, the care and support planning process, taking into account the service user's desired outcomes, will determine the agreed budget.
- 7.4 Service users are likely to choose varied forms of care and support to meet their specific outcomes, as defined in their care and support plan. Where a service user has capital in excess of the higher capital limit and is therefore required to pay the full cost of their care and support, they are still entitled to request services to be arranged by the council. The council will charge an annual fee for arranging and administering personal accounts for all service users that are able to pay the full cost of their care and support. The annual fee cost is set out along with the relevant higher and lower capital limits, on the council website at www.medway.gov.uk.
- 7.5 Service users will have the option to take a personal budget as council commissioned services or as a direct payment or a combination of both. Service users that take their personal budget as a direct payment may purchase alternative types of care to meet their care and support needs as defined in Sections 31 to 33 of The Care Act 2014.
- 7.6 The council will undertake a financial assessment to determine the amount a service user can contribute towards their care and support costs. The council will undertake a financial assessment based, as a minimum, on income, capital, housing costs and disability related expenditure (DRE). Service users with capital in excess of the higher capital limit will be responsible for meeting all of their care and support costs, along with administration charges. Evidence will be required to substantiate fully a service user's financial circumstances. Please refer to schedule A of this policy for guidance in relation to DRE.
- 7.7 Where a service user has capital in excess of the higher capital limit, they can request a 'light-touch' financial assessment. Similarly, where undertaking a full financial assessment may be disproportionate to the cost of care and support services, service users can request a 'light-touch' financial assessment. The council will take steps to assure that

the service user is willing and will continue to be willing to pay all charges due. Evidence will be required to substantiate this, i.e. bank statements.

- 7.8 The council will ensure that service users retain at least the 'Minimum Income Guarantee' This retained income level is designed to promote independence and social inclusion and is intended to cover basic needs such as purchasing food, after housing costs have been taken into consideration. Direct housing costs will only be considered where the service user is liable for such costs, i.e. holds the tenancy agreement or is party to the mortgage. The 'Minimum Income Guarantee' ensures that the service user retains income to the equivalent of Income Support or Guaranteed Credit element of Pension Credit, plus a minimum buffer of 25%.
- 7.9 The financial assessment will refer to Care and Support Statutory Guidance for all disregards in respect of income and capital when making a determination of the service user's financial resources.
- 7.10 The financial assessment will be carried out within two weeks of the start of the care package. Service users will be informed of the weekly amount they must contribute towards their care and support costs and how this has been calculated. Service users will not be charged more than the amount determined by the financial assessment.
- 7.11 Contributions are payable from the date care commences and invoices will be issued every 4 weeks in arrears if the council is required to arrange the care. The first invoice will be received no later than 8 weeks after the financial assessment. If there is any delay in distributing the invoice a letter will be sent providing an explanation for the delay.
- 7.12 If the financial assessment appointment is cancelled by the Service User and/or their representative, contributions will continue to apply from the date the care and support package starts.
- 7.13 Service users receiving their care and support costs through direct payment will receive 'net' payments 4 weekly in advance, to which they must then make arrangement to pay their contribution.
- 7.14 All financial assessments will be reviewed with the service user or their financial representative on an annual basis, and changes applied from the Monday following re-assessment.

8.0 Charging and financial assessment for support for carers

- 8.1 The Care Act 2014 provides councils with the power to charge for support for carers, where they have an eligible support need in their own right, providing the adult they care for also meets the eligibility criteria for care and support. Medway Council has decided that they will not charge

Carers for services they receive in their own right for the financial year 2015/16. This will be reviewed at a later date.

9.0 Financial Assessment Considerations

- 9.1 Deprivation of income and/or assets is the disposal of income and capital (property and investments) in order to avoid or reduce care charges. Disposal can take the form of transfer of ownership or conversion into a disregarded form. In all cases, it is up to the service user to prove to the council that they no longer possess an income or an asset. The council will determine whether to conduct an investigation into whether deprivation of income or assets has occurred. Following the investigation, where the council decides that a service user has deliberately deprived themselves of an asset or income in order to reduce a charge for care and support, the local authority will initially charge the service user as though they still owned the asset or income.
- 9.2 Property other than the service user's main or only home will be included within the financial assessment as a capital asset. The only exception to this rule is where the service user is taking steps to occupy premises as their home. In this case the asset value will be disregarded for a maximum of 26 weeks.
- 9.3 Allowable housing costs (e.g. rent/mortgage/council tax) will only be allowed in the financial assessment where the service user is liable to pay these costs. Where the service user is not liable for these costs, but contributes towards these through a private board agreement or similar, then the service user will be expected to meet this expenditure from their guaranteed income.
- 9.4 Where funds are held in trust, the financial assessment will seek to determine whether income received or capital held in trust should be included or disregarded. Copies of trust documents (e.g. Trust Deed, Will Settlement etc.) are required to be produced as part of the financial assessment.
- 9.5 Where the service user receiving care and support has capital at or below the higher capital limit, but more than the lower capital limit, they will be charged £1 per week for every £250 in capital between the two amounts. This is called "tariff income". For example, if a person has £4,000 above the lower capital limit, they are charged a tariff income of £16 per week.
- 9.6 Service users will have a financial assessment within two weeks of the start of their care package. Invoices will be sent every 4 weeks and the first invoice will be received within 8 weeks of the financial assessment

visit. If there is a reason why the service user will not receive the invoice they will receive a letter explaining the delay and stating when the invoice will be received.

- 9.7 Part of the financial assessment is a Welfare Benefits check. All standard benefits that you should be receiving i.e. state pension, will be used in the financial assessment. Other benefits that the assessment officer believes the service user to be entitled to will be notified to the Department of Work and pensions for further investigation. Once in receipt of these benefits the service user must notify the Customer Contact Team for them, to reassess. Alternatively the CCO will contact the service user within 2 months of the visit.

10. Ability to pay

- 10.1 The purpose of the financial assessment is to ensure that the level of financial contribution calculated is within service users' means and leaves the service user in receipt of the guaranteed minimum level of income set by the Government.

11. Recovery of Debt

- 11.1 The Care Act 2014 consolidates the council's powers to recover money owed for arranging care and support for a service user. These powers can be exercised where a service user refuses to pay the amount they have been assessed as being able to pay, or have been asked to pay (where the cost of care and support is less than their assessed contribution).
- 11.2 The powers granted to the council for the recovery of debt also extends to the service user or their representative, where they have misrepresented or have failed to disclose (whether fraudulently or otherwise), information relevant to the financial assessment of what they can afford to pay.
- 11.3 The council will approach the recovery of debt reasonably and sensitively and will only take Court action as a last resort.
- 11.4 The initial stage of debt recovery will involve discussing the debt with the service user or their representative. Social workers will be advised of the debt and will become involved as appropriate. In all cases the desired outcome is to prevent debt escalating and for the service user to enter into affordable repayments of the debt as well as being able to pay ongoing costs as they arise.
- 11.5 The council will only proceed with Court action where all alternatives have been exhausted. At this stage the council will proceed with action through the County Court.

11.6 All debt that arises from 1st April 2015 must be recovered within 6 years from when the sum became due to the council.

Schedule A – Disability Related Expenditure

- Service users that are in receipt of care in all settings with the exception of permanent care in a care home, and are in receipt of disability benefits (Attendance Allowance/Disability Living Allowance and Personal Independence Payment) will be asked about additional costs incurred as a direct result of their disability. Allowances will be made where costs are not, and would not expect to be met by the council.
- Only costs incurred by the service user will be considered as part of the assessment as allowable expenditure.
- The council has the right not to allow costs that should be met by other agencies, such as the NHS. This applies to therapies such as physiotherapy, chiropody and incontinence pads
- The council will include the following disability related expenditure within the financial assessment
 - Community alarm system not included in care package
 - Costs of any privately arranged care services required
 - Costs of any specialist items needed to meet the person's disability needs:
 - day or night care for which the service user has an eligible need but is not provided by the council;
 - additional laundry costs;
 - additional costs for dietary needs due to illness or disability (evidence from the service users GP may be required);
 - special clothing or footwear where this needs to be specially made or altered, or due to additional wear and tear due to the disability;
 - additional costs of bedding, for example, due to incontinence; any heating costs, above average levels for the area and housing type, occasioned by age, medical condition or disability;
 - reasonable costs of basic garden maintenance,
 - cleaning or domestic help, if necessitated by the service user's disability and is not met by social services;
 - personal assistance costs, including any household or other necessary costs arising for the service user;
 - the council will not make allowances at a higher rate where a reasonable alternative is available at a lower cost, for example where incontinence pads are available on the NHS but the service user decided to purchase them privately;

- other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment.
- Where the council provides transport and the service user wishes to use alternative transport at a higher cost, the cost of council provision will be used to determine any allowance.
- All other expenditure will be assessed as either an everyday living cost, or will be reviewed as a specific need against the service users' care and support plan.

Schedule B - Complaints

- i. A service user may wish to make a complaint about any aspect of the financial assessment or how a local authority has chosen to charge.
- ii. The first stage is to ensure that the assessment has been conducted and calculated correctly. Requests for a financial reassessment should be direct to:

The Senior Customer Contact Officer (Financial Assessments)
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
- iii. An officer, independent of the disputed assessment will reassess the information provided by the service user at the time of assessment. Any information omitted from the initial assessment will be considered upon submission; however the council is under no obligation to backdate the outcome to the date of the original assessment. The only exception to this is where benefit income has stopped without the prior knowledge of the service user.
- iv. If the complainant is still not satisfied, then Medway Council's complaints procedure should be followed. Information can be found using the following link.

<http://www.medway.gov.uk/information/contactus/complaintsandcompliments>.

Or email:- customer.relations@medway.gov.uk

Or by mail to:- Customer Relations, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Schedule C – Summary of Publications

The following publications have been referred to in the compilation of this

policy

- The Care Act 2014
- The Care Act 2014 Regulations Part 1
- The Care Act 2014 Care and Support Statutory Guidance