

Bath and North East Somerset –  
*The place to live, work and visit*

**CARE AND SUPPORT CHARGING AND FINANCIAL ASSESSMENT  
FRAMEWORK**

**ANALYSIS OF CONSULTATION RESULTS  
FINAL REPORT**

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## 1. The consultation questions

1. The Council proposes to introduce a Care and Support Charging and Financial Assessment Framework that aims to provide a fairer system and make it easier to understand for those people who need care.
2. When the Council's Client Finance Team become aware of a new service user, a Care Finance Officer will make several attempts by different means to contact them or their representative.

The Council will require a service user or their representative to respond within two weeks of the initial contact being made to arrange a financial assessment. If there is no response, the Council will deem the person to be self-funding. This would be considered on a case by case basis.
3. Many service users will be entitled to claim for benefits. These benefits are included in the financial assessments.

The Council will take into account any benefit that it believes a service user would have an automatic entitlement to, if an application were made. This relates to Pension Guaranteed Credit and Employment and Support Allowance.
4. In some cases, a third party (family or friend) will pay extra costs towards a more expensive service such as a larger room in a care home.

The Council will require any third party to enter into a formal agreement confirming they will make the required payments. The Council will also carry out a basic financial assessment on the proposed third party to ensure the required payment is affordable.
5. In some cases, a service user is unable to pay for their care as their funds are tied up in a property. Arrangement can be made for service users to enter into an agreement that allows for payment at a later date. This is known as a 'Deferred Payment Agreement'.

When an agreement is entered into and a yearly fee is charged. The fee covers the administration costs incurred in preparing annual statements, reviewing the equity / level of debt and the value of the property.  
The Council proposes an initial set up fee of £105 and an annual fee of £30.00. These costs will be collected when the Deferred Payment Agreement ends.
6. In some cases, a service user's representatives may be in the process of applying for Deputyship when the service user needs care. Also, there may be times when the service user's property is currently not registered with the Land Registry.

A new Interim Funding Policy will be applied that allows the Council to fund care for a period of time whilst Deputyship is obtained and / or the property is registered. This will be subject to a four-month review (other situations will be considered). A signed contract will be required confirming the amount to be repaid to the Council. The service user or their representative will be required to keep the Council updated.
7. To ensure there is a fair approach to Disability Related Expenditure, the Council is introducing new amounts. The Council will only pay for expenditure

that is related to a disability. For example: additional laundry, replacement bedding, private domestic help and additional heating costs.

8. The Council will allow Transport and Education costs. These must be set out the service user's care and support plan and will only be allowed if the individual is not in receipt of Disability Living Allowance or any Disability Living Allowance component of Personal Independence Payment (PIP).

9. People receiving care and support at home are currently allowed £189.00 per week to cover the cost of living.

The Council proposes to only allow the cost of the standing charge for gas, electricity, water and sewerage within the financial assessment.

10. In some cases, the Council will arrange care for people who are able to pay for their own care.

A new one-off charge will be applied to any new self-funder where the Council has been asked to arrange the care and support. This is to cover the administrative costs incurred by the Council. It is proposed this is a one-off fee of £250.00 plus VAT.

In addition to the above ten open-ended questions comments were sought on an updated Direct payment Policy and those responding were invited to make any additional comments. The respondents could choose to provide comment on all, some or none of the questions.

Those responding were also asked the same ten questions in a closed-ended format seeking whether the respondent agreed with the proposal or thought the proposal was reasonable. The respondent was asked to confirm 'yes' 'no' 'don't know' 'no opinion' or they could choose to not respond to the question.

## **2. The Consultation**

The consultation was advertised within the press in the following publications:  
Healthwatch Bathnes website, 11 September

<https://healthwatchbathnes.co.uk/news/2019-09-11/care-and-supporting-charging-financial-assessment-framework-your-thoughts-needed>

Keynsham Talking Newspapers, 12 September (audio so no link)

Bath Echo, 16 September

<https://www.bathecho.co.uk/news/health/views-sought-proposals-social-care-funding-framework-86288/>

Somerset Guardian, 26 September (print version)

Keynsham Voice, 17 September (Print version)

Interagency newsletter

- 13<sup>th</sup> September (distribution 884 people (opened by 193, 4 clicks)  
<https://mailchi.mp/9cac0914bbc5/bnes-consultations>
- 28<sup>th</sup> October (distribution 894 people (opened by 167, 14 clicks)  
<https://mailchi.mp/609f5483407e/care-and-support-charging-and-financial-framework>

- 6<sup>th</sup> November (distribution 901 people (opened by 170, 13 clicks)  
<https://mailchi.mp/aa85420f2fcf/interagency-bulletin-november-2019>

Heathwatch website

- 11<sup>th</sup> September (<https://healthwatchbathnes.co.uk/news/2019-09-11/care-and-supporting-charging-financial-assessment-framework-your-thoughts-needed>)

Direct emails were sent to the following:-

- Local MPs
- All 51 Parish Councils
- Bath Mosque
- BEMSCA
- Disabled Children's Transitioning Team
- GP practices via CCG
- Village Agents
- Swallow
- Dimensions
- BASS
- SWAN
- Your Say

Letters were sent to all 2,100 service users, social works and care providers  
The following documents were available on-line and at the one-stop shops and libraries in Keynsham, Bath and Midsomer Norton between the 24<sup>th</sup> September and 3<sup>rd</sup> December 2019:

- Draft Care and Support Charging and Financial Assessment Framework;
- Draft Direct Payment Policy;
- Consultation document;
- Easy ready consultation document;
- Consultation questionnaire;
- Easy read consultation questionnaire;
- Disability related fact sheet.
- FAQ's

The consultation was publicised through the Councils website, intranet and one-stop shops.

The draft Care and Support Charging and Financial Assessment Framework was reviewed by the Policy Development and Scrutiny Panel, Group Leaders, Informal Cabinet and Directors Group.

The Project Team (Lesley Hutchinson, Sara Dixon and Annemarie Strong) have posted documents to 43 people, responded to 9 specific emailed questions, provided a telephone conference at the request of the service users family member who lived too far away to attend the consultation events and meet with service users representing those within B&NES with disabilities.

The Project Team (Lesley Hutchinson, Sara Dixon and Annemarie Strong) with support from Councillor Appleyard, the Senior Leadership Team, commissioning colleagues and Communications and Marketing have attended 21 face to face consultation events with the public between the 25<sup>th</sup> September and the 27<sup>th</sup> November 2019.

Elected members and members of the public were able to attend any or all events.

<b>Date</b>	<b>Description</b>	<b>Nos</b>
25 <sup>th</sup> September	Carers Centre Management meeting	5
30 <sup>th</sup> September	Healthwatch event	7
2 <sup>nd</sup> October	Session 1 - Midsomer Norton Public event	15
2 <sup>nd</sup> October	Session 2 - Midsomer Norton Public event	6
3 <sup>rd</sup> October	Session 1 - Midsomer Norton Public event	6
3 <sup>rd</sup> October	Session 2 - Midsomer Norton Public event	0
7 <sup>th</sup> October	Keynsham Public event	10
8 <sup>th</sup> October	Compton Martin Public event	10
10 <sup>th</sup> October	Timsbury Public event	4
14 <sup>th</sup> October	BEMSCA	6
17 <sup>th</sup> October	Carers Centre Voice	10
21 <sup>st</sup> October	Swallow Management Committee	14
21 <sup>th</sup> October	Session 1 - Bath Public event	14
21 <sup>st</sup> October	Session 2 - Bath Public event	2
22 <sup>nd</sup> October	Keynsham Public event	11
6 <sup>th</sup> November	Session 1 - Bath Public event	17
6 <sup>th</sup> November	Session 2 - Bath Public event	12
14 <sup>th</sup> November	Preparing for adulthood event	23
22 <sup>nd</sup> November	Dimensions	2
25 <sup>th</sup> November	Action on hearing loss	18
27 <sup>th</sup> November	BASS	4
	<b>Face to Face</b>	<b>196</b>

All questions asked at the consultation events were recorded (Appendix 1) and form the rolling FAQs which have been run throughout the consultation period and have been available on-line. Hard copies of the FAQ's were offered at the consultation events. (Appendix 2)

A consultation event with the MS society was also offered but did not proceed due to a lack of response from the society.

Advocacy support was provided, via SWAN and Your Say, to three service users at their request.

BEMSCA support workers provided assistance to their members in translating documents into Chinese, Mandarin, Gujarati, Punjabi. BEMSCA assisted 2 Chinese families and 6 Indian families, by visiting them at home with their carers.

Action on hearing loss provided assistance to their members and supported their members to complete the consultation questionnaire, we received 21 questionnaires from Action on hearing loss.

### 3. Equalities Impact Assessment

A qualities impact assessment was carried out (Appendix 3).

The documents were available in easy read format on-line and in hard copy. The consultation events were advertised through Keynsham talking Newspapers All consultation events were held in accessible rooms.

There was a failing to provide hearing loops, and the project team have learnt from this for future events, in this instance, the gentleman requesting the hearing loop confirmed he could hear the consultation presentation if the speaker raised their voice. The Project Team further addressed this failing by arranging a consultation event with action for hearing for loss.

Support via the Social Work teams was available and advocacy assistance was available at the service users request.

Translation of the documents was provided as stated above.

Consultation events were held in Timsbury and Compton Martin to ensure inclusivity in more rural areas.

The respondents to the questionnaire provided profile information and confirmation of how the consultation was communicated to them (appendix 4).

### 4. The Quantitative components of the consultation

The quantitative components of the consultation (ten closed-ended questions seeking Yes, No, Don't know, No Opinion or No Response, see numbered list above).

#### **Analysis of responses:**

We had a total of 90 responses to the consultation on line and in paper form of which 57 were standard questionnaires and 33 were Easy Read questionnaires. Looking at a purely mathematical approach to the data analysis the following results can be seen.

Question	Yes	No	Don't Know	No Opinion	No Response
1. The Council proposes to introduce a Care and Support Charging and Financial Assessment Framework that aims to provide a fairer system and make it easier to understand for those people who need	70.0% (63)	25.6% (23)	3.3% (3)	1.1% (1)	0.0% (0)

care. Do you agree with this proposal?					
2. When the Council's Client Finance Team become aware of a new service user, a Care Finance Officer will make several attempts by different means to contact them or their representative. The Council will require a service user or their representative to respond within two weeks of the initial contact being made to arrange a financial assessment. If there is no response, the Council will deem the person to be self-funding. This would be considered on a case by case basis. Do you think this is reasonable?	35.6% (32)	52.3% (47)	5.5% (5)	5.5% (5)	1.1% (1)
3. Many service users will be entitled to claim for benefits. These benefits are included in the financial assessments. The Council will take into account any benefit that it believes a service user would have an automatic entitlement to, if an application were made. This relates to Pension Guaranteed Credit and Employment and Support Allowance. Do you think this is reasonable?	55.6% (50)	30.0% (27)	7.8% (7)	5.5% (5)	1.1% (1)
4. In some cases, a third party (family or friend) will pay extra costs towards a more expensive service such as a larger room in a care home. The Council will require any third party to enter into a formal agreement confirming they will make the required payments. The Council will also carry out a basic financial assessment on the proposed third party to ensure the required payment is affordable. Do you think this is reasonable?	44.4% (40)	36.7% (33)	7.8% (7)	10.0% (9)	1.1% (1)
5. In some cases, a service user is unable to pay for their care as their funds are tied up in a property. Arrangement can be made for service users to enter into an agreement that allows for payment at a later date. This is known as a 'Deferred Payment Agreement'. When an agreement is entered into and a yearly fee is charged. The fee covers the administration costs incurred in preparing annual statements, reviewing the equity / level of debt and the value of the property. The Council proposes an initial set up fee of £105 and an annual fee of £30.00.	37.8% (34)	36.7% (33)	3.3% (3)	18.9% (17)	3.3% (3)



These costs will be collected when the Deferred Payment Agreement ends. Do you think this is reasonable?					
6. In some cases, a service user's representatives may be in the process of applying for Deputyship when the service user needs care. Also there may be times when the service user's property is currently not registered with the Land Registry. A new Interim Funding Policy will be applied that allows the Council to fund care for a period of time whilst Deputyship is obtained and / or the property is registered. This will be subject to a four month review (other situations will be considered). A signed contract will be required confirming the amount to be repaid to the Council. The service user or their representative will be required to keep the Council updated. Do you think this is reasonable?	44.5% (40)	22.2% (20)	11.1% (10)	20.0% (18)	2.2% (2)
7. To ensure there is a fair approach to Disability Related Expenditure, the Council is introducing new amounts. The Council will only pay for expenditure that is related to a disability. For example: additional laundry, replacement bedding, private domestic help and additional heating costs. Do you think this is reasonable?	48.9% (44)	33.3% (30)	5.6% (5)	8.9% (8)	3.3% (3)
8. The Council will allow Transport and Education costs. These must be set out the service user's care and support plan and will only be allowed if the individual is not in receipt of Disability Living Allowance or any Disability Living Allowance component of Personal Independence Payment (PIP). Do you think this is reasonable?	56.7% (51)	18.9% (17)	7.8% (7)	12.2% (11)	4.4% (4)
9. People receiving care and support at home are currently allowed £189.00 per week to cover the cost of living. The Council proposes to only allow the cost of the standing charge for gas, electricity, water and sewerage within the financial assessment. Do you think this is reasonable?	35.6% (32)	42.2% (38)	6.7% (6)	12.2% (11)	3.3% (3)
10. In some cases, the Council will arrange care for people who are able to	23.3%	44.5%	8.8%	15.6%	7.8%

pay for their own care. A new one-off charge will be applied to any new self-funder where the Council has been asked to arrange the care and support. This is to cover the administrative costs incurred by the Council. It is proposed this is a one off fee of £250.00 plus VAT Do you think this is reasonable?	(21)	(40)	(8)	(14)	(7)
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Proposals 1,3,6,7 and 8 show a higher percentage answering 'yes' and the proposals at 2,4,5,9 and 10 show a higher percentage answering 'no'.

Proposals 1,3,6,7 and 8 could therefore be implemented without change. If those who responded, 'no opinion' are included the proposals at questions 4 and 5 could also be implemented without change.

The proposal at questions 2,9 and 10 on a purely quantitative analysis, would either require amendment or would not be implemented.

However, the quantitative data should be considered in light of the qualitative data and responses.

## 5. The qualitative components of the consultation

The qualitative components of the consultation (ten open-ended questions seeking comment, see numbered list above) were analysed thematically to examine commonalities, relationships and differences across the responses and identify patterns or themes adopting an approach similar to Braun and Clarke 2006.

The qualitative analysis seeks to use verbatim quotes to illustrate how the findings and interpretations have arisen from the data. Direct quotes are referenced by the age, gender and the type of stakeholder (e.g. member of the public, current service user, carer, representative from voluntary group).

We had a further 2 responses in letter form which did not answer the questions in a quantitative format but rather in a narrative format. A total of 92 responses were therefore considered for the qualitative analysis.

### Proposal 1:

The responses confirmed that the Care and Support Charging and Financial Assessment Framework was thought to be a good idea.  
"The principle is right in that priority will be given to those most in need of support."  
61 or over, female, someone else a friend or family member of someone who uses Adult Social Care services.

The responses further showed that whilst the principle of the Care and Support Charging and Financial Assessment Framework was thought to be a good idea some of the details were not necessarily agreed.

“In principle though not in agreement with all details.” 61 and over, female, Yourself, currently in receipt of Adult Social Care and Support services.

“Agree with the proposal but not necessarily with everything suggested.”  
61 and over, female, Yourself, a local resident.

The qualitative data analysis exhibited underlying concerns held by the respondents that were related to but not on all fours with the question/proposal.

“Bath is a university city who don’t the Council start charging students rates? Students use more facilities than any other age group of people. The Council is suggesting increased charges and the cost of meetings for 2100 people. Obviously, the Council need to cover their costs for the survey and intend to increase charging substantially. personal care is free in Scotland.”  
61 and over, female, Yourself, currently in receipt of Adult Social Care and Support services.

The data analysis also highlighted some misconceptions in respect of the way in which the Care Act 2014 operates.

“You are planning to include partners income/savings in the charge calculation for the first time so are not dealing with individuals except when someone is living alone. This is a huge change and is buried in one of the lengthy documents: the summary refers to income and savings of 'persons' and there is no mention of the fundamental change in calculation to a household basis. Diverting savings to pay the entire care cost for those in their 60s will massively reduce private resources needed in later life as we live in very uncertain times.”  
61 or over, male, Someone else a friend or family member of someone who uses Adult Social Care services.

The Care Act 2014 is person centred and requires all financial assessments to be carried out in respect of the individual, the savings or income of partners is not included within the financial assessment.

## **Proposal 2:**

The qualitative data and feedback from the public suggests that the timeframe proposed of two weeks is too short.

“Too harsh. Many people affected may need longer to respond if they live alone, for instance.”  
61 and over, male, someone else a friend or family member of someone who uses Adult Social Care services.

"I do not think two weeks is long enough, it doesn't take into account the difficulties that someone may have in contacting a family member or advocate to assist them, I think 3 weeks would be better."

61 and over, female, someone else a friend or family member of someone who uses Adult Social Care services.

"This is an unreasonably short time for appointed representatives to access the necessary detail and respond. In particular it is imperative that the Client Finance Team have access to email, telephone, both mobile and land line and postal addresses. In our case we are often absent from Bath for periods of more than two weeks and postal communications or land line calls would go unanswered. The penalties implicit in terms of the assumption that lack of response indicates self-funding are unreasonable and unwarranted. 30 days is the norm for communications with the DWP and this should be the standard reflected in this policy."

61 and over, female, someone else a friend or family member of someone who uses Adult Social Care services.

"Should have longer time, people get anxious and stressed about meeting and contacting people. I sometimes forget to show letters to my support worker or family. I don't understand they are important. Because of all the new assessments PIP etc, assessments seem really scary and stressful. I would be very worried."  
25-60, male, I am getting adult social care and support.

### **Proposal 3:**

The feedback provided by the public indicates that this proposal is supported on the basis that provision is made to assist those required to make the application for the benefit.

"The council should explain what benefits the service user is entitled to and assist, if required, in the service user accessing such benefits. i.e via a social worker."  
61 or over, male, a local resident.

"If assistance is provided to enable claiming of benefits required."  
61 or over, female, , I am getting adult social care and support.

"If you have informed the clients that they are entitled - do not presume that people are fully aware of what they can claim." 25 -60, female.

Some feedback was more negative but when considered in context that no notional capital will be taken into account for three months after the initial visit by the Care Finance Officer to allow time for the application to be made, on a qualitative analysis remains supportive of the proposal subject to clear guidance being provided to the Service User or their representative.

"The Council should have no right to an assumption that a particular benefit is being received without checking the reason why. There may be many reasons, the application may be in the process of being actioned or there may be other factors. If

an individual is in receipt of such allowances, then it is reasonable to take them into consideration. Otherwise dialogue between the service user or representative and Finance Team must clarify the situation with a clear indication of the actions that will be required on behalf of the service user, and the timescale before further action is taken.”

61 and over, female, someone else: A friend or family member of someone who uses Adult Social Care and Support Services.

#### **Proposal 4:**

The feedback received was limited and therefore analysis was restricted, the feedback received should be read in conjunction with the ombudsman’s guidance that all third party top up payments must be paid by the Council to the Care provider and collected from the third party by the Council. As such there is a financial risk for the Council and a need to ensure that the service user for whom the top up payment is being made is not placed in a position where funding is not available long term.

“It should be made clear to the family or friends that this would be a long-term commitment requiring careful consideration.”

61 or over, male, I am a friend or family member of someone who gets adult social care and support service.

“Many people will want the Council to be involved in this. Surly a private arrangement can be made with the Care home the above is controlling.”

Given the guidance form the ombudsman the Council must be involved in the placement of a service user requiring a third party top up payment and private arrangements with the Care provider are not permissible.”

61 or over, female, For yourself - I am getting adult social care and support service at the moment.

#### **Proposal 5:**

The feedback showed a higher than average number with no expressed view / comment, this may be because the proposal effects only those resident in care home setting.

Some of the comments showed a general dissatisfaction with the current law in respect of the ability to take a person’s home into account in the financial assessment.

“since the national health started, we have all pain our national health stamp the service has already been paid for.” 61 or over, male, for someone else – other.

“What does a person’s home ownership status got to with whether or not you provide a care package? The provision should be there for people who require it.”

25-60, female, for someone else – carer

whilst some responses indicated the Council should continue to increase the fee annually.

“The annual fee should be index linked.”  
61 or over, female, yourself – a local resident.

“It is an excessive increase on the annual fee. we feel a smaller increase that rises annually would be more appropriate.”  
61 and over, female, An Organisation: a voluntary organisation or advocate group for Adult Social Care and Support Service users.

However, some responses did not support the proposal.

“The fee seems excessive.”  
25-60, female, yourself – a local resident

“needs to be set up on an individual basis. any delay to provision increases safeguarding concerns for the vulnerable adult. Needs just a one-off set-up fee.”  
25-60, female, I am a friend or family member of someone who gets adult social care and support service.

### **Proposal 6:**

The proposal received reasonable feedback and comments were varied.

Support of the proposal was shown however some responses indicated a lack on understanding in respect of property ownership and the legal ability to act, this will need to be addressed by the social work teams and care finance officers at the time the need for possible interim funding arises.

“why does the property have to be registered - do not understand the above question.”  
61 and over, female, yourself I am getting adult social care and support service at the moment.

The issue of safeguarding was raised and the need to have independent legal advice and ensure relatives were acting in the persons best interest, currently and going forward all those who express an interest in interim funding are advised to seek independent legal advice and if there is any safeguarding concern then this would be referred to the appropriate officers for investigation.

“This is a minefield. I think all cases should be assessed on an individual basis and access to legal representation given to vulnerable people. This representation should be of an independent nature and not funded by the council in any way. Would safeguarding also be an issue here? Would all relatives be working in the best interest of the individual? Who would monitor the council's auditing and inspecting? Would outside organisations and bodies take on this role?”  
25-60, female, I am a friend or family member of someone who gets adult social care and support service.

Finally, a minority of responses showed such a contract would not be entered into.

“Neither myself or my family members would sign any contract.”  
61 or over, female, yourself – a local resident.

### **Proposal 7:**

The feedback from the public indicates that the proposal is broadly acceptable as long as those with the most need and the most vulnerable in the community are provided with the required care and support.

“So long as the rules are fair and do not leave those with disabilities vulnerable without proper funding.”  
25-60, female, someone else – I am a carer

“It should be on basis to basis concern - one individual with the same condition to another might have same problems but others not. You should be applying a Personal Centre Care Approach for care modelling - this is the new method.”  
25-60, female.

There were also suggestions made of other items that could be included as disability related expenditure.

“The new proposal does not include dietary needs e.g, a gluten free diet can come with additional costs. This was previously allowed and needs to be put back in the new DRE Factsheet. “  
61 or over, male, I am a friend or family member of someone who gets adult social care and support service.

“But it seems to me that the additional heating allowance is too open ended generous, and this might result in excessive costs to the council.  
On the other hand I cannot see why chiropody should be excluded - there should be an assessment.”  
61 or over, prefer not to say, yourself – a local resident.

### **Proposal 8:**

The majority of responses were in favour of the proposal subject to a those with the most need being provided required care and support.

“If you mean you will only allow these costs if the service user is not in receipt of the mobility component of either DLA or PIP then we would agree.”  
61 and over, female, An Organisation: a voluntary organisation or advocate group for Adult Social Care and Support Service users.

“Depends on the individual circumstances, needs and care plans. offered for life learning, social engagement, needs- based vocational training and physical activities.”  
25-60, female, I am a friend or family member of someone who gets adult social care and support service.

### **Proposal 9:**

The public feedback was mainly in support of the proposal.

“For the purposes of clarity, the allowed standing charge ought to be linked to specific companies, eg British Gas.”

61 and over, prefer not to say, yourself – a local resident.

“You could also advise people of schemes such as 'winter warmer' scheme for electricity and gas during the winter. I did not know I was eligible for this because. no one ever told me.”

25-60, something else, yourself I am getting adult social care and support service at the moment.

There was some interchangeability between the comments in respect of this proposal and proposal 8.

“People who are housebound/bedbound need more help with heating costs as they are home all day.”

61 and over, female, yourself I am getting adult social care and support service at the moment.

### **Proposal 10:**

Not all respondents were in favour of the proposal and it was expressed that the amount was too high.

“Whilst a charge may be made the proposed £250 plus VAT is far too high.”

61 and over, female, yourself I am getting adult social care and support service at the moment.

“This is very high.” 25-60, female, yourself – a local resident

“£250 could be detrimental to people applying for care and off putting (even if they are self-funders).”

61 and over, female, yourself I am getting adult social care and support service at the moment.

Further there appeared to be a misconception in respect of who would incur the charge and in what circumstance.

“If the person is not able to set up their own care package, they have a statutory right under the Care Act to have care arranged for them, including a Care Act Assessment. This is a right for all people who need care, regardless of whether or not they are self-funding. It is just a case of the council phoning around care providers on behalf of the service user, and no Care Act Assessment is done for this person, £250 is outrageous.”

25-60, female, an organisation / private sector.



“Can it be lower or in instalments for those who cannot afford the fee?” 25-60, female, yourself – a local resident.

### **Direct Payment Policy:**

The feedback received will be considered.

Some positive feedback was received.

“The choice is good.” 61 and over, female, yourself – a local resident

It was highlighted that this is a complicated system and the advice could be provided by alternate sources.

“it is a complicated system for anyone to manage especially those who need help.” 61 and over, female, yourself: I am currently in receipt of Adult Social Care and Support Services.

“I did not understand the old system and was not well enough to administer it. Direct payments probably work for adults who care for someone in their home and can manage the paperwork it is not for some....” 61 and over, female, yourself: I am currently in receipt of Adult Social Care and Support Services.

“This was only done two years ago. Inserting new information regarding employer’s legal responsibilities and the Inland Revenue self-employed definition should be the job for the Hub to advise on, and not the council.” 25-60, male, yourself I am getting adult social care and support service at the moment.

“Not available to enough people now.” 25-60, males, An Organisation: a voluntary organisation or advocate group for Adult Social Care and Support Service users.

### **General feedback:**

The consultation and the proposed Care and Support Charging and Financial Assessment Framework received mixed general comments.

“I appreciate the value of these consultations and hope that they are well attended and that you get some good ideas.” 61 and over, female, yourself – a local resident

“I heard on the news the Government are providing more money for Social care in the next financial year. Also give the 'green light' to Councils to increase rates. I personally pay the full council tax and agree with the move personal care in Scotland is free. B&NES Council has encouraged more students to reside in bath, but they do not pay rates. many local people are annoyed about this, 2100 service users would not be penalised if perhaps students made a greater contribution. the Council has already to force users to relinquish their properties!”

61 and over, female, yourself I am getting adult social care and support service at the moment.

“I appreciate this consultation period. Now there needs to be a further period of reflection and dissemination of feedback. Where I hope there will be further invitations to discussion meetings. We are focusing on some of the most vulnerable people in our society. We all have a moral and social duty to ensure their physical, health, emotional, psychological, financial, educational, social and safety needs are met. Any financial cuts to service is very alarmingly.”

25-60, female, someone else a friend or family member of someone who uses Adult Social Care services.

## **6. Decisions**

### **Proposal 1: Accepted**

Reason: In principle most people supported the proposal, however there were elements within the Care and Support Charging and Financial Assessment Framework that raised concern.

### **Proposal 2: Not accepted – amended**

Reason: Following the level of concern expressed regarding the 2-week time period for the service user or their nominated representative to make contact with the Care Finance Officer the Council has decided to extend this timeframe to 4 weeks.

### **Proposal 3: Accepted**

Reason: The Council notes individuals concerns regarding support and signposting and will review the information already available to support people and develop a guidance document explaining what the person or their representative needs to do to make an application for the designated benefit.

### **Proposal 4: Accepted**

Reason: The Council acknowledges there was a level of concern, however this was mainly in regard to the principle of third-party payments and the use of the same rather than the agreement and/or financial assessment. The use of third-party payments is a matter of statute. There were a small number of people who felt it was an infringement of their rights however the decision to agree to a third-party payment is optional and therefore any person who did not wish to provide financial information would not have to do so.

### **Proposal 5: Accepted.**

Reason: The Council found that statistically those in favour were only marginally more than those respondents that answered ‘no’, however it should be noted that the fee is not payable at the outset but added to the debt and is payable when the deferred payment agreement is ended.

It was also noted that there was a general dissatisfaction with the current law in respect of property ownership and care costs, however this is a matter for central government.

Further the Council sought confirmation, via the national association of financial assessment officers forum, from other Local Authorities in respect of the setup fee charged which ranged between £64.00 and £397.00, however, some Local Authorities did not charge a single fee opting to charge an hourly rate or a mixture of both making comparison difficult, the £105.00 was an average of our nearest neighbouring Local Authorities, therefore the Council felt the sum of £105 was reasonable, this figure is in line with practice across the Country and will increase annually in April in accordance with the Consumer Prices Index including owner occupiers' housing costs (CPIH), to allow for the increase in property prices.

#### **Proposal 6: Accepted**

Reason: The proposal is accepted, however more detail will be provided in a specific leaflet to those who may require assistance via interim funding to ensure the agreement and principle is clear.

#### **Proposal 7: Accepted**

Reason: Some concerns were raised in respect of people's individual needs being taken into account, for example dietary requirements, the intention has always been to work with people on an individual basis to ensure genuine disability related expenditure is taken into consideration.

#### **Proposal 8: Accepted**

Reason: The response showed clear support for the proposal.

#### **Proposal 9: Accepted**

Reason: Whilst there is clear concern that people may be adversely affected due to items such as additional heating costs caused by a disability need for greater heat this would fall under proposal 8 and be a disability related need and would be considered in any Care Act assessment and assessed accordingly.

In addition, any person aged over 60 would be in receipt of a winter fuel allowance and those in receipt of certain benefits may be eligible for the cold weather payment.

#### **Proposal 10: Accepted**

Reason: The Council sought confirmation, via the national association of financial assessment officer's forum, from other Local Authorities in respect of administration charges for those who are deemed as self-funding but request the Council to

arrange care. The other Local Authorities confirmed a charge between £125 plus VAT and £500 many also charged an annual fee in addition to the initial charge.

The Council acknowledges that the consultation feedback showed a response that the proposed sum of £250 plus VAT was too high but given the evidence from other Local Authorities and the fact that the use of the service is at the persons discretion the Council felt that the proposal was reasonable.

This cost will not cover the full cost to the Council but will allow the Council to recoup some of the costs of the officer time, social worker time, checking the appropriateness of the options of care available, negotiating on the persons behalf and setting up the package of care. The cost will increase annually in April in accordance with the Consumer Prices Index including owner occupiers' housing costs (CPIH), to allow for inflation.

The Council will provide all those who are self-funders and express they wish the Council to carry out this work their behalf a leaflet explaining the options in respect of arranging care.

It should be noted that private agencies who provide this service charge a higher rate, the rates charged by private agencies range between £255 plus VAT and £695 plus VAT.

### **Direct Payment Policy: Agreed**

Whilst some concerns at language and accessibility were raised, the easy read version will remain available on-line and in hard copy by request. If any individual has a concern about the implications of the Direct Payment Policy, they can speak with their social worker or care co-ordinator.

Further following feedback in respect of pre-paid cards, to clarify, pre-payment cards will be optional if used in the future.

### **Next steps:**

The FAQs will remain available on-line and will be periodically updated when appropriate.

An easy read version of the policies will be available on-line.

The project team will provide further engagement with appropriate groups to update them on the agreed policies and answer any further questions.

We would highlight that the appeals and complaints procedure remains unchanged. If you do not agree with the Councils decision you can make a formal complaint to the Complaints and Data Protection Team Manager:

[complaints\\_cypandadults@bathnes.gov.uk](mailto:complaints_cypandadults@bathnes.gov.uk)

The Councils complaints procedure can be viewed at  
<http://www.bathnes.gov.uk/services/your-Council-and-democracy/complaints-and-customer-feedback/complaints-about-adult-social>

If you are not satisfied with the decision made by the Councils complaints team you can refer the matter to the Local Government and Social Care Ombudsman  
<https://www.lgo.org.uk/>

The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH  
Telephone: 0300 061 0614

### **Conclusions:**

The project Director believes the team made every effort to consult as widely, inclusively and fairly as possible.

The conclusions drawn have taken into account concerns raised and made amendments where necessary.

The project Director and team would like to thank all those who have taken part and taken the time to respond and express their views.

## Appendices:

### Appendices 1 – Consultation figures and questions

#### Summary of attendance at Public Consultation events

Date	Description	Nos
25 <sup>th</sup> September	Carers Centre Management meeting	5
30 <sup>th</sup> September	Heathwatch event	7
2 <sup>nd</sup> October	Session 1 - Midsomer Norton Public event	15
2 <sup>nd</sup> October	Session 2 - Midsomer Norton Public event	6
3 <sup>rd</sup> October	Session 1 - Midsomer Norton Public event	6
3 <sup>rd</sup> October	Session 2 - Midsomer Norton Public event	0
7 <sup>th</sup> October	Keynsham Public event	10
8 <sup>th</sup> October	Compton Martin Public event	10
10 <sup>th</sup> October	Timsbury Public event	4
14 <sup>th</sup> October	BEMSCA	6
17 <sup>th</sup> October	Carers Centre Voice	10
21 <sup>st</sup> October	Swallow Management Committee	14
21 <sup>th</sup> October	Session 1 - Bath Public event	14
21 <sup>st</sup> October	Session 2 - Bath Public event	2
22 <sup>nd</sup> October	Keynsham Public event	11
4 <sup>th</sup> November	Dimensions (rescheduled see below)	0
6 <sup>th</sup> November	Session 1 - Bath Public event	17
6 <sup>th</sup> November	Session 2 - Bath Public event	12
14 <sup>th</sup> November	Preparing for Adulthood event – stall	23
22 <sup>nd</sup> November	Dimensions (rescheduled)	2
25 <sup>th</sup> November	Action on Hearing Loss	18
27 <sup>th</sup> November	BASS	4
	<b>Face to Face</b>	<b>196</b>

## **Carers Centre Support Team meeting 25<sup>th</sup> September 2019**

### **No of people 5**

Q1 – Will there be support for service users applying for the additional benefits?

Q2 – Is the top up agreement compulsorily?

Q3 – Is the third party top up agreement new?

Q4 – Presumably the agreement will also offer a safety net for service users?

Q5 – Is that why the light touch financial assessment is required?

Q6 – What was the fee originally?

Q7 – Does the deferred payment agreement come into play if a couple lives in the house?

Q8 – As part of this consultation, will it be possible for service users to help shape the framework?

Q9 – Is it because some people use it as a way to protect their money?

Q10 - If someone was a self-funder can the debt be attached to their home?

Q11 – If a son or daughter was living in the family home and caring for another family member, they would be put under considerable financial constraints particularly if they are under 60 years old and the property was included in the financial assessment. This seems unfair.

Q12 – Some people put properties in Trust for family members. Does it have to be put in place for 7 years?

Q13 – If a person is already in care, can they then put their property in Trust?

Q14 – Does this impact on personal budgets?

Q15 – Once the new policy comes into effect, how long will the new process take?

Q16 – Do a lot of people ask for the care to be arranged?

### **Comments**

- People are living longer, I am concerned that there is not enough funds for myself, I am also concerned about funds for future people?
- Might be worth having some examples for each of the questions
- Found the information a lot clearer and easier to read
- We will encourage people to take part in the consultation

## **Healthwatch event 30<sup>th</sup> September 2019**

### **No of people 7**

Q1. Does the Deferred Payment Agreement still allow for 12 weeks grace?

Q2. What is the interest paid?

Q3. Does that apply if a partner is living in the home?

Q4. I presume that those people receiving an attendance allowance will be taken into account when the financial assessment is completed?

Q5. A lot of people are going through critical changes and it is important that a care assessment is done as soon as possible. However, care assessments are not being done in the timescales.

Q6. This is a very complex system and will impact on people financially, what support is available for people when the framework comes into place?

Q7. The points you are consulting on seem reasonable, is there an appeals procedure if people are not happy with the process?

Q8. How many people are you supporting in BANES?

Q9. Has everyone you support been contacted about the consultation?

Q10. Will all existing clients be notified of the final changes?

- Q11. Will that mean everyone will be reassessed?
- Q12. When will the changes for new service users come into place?
- Q13. Is there a transition period?
- Q14. The people currently in the system waiting for a care assessment, have they been notified of the changes?
- Q15. Are you open to changing the two week notice period?
- Q16. For people who are self-funding, is there any point in having to get a care assessment?
- Q17. Is there support for people to apply for benefits?
- Q18. Does this cover supported living?
- Q19. I don't understand how the prepayment card will work?
- Q20. When someone has a financial assessment done, will the Council share this with anyone?
- Q21. What support do you have in place for people with Autism or Dementia to take part?

### **Comments**

- Care assessments are taking much longer than 28 days, it is more like weeks and months.
- This is a problem for Virgin.
- Whether the care is for residential care or at home, the 12 month reviews are not being completed.
- If you are failing the targets for care assessments why don't you change the timescales.
- With regards to benefits, there is a resource issue for support agencies to assist people in filling in forms. It can take up to three months to get benefits sorted for various reasons.
- The two week period seems too short.
- If you are asking the local authority to pay out then there has to be assessment.
- The presentation has to be simplified, people will not understand the proposals. The information on each slide is too much. We need to know what it means for individuals. It needs a headline for each one. Don't need to have all the details about Direct Payments.
- In the rural areas, Direct payments are difficult to set up, however we would like to set up more.
- New people coming through could be done before the policy is implemented.

### **Midsomer Norton Council Chamber – 2<sup>nd</sup> October 2019**

#### **Session 1 – 4.30pm – 6pm**

#### **No of people 15**

- Q1. My daughter is in supported living with a private company and doesn't own her own home, will these changes impact on her and will her fees go up?
- Q2. Will the income thresholds change?
- Q3. Will any of the fees be back dated?
- Q4. What are the actual changes, what is the difference?
- Q5. What will be the new fees for the Deferred Payment Agreement?



- Q6. With the new procedure for Deferred Payment Agreements, will the fees be annually?
- Q7. Will the fees go up for existing service users who have Deferred Payment Agreements?
- Q8. I don't really understand what is meant by unregistered properties in relation to the Interim Funding Policy.
- Q9. Are you still going to include cleaning costs for a home?
- Q10. You are assuming people will be able to get Pension Tax Credit, I applied as I was told by someone I would be eligible, but I wasn't. How will you ensure that people will not be disallowed?
- Q11. When will the changes come into effect?
- Q12. Will the Council tell us in advance what the new charges will be before its implemented?
- Q13. Will people be notified even if there are no changes?
- Q14. Is the Government allowance affected?
- Q15. Are there changes to the financial assessment?
- Q16. So if the income hasn't changed, will the amount change?
- Q17. What is the change to Direct Payments?

### **Comments**

- I got the letter and thought I would have to wait until April.
- She has a house manager and they arrange for the package. They deal with the financial side of things and send through an invoice. If they can't go to work its bad. Its their only income
- If you sent a letter to my daughter asking for her to respond within two weeks, she would not be able to, she would not know what to do. I think you need to review it. Two weeks is a very short timescale. It is a very stark.
- You can't assume that everyone will be eligible for these benefits.

### **Midsomer Norton Council Chamber – 2<sup>nd</sup> October 2019**

#### **Session 2 – 6.30pm – 8pm**

#### **No of people 6**

- Q1. My wife has been in a nursing home for seven years, will it be back dated?
- Q2. If an elderly couple lives in a home, one needs to go into a home, will the property be taken into account?
- Q3. We have a three bedroom house in joint name and I still live at home, my wife is in a care home. If I wanted to move into a flat will the property be taken into account?
- Q4. If the situation arises, can we get advice from the Council regarding a Deferred Payment Agreement?
- Q5. If a house was sold for £200,000 and the care home fees were £400,000 would the Council pick up the difference?
- Q6. If you were topping up for an elderly person, what happens if you have financial difficulties?
- Q7. Will it be backdates if she moved to a bigger room years ago?
- Q8. Who can top up?
- Q9. Does there have to be a financial link with the individual?
- Q10. Why are you making a distinction, can't the person pay it themselves?

- Q11. Can we get advice directly about deferred payments?
- Q12. Are you able to confirm whether the mobility aspect of the allowance is not changed?
- Q13. How will people pay for the usage costs of their utility costs?
- Q14. If we do not bank on-line how would the pre-payment cards work?
- Q15. Will you still be able to send out statements to us (pre-payment cards)?
- Q16. If someone was already in receipt or had just had their financial assessment, will they be required to have a review?
- Q17. Do you have any idea of the extra amount that you will clawback from people?
- Q18. I'm assuming that once the policy is in place, service users will receive information.

### **Comments**

- There is an expectation that we should do it (pre-payment cards) on-line and I feel quite strongly that this is not fair.
- Note – all the final documents should be put in the One-stop-Shop and Libraries and use the Direct Payment champions to assist.
- We just have to trust the system that it gets it right (in relation to benefits)

### **Midsomer Norton Council Chamber – 3<sup>rd</sup> October 2019**

#### **Session 1 – 2.30pm – 4pm**

#### **No of people 6**

- Q1. Will the Employment Support Allowance be taken into account?
- Q2. What about when you have a dependent son, what allowances will be made for that?
- Q3. Is the question really when you are supporting someone at home, will your household expenses be taken into account?
- Q4. Could you explain Disability Living Allowance?
- Q5. My wife goes to the day centre, our funds are so low, is there a charge?
- Q6. Is there a feedback form on-line?
- Q7. You mentioned if you own your own home, if another family member is living at home how does that work? This is a real worry if you have a dependent child?
- Q8. My son moved from a Commissioned Service to Direct Payment (DP). The DP service is not good. On occasions the support is not given. Does the council review this?
- Q9. If someone is already in receipt of a Direct Payment Agreement that it will not change?
- Q10. My son is receiving Mental Health Services, he has Downs syndrome and Dementia. How does it work in relation to him?
- Q11. What is the difference between Direct Payments and Commissioned Services?

### **Comments**

- At no state within my son's assessment did they account for living at home and paying rent. Nothing was allowed for.
- So we have to make our son homeless then the Council will have to arrange for his care.
- The benefits are squeezed, there isn't enough to support him.

- They did allow a certain amount for housekeeping £60 to be taken into account.
- They need to know the pressures we are at either end.
- I have been told that if my pension is over a certain amount, I will not be able to receive certain benefits.
- My wife is going into rest bite care for a week arranged by Alzheimers, we get charged for this, its quite a lot, I find that very difficult.
- We do understand that there are pressures in getting good professional support workers.
- I like the sound of the pre-payment cards – it will help with the paperwork.

### **Midsomer Norton Council Chamber – 3<sup>rd</sup> October 2019**

**Session 1 – 4.30pm – 6pm**

**No of people 0**

### **Keynsham Community Space – 7<sup>th</sup> October 2019, 6.30pm – 8pm**

**No of people 10**

Q1. What is the current situation in relation to the two weeks?

Q2. Is it an arbitrary two weeks or is it based on other research with other organisations?

Q3. What would happen if there were no beds available in a care home within the price range, what would the Council do?

Q4. What is a person's set amount for daily living costs?

Q5. Do you have to bank on-line to use pre-payment cards?

Q6. You mentioned the allowance for people with Creutzfeldt-Jacob Disease, why is this singled out?

Q7. What if a person that doesn't get DRE need transport costs, they just need to use a wheelchair friendly car, can they still get the costs paid?

Q8. My son lives in a supported living accommodation, he goes to Day Centre and there is a charge, will this charge change?

Q9. When we get the assessment will it tell us what we have to pay?

Q10. Do they make allowances for rent?

#### **Comments**

- Is it legally binding the two weeks response time. It does not seem reasonable, its not long enough.
- Easy read version, a lot of people with learning difficulties don't understand the word 'assume'.
- We needed to find a care home for my brother but they were expensive. The only one we could find was 20 miles away and it was terrible. The only toilet was on the floor below, this was not suitable. In the end, we have decided to care for him at home.
- The rate proposed for Deferred Payments seems rather high.
- You shouldn't need to send all the supporting paperwork for the pre-payment cards.

- I had PIP when I was 60 because my brother was 67 when he got ill, he wasn't entitled to it.
- Questions about your at the end of the questionnaire – need to make it clearer in the future about whether this is the person filling in the form or someone else.

### **Compton Martin Village Hall – 8<sup>th</sup> October 2019, 10.30am – 12pm**

#### **No of people 10**

Q1. My brother attends a Day Centre, will the costs of the transport be covered?

Q2. A lot of what you have said is about elderly people, what about people with Learning Disabilities will they be affected?

Q3. We have a 60 year old son who now lives in Bristol. He has lived in different places over the years, and sometimes he has come home to live. Which council would we have to deal with?

### **YMCA building, Timsbury – 10<sup>th</sup> October 2019, 2.30pm – 4pm**

#### **No of people 4**

Q1. My father has a care package, he goes to the Day Centre twice a week and singing for the brain. Will this any of this change?

Q2. How will the changes affect my situation regarding Direct Payments and care at home?

Q3. Will the pre-payment cards make it easier?

### **BEMSCA, Fairfield House – 14<sup>th</sup> October 2019**

#### **No of people 6 (3 services users & 3 staff)**

Q1. With the Introduction of a third party Top up Agreement, will this see “means tests” being carried out on the third party?

Q2. How will the equity be valued when only part of the home is owned?

Q3. When somebody identifies as in need of a care package, what is the timeframe that should be expected from the Council in providing the support?

Q4. People try to manage on their own if they see a delay blocking them from going home. How can we avoid people being delayed in discharge from hospital when wait times for support is high?

Q5. How can elderly people be helped when they experience difficulties with the technology that is involved with the use of pre-payment cards?

Q6. Can it be made simple for the managing returns of paper receipts?

Q7. Do the reports that are produced for pre-payment cards help with picking up on patterns that show that care is being missed out of a care package?

Q8. What support would be available to support people who move to the use of pre-payment cards?

Q9. Can small amounts of cash be withdrawn using a direct payment card?

Q10. How is the allowance for transport needs calculated?

Q11. Do we have the information available on other languages?

Q12. Can a translator be used to help with consultation?

Q13. How can BEMSCA become a part of care plans used by social services?

### **Carers Centre – 17<sup>th</sup> October 2019**

## **No of people 10 (9 carers plus 1 officer)**

- Q1. Will the financial assessment identify whether an individual could claim for benefits?
- Q2. Who will undertake the financial assessment?
- Q3. What is the procedure to get a social worker to visit?
- Q4. Are the financial costs worked out automatically?
- Q5. What about PIP?
- Q6. What do you mean by a short period?
- Q7. If someone need to change rooms in a care home because they needed a bigger room for a hoist, will the third party top up apply?
- Q8. Is there interest charged on Deferred payments?
- Q9. Is NAFaO endorsed by the Department of Health and how do they advise councils?
- Q10. You have got the costs for gas and electricity but not for oil. I have oil heating, what are the allowances for oil?
- Q11. What is NAFAO, how does it relate to this?
- Q12. Does NAFAO have influence over the Council?
- Q13. £250 for Deferred Payment agreement, what do other council's charge?
- Q14. Is it possible for self-funders to ask the Council to pay the fees to the care home and then the individuals pay back the Council?
- Q15. Could you not do it as a loan?
- Q16. As an alternative to care at home is live in care. I arranged it some years ago for my parents. What is B&NES policy for live in care currently?
- Q17. Is there enough time for you to consider the result of the consultation?
- Q18. Will a letter be sent out to everyone to explain the changes?
- Q19. Does all the money get spent on Virgin?

### **Comment:**

- It doesn't always follow that you get a new care worker straight away.
- I do have a big issue with Disability Related Expenditure. This is statutory and any disability related expenditure should be taken into account. It's therefore not discretionary.
- I have tried to find out about NAFO as they are not a publically accessible organisation.
- You could make the DRE factsheet really simple by saying that everything is a disability related expenditure.
- I have submitted a complaints to the team earlier this year about specialist shoes for my wife. They cost £120 each and they would only allow funding for 2 pairs. Most people have more than 2 pairs of shoes. I ended up paying for extra shoes for her. This is a disability related expenditure.
- The heating allowance rates on the DRE factsheet doesn't seem correct. I have a HIVE system at home so I know how my heating usage compares with others, these figures don't seem to work.
- The Council should ask people to change supplier so that they get a better rate. They need to find out what they are paying and get them to provide evidence. If they cant do it they should get a family member to help out.
- Individuals need support to help with applying for the benefits they need. The Council should support them to do this when the financial assessment is done

or from the initial meeting with the social worker. They need support, some people are reluctant to apply for funding. The support needs to be part of the process. The problem is that too many people coming in, another new face, causes difficulties and concerns.

- They have already taken £30 a month for my daughter for gluten free out of her benefits. They have stopped it completely. Her medication has made her put on weight, she is going to weightwatchers. I had to go to the bank and get a statement of expenditure and then pay the balance. It took a lot of time.
- My wife has MS, I saw an article about the amount of additional monies needed for people with MS which was £420 per month. This needs to be widely accepted by government.
- Sometimes small things get on my nerves, why should VAT be included in the fee for self funders as disabled people are excluded from paying VAT.
- We had to wait 7 months for care, if the Council doesn't respond in two weeks then the social workers should be charged.
- Its all the services. OT as an example, we wanted to get some grips and a stall it takes weeks. We didn't get a response so I brought them.
- Very personal feeling. Self funders are taken advantage of as they are charged more for the care, it is not fair.
- I have dealt with a number of local authorities and B&NES is far far better than most.

NOTE the Carers Centre can send out the details of the final decision and changes.

### **SWALLOW Management Committee – 21<sup>st</sup> October 2019**

#### **No of people 14 (11 service users, 2 staff plus 1 trustee)**

Q1. If you don't have anyone to help you in relation to a deferred payment, who can help?

Q2. What do I do if I have an accident at home, I don't have an alarm or if the alarm doesn't work?

Q3. Will we still get our disability allowance benefits?

Q4. Who will help with Direct Payments?

#### **Comments**

- I have seen on the television about people claiming money they shouldn't. There are some
- The Council are the worst people to get hold of.
- A lot of people are being bullied in care homes.
- I have a Community Alarm for my epilepsy. Some people have it around their arm or leg.
- I cannot use my bus pass on the dial a ride bus. My dad takes me everywhere.
- I am looking into doing a Makaton training course.
- I have booked a holiday and don't want to go on my own.

**Brunswick Room, Guildhall, Bath - 21<sup>st</sup> October 2019**

**Session 1 – 14 people (4.30pm – 6pm)**

- Q1. Can you clarify what you mean by 'if circumstances change in the future' in relation to the Third Party Top Up Agreement?
- Q2. Do you have set response times for new assessments or financial assessments? It is currently taking a long time.
- Q3. What about the financial assessment?
- Q4. If it does not happen in the timeframe, what is the process?
- Q5. I don't understand the difference between the social worker/finance routes.
- Q6. Who does the actual financial assessment?
- Q7. Who decides how much the Council will pay?
- Q8. What if it is a direct payment?
- Q9. So, the social worker does the assessment for need and the financial assessment prepares the care plan.
- Q10. So, it's not a case of yes or no to care but what people can afford to contribute.
- Q11. When people are self-funding, can they get a direct payment?
- Q12. How much of the house is taken into consideration when someone receives care at home?
- Q13. What about their spouse?
- Q14. What about short term measures if someone becomes suddenly incontinent?
- Q15. Who decides what is discretionary – the finance team?
- Q16. Are you suggesting that people give examples of other disabilities as part of the consultation?
- Q17. How are you dealing with utilities at the moment?
- Q18. Is there any discretion going to be applied?
- Q19. Are you asking for an honest reckoning?
- Q20. Would the figures show utilities on the financial statement?
- Q21. Is the £300 fee (Fee for self funders) the same figure for those on direct payment?
- Q22. (Direct Payments and pre-payment cards) Do you consult with banks? My son is autistic and cannot read, write or count. There is no point asking him to sign something. We understand that the bank has to follow procedures, his signature looks different each time and this caused issues. Also, there was money coming in from the Council at a different times. It all became too stressful. Can you pick a couple of banks and work with them to simplify things?
- Q23. What is the £300 charge for self-funders for?
- Q24. Is this a new service that was not there before?
- Q25. I was told that the Council did not provide this service for self-funders?
- Q26. What is the rationale for the Direct Payment policy?
- Q27. How has the Direct Payment Policy been updated? I don't see any clarity, flexibility or transparency yet.
- Q28. What are the benefits of the pre-payment card?
- Q29. Are there any other ways the pre-payment cards can be used, can they be used for day to day expenditure?
- Q30. You mentioned DLA – what about PIP – my son gets this now.
- Q31. You said you are going to take into account any benefits – what about attendance allowance?
- Q32. Will attendance allowance be taken into account?
- Q33. The £5 for laundry and extra bedding – is this a new amount?

Q34. What is the monthly allowance?

**Comments**

- Letters from the Council take up to a week to arrive so two weeks is not long enough. You must use a private company to deliver them.
- That's not been my experience (implied that financial assessments are carried out by social workers).
- I have been through the process and it wasn't clear.
- I have had a very different experience, it is over complicated process as self funders are getting letters.
- It depends what other benefits the person can get, a self funder may not get it.
- I wanted to get the telecare service and went to the Council and social worker but no-one could tell me if we could have it.
- More information about what is discretionary in the DRE is needed within the information.
- It is not clear who makes that decision (about DRE) its difficult to know who to go to
- The system is falling apart – we don't know who to contact. There is no co-ordination and it can take months. It took three months to organise pads.
- In one of the documents the average costs for utilities are very high. £1,300 is a lot for a single person in a flat.
- We had a similar problem we have deputyship and had three different bits of advice. It doesn't help when the Court of Protection is behind in their work with lots of parents not being able to quickly resolve the issue. There is such disparity of the response from the Court of Protection.
- We found Smile Bank the best as they were flexible.
- Q25. I was told that the Council did not provide this service for self-funders?
- You need to make people aware (internally) of the service for self-funders
- It is good for the Council to work with people to help shape this service. There could be a lot more rules that make it harder.
- If you have a young person with a lifelong disability it is a lifetime of battles with criteria.
- The Direct Payment Policy was finalised 9 months ago.
- It says it was approved in January (Direct Payment Policy). It sounds reasonable until you put it into practice.
- Removing something small may not seem important but it can be. We've had four social workers in six weeks.
- It sounds like we are always complaining, there are some very good officers in the Council who have been very helpful.
- The Direct Payment policy implies that we will employ carers rather than using self employed carers.
- So you are penalising people who choose not to apply for the benefits.
- So, if you have ascertained that some is eligible for Pension Credit, this will be treated as income.



## **Brunswick Room, Guildhall, Bath - 21<sup>st</sup> October 2019**

### **Session 2 – 2 people (6.30pm – 8pm)**

Q1. Who is likely to be eligible for pension credit?

Q2. What assets are connected to deferred payments?

Q3. I was on the CCG Community Champions Group and looked at the Direct Payment Policy, have you changed it since then?

Q4. What about disposal of capital?

Q5. You wouldn't take into account a car then – I need my car.

Q6. What if the house is part-owned?

Q7. What happens when the consultation closes?

### **Comments**

- Two weeks is a short time frame. Someone supports me with my finances but if they are not available, two weeks is not long enough.
- The term 'serve notice' is quite alarming for people.
- Everyone has different disability needs and expenditure will vary according to their lifestyle. Life doesn't fit into these neat boxes.
- Something available to the public is not being treated as a disability expenditure but it may be that the person has more needs. For example, my electricity bill is very high as I have to charge a lot of things and I use more water. I allow £300 a month for these. The law says £189 per week is sufficient to live on. I cannot increase my income.
- I find it hard to use cards as have difficulty putting in a pin number so prefer to use cheques.

## **Keynsham Community Space- 22<sup>nd</sup> October 2019**

### **11 people (6.30pm – 8pm)**

Q1. Is it a BANES Policy?

Q2. Do you know how big a problem it is in BANES (unclaimed benefits)?

Q3. Is ESA also included?

Q4. Is it a nominal charge for deferred payments?

Q5. Minimum Income Guarantee is the annual income set by Government, do the Government call it something different?

Q6. Is there a different rate for disabled people Minimum income guarantee?

Q7. Is DLA now called PIP?

Q8. Are there any changes proposed to personal budgets?

Q9. Is the Deferred Payment agreement fee an annual charge?

Q10. If someone is in a care home will they have a financial assessment?

Q11. Is the financial assessment chargeable?

Q12. The two weeks response time, are you stuck with that time?

### **Comments**

- Is that one of the most under-claimed benefits (Pension Tax Credit). You should advertise the fact that this has not been claimed.
- If you know the process (claiming benefits) it helps, My mum was looking into it, she gave up and has not done anything about it since. It was difficult at the

time as my mum didn't want to go down with route. If that has an impact that makes it a horrible situation and makes it worse.

- Not only getting the bit of the cherry for the Council (claiming benefits).
- If you know the process (claiming benefits) it helps. My mum was looking into it, she gave up and has not done anything about it since. It was difficult at the time as my mum didn't want to go down that route. If it happens it makes it a horrible situation and makes it worse.
- It's ironic that the benefit changes should mean that it can all be done in one go.
- Can I tell everyone that B&NES figures are right at the bottom end. The isle of Wight is £2,100 per year. For self-funders BANES is proposing £300, they charge £900. BANES pay the highest rates for agency staff outside of London. B&NES spends 83p in the £1 for adult and social care. BANES are under a lot of pressure. If we are not claiming all the benefits from Central Government it places pressure on the Council. BANES pay the highest charge for its care homes.
- Direct Payment policy includes information about employing people. You have a hub to help with that. These things are likely to change. I thought it might be simpler to direct people to the hub rather than the policy.
- I have to say that Annemarie presents the information really well and there are very complex questions that she responds to. Please pass on our thanks to her for her efforts and explanation on a difficult subject. (Commented after the presentation)

## **Alkmaar Room, Guildhall, Bath – 6<sup>th</sup> November, 2.30pm**

### **Session 1 – 17 people**

Q1. Why Creutzfeldt-Jacob Disease?

Q2. Regarding the additional benefits, does that mean when they come to retirement they get less pension?

Q3. That is quite detrimental to move people Care Homes, why can't they pay themselves?

Q4. Aren't Third Party Top Up agreements going on already?

Q5. Why is there a difference between the age groups for Minimum Income Guarantee?

Q6. If you have expensive heating bills, will it be considered if it's a health need?

Q7. Is it as result of the Care Act that you are able to charge these specific amounts? It does seem very unfair for self-funders, they worked got their own property and have to use it for their care.

Q8. Would this proposal change if we had a change in government? You started by saying in the consultation document that the Government has reduced funding. Will the costs saved be given to disabled people? Effectively some of us will be hit, with extra costs some may have to go without extra care, increase care and fuel costs.

Q9. Does the third party top up affect those people already in care homes?

Q10. Who do we refer into?

Q11. Transport and Education costs, in what context do you mean?

## Comments

- Two weeks for a disabled person is a short period of time. It makes no attempt to understand disabled people. I often get stranded at my mothers. Why two weeks? Who was consulted, did anyone ask disabled people about this timeframe. I would say for lots of impairments that it should be altered to be beneficial to disabled people.
- It is the same with DWP if you don't respond. That is why many people have been made homeless. You can't get back into the system. Central Government is very harsh in terms of its timeframes.
- We had a patient who had no support. She needed domestic help she was put in touch with someone and it was the wrong person. She was lucky enough to have friends who supported her but they had to travel. Social services are not visiting. There was no social worker at the hospital to help set up before leaving hospital.
- Each time my mum has left hospital recently the nurses don't tell you about social workers. It's the nurses that block it. They don't want to refer to social workers as it blocks the bed. I haven't had the time to take this up with the RUH. 50% - 60% you don't get what you need.
- I need to say many of us Disabled People would be affected by this. Virgin Care don't employ people who are qualified social workers. Whoever designed the factsheet didn't include all impairments. DRE is massive and the DRE factsheet only includes a small element of things. Many people don't have access to a social worker. Its not based on people with disability and has not been produced by disabled people.
- My annual review as not undertaken by a social worker, it was a review officer.
- I can talk about it in more detail, my care package reduced as a result of the reviewing officer. I want to be reviewed by a social worker.
- Does sound like they are being persecuted if they can't manage themselves (Self-funders).
- The support for direct payments is currently rubbish.
- We worked with the Council to update the policy. We wanted choice over pre-payment. A lot of us are confused with the information on Virgin Care website. We did have some input but its not working well for us.
- When the system goes wrong its very hard to access.
- Pre-payment cards isn't included, although I am not going to go for it.
- Want more discussion about pre-payment cards.
- In your hand out you say that SWAN and Your say provide advocacy support. I am a trustee of SWAN and We don't run this service any more.
- Initial reaction was shocked at the number of people in BANES 189,000 and you are looking at a small amount. This doesn't represent the number of disabled people that are most vulnerable group. Most of them don't have a

property or savings. BANES is looking after 2,100 people, there are likely to be more people.

### **Alkmaar Room, Guildhall, Bath – 6<sup>th</sup> November, 2.30pm**

#### **Session 2 – 12 people**

- Before the Care Act came in, did you consider take into account attendance allowance?
- Do you mean Universal Credit?
- If you have a disagreement about DRE then can you go to appeal?
- Is the appeals process the same for Virgin Care?
- This is all great news, it is separate from Virgin Care. Will it always remain the same?
- Dietary needs are not included in DRE Factsheet, is this one of the grey areas? It used to be on the list.
- Dietary needs need to be mentioned. Should have a list of things that are grey. It was on the list and it does seem strange it is not now.
- Will the social workers have same training?

#### **Comments**

- If a vulnerable person who is not in receipt of any benefits, that would be the failing of the system.
- I can see what you are saying a vulnerable disabled person should not have any income.
- All energy suppliers are vastly different.
- Confused why the government makes assumption that seniors have higher heating costs. Who makes that decision in government presumably they have a disability expert. Really strange can't get head around it.
- Some Direct Payment Users are meeting with the commissioners, there are problems we are experiencing. Need a lot more explanation of service users basically on various aspects.

### **Preparing for Adulthood - Bath College Event – 14<sup>th</sup> November**

#### **23 People**

#### **Comments**

- Policy needs to take account of parents living costs particularly if the child is still living at home.
- Questions asked about transitioning from children's to adult services.

### **Dimensions – 22<sup>nd</sup> November**

#### **2 service users**

#### **Comments**

- Questions about transitioning service users

- Explanation given about minimum income guarantee that this is met by central government

### **Action on Hearing Loss – 25<sup>th</sup> November 18 service users**

1. Not sure how the amount payable is calculated as seems to be unfair.
2. Not sure how benefits are taken into account and if this varies depending on the individual.
3. Are allowances made for additional hearing support.

#### **Comments**

- Further events, such as this, giving an explanation and assistance to users would be very helpful.
- It is a very complex area and people are confused the ability to ask questions and have an answer would be really helpful.

### **BASS event – 27<sup>th</sup> November, 2pm No of people 4 (2 service users plus 2 support workers)**

1. Not sure of eligibility because I have some finance.
2. When you say we, is that the council will contact?
3. If a call is made from a withheld no, that could be an issue, people should know who is calling.
4. Need to do email as well as telephone call.
5. Reminder in two weeks, how often will the reminders be?
6. Experience with Autism, promoting is very helpful.
7. Will it be recorded in the care assessment to show that a person has Autism?
8. Will it be the social worker's responsibility to argue for the allowance?
9. Disabilities Expenditure - what about buying more clothes, and travel and what about sound proofing for sensory issues.
10. Will the framework change things even if you get support?

#### **Comments**

- I use Brain in Hand specifically to help me as I don't have anyone that can support me. I am going to hopefully get it funded through social care. It costs between £60 - £120, the top end provides 24 hours support. It is cheaper than having a care worker.

## **Appendices 2 – FAQ's**

### **Care and Support Charging and Financial Assessment Framework consultation**

**24th September – 3rd December 2019**

#### **Frequently Asked Questions**

##### **About the consultation**

##### **How many people are you supporting in BANES?**

There are approximately 2,100 people receiving care and support services either within residential care or at home.

##### **Will it be possible for service users to help shape the framework?**

Definitely. Whilst some areas within the framework are set out in the Care Act, we do have discretion for others and these are the areas we are consulting on. We want to hear from people about our proposals as we aim to provide a fair and consistent process for everyone.

##### **The points you are consulting on seem reasonable, is there an appeals procedure if people are not happy with the process?**

Yes, the appeals process will not change.

##### **What are the actual changes proposed?**

There are 10 areas within the Framework that the council is consulting on. These are explained more fully in the consultation document – found here [www.bathnes.gov.uk/cascharging-consultation](http://www.bathnes.gov.uk/cascharging-consultation).

##### **Have you contacted everyone who is affected by these proposals?**

Yes. Everyone receiving care and support has received a letter. These letters were sent out two weeks prior to the consultation starting.

##### **What support do you have in place for people with Autism or Dementia to take part?**

There are a number of public events planned throughout the consultation including specific events with Dimensions and the Carers Centre. In addition, Swan and Your Say Advocacy organisations will provide assistance to anyone that requires support with participating in the consultation.

##### **Where can I get help to take part in the consultation if I need support with this?**

Swan and Your Say Advocacy organisations will provide assistance to anyone that requires support with participating in the consultation. To arrange please contact us by email [cafaconsultation@bathnes.gov.uk](mailto:cafaconsultation@bathnes.gov.uk) or by telephone on 01225 477810.

##### **When will the changes for new service users come into place?**

The changes will come into effect from the 6th April for existing and new service users.

**Is there a feedback form on-line?**

You can take part by completing an on-line survey which is available via the following address: [www.bathnes.gov.uk/cas-charging-consultation](http://www.bathnes.gov.uk/cas-charging-consultation) or you can request a paper copy of the survey, by contacting us by email [cafaconsultation@bathnes.gov.uk](mailto:cafaconsultation@bathnes.gov.uk) or by telephone on 01225 477810.

**Do you have the information available on other languages?**

We will arrange translation for anyone that requires the information in other languages. To arrange please contact us by email [cafaconsultation@bathnes.gov.uk](mailto:cafaconsultation@bathnes.gov.uk) or by telephone on 01225 477810

**What happens when the consultation closes?**

We will review all the consultation results and make amendments to framework, where necessary. The final decision made by Full Council in early 2020. The policy will be implemented from the 6th April 2020

**I'm assuming that once the policy is in place, service users will receive information.**

Yes, everyone will be contacted prior to the policy being put into place.

**Will all existing clients be notified of the final changes and what support is available for people?**

Yes. The Care and Support Charging and Financial Assessment Framework, if approved by Full Cabinet in early 2020 will allow a transition period of around 3 months where we will be able to apply the policies to existing people and notify them of any alteration to their assessed weekly charge. Advocacy support will be offered to people including support from their social workers.

**Process for Financial assessments****Are there changes to the financial assessment?**

No, the way in which financial assessment will be carried out will not change but the amount payable may change.

**If someone was already in receipt or had just had their financial assessment, will they be required to have a review?**

No, not everyone will require a re-assessment. If there is a need for a re-assessment the Council will notify you.

**Will that mean everyone will be reassessed?**

No, we will contact any person who requires a re-assessment but not everybody will.

**If someone is in a care home will they have a financial assessment?**

Yes, everyone receiving care and support who wants financial assistance from the Council will require a financial assessment.

**When somebody identifies as in need of a care package, what is the timeframe that should be expected from the Council in providing the support and what is the process if those timescales are not met?**

The usual timeframe for the care and support assessments is 28 days from the date of request. The usual timeframe for the Care Finance Officer to contact the person is within a few days of the referral form the social worker requesting the financial assessment. How long it then takes for the financial assessment to be completed will depend on individual circumstances. If the timeframes are not met this will be reviewed with the teams.

**Who does the actual financial assessment?**

A Care Finance Officer will carry out the financial assessment.

**I don't understand the difference between the social worker and the finance routes.**

The assessments are carried out separately and by separate people. The first assessment is carried out by the social worker who will visit the person who is in need of care to identify the person's care needs. This is called a Care Needs Assessment. A Care Finance officer will then visit the person and undertake a financial assessment.

**Who decides how much the Council will pay?**

This will depend on a number of factors including what income the person receives including any benefits and property, savings and other assets they own.

**So, it's not a case of yes or no to care but what people can afford to contribute.**

The council has a duty under the Care Act and is required to identify what care is needed and work out how much that care will cost. The Care Assessment and the financial assessment are provided free of charge and the care will be provided even if the financial assessment shows the person cannot afford to contribute anything.

**Are you open to changing the two week notice period?**

We will consider all the feedback we receive during the consultation and where necessary we will amend the proposals.

**Is it an arbitrary two weeks or is it based on other research with other organisations?**

We have done research looking at timeframes other local authorities allow. Most other authorities local allow 2 weeks.

**DRE**

**Are you still going to include cleaning costs for a home?**

This will depend on the financial assessment and the care and support needs. The Disability Related Expenditure Factsheet will explain what rates are proposed to be applied in the future. More information is found here: [www.bathnes.gov.uk/cas-chargingconsultation](http://www.bathnes.gov.uk/cas-chargingconsultation).

**What about short term measures if someone becomes suddenly incontinent?**

This is a health need and the social workers will be able to assist by signposting you to the correct health provider.



**Who decides what is discretionary?**

The social workers will need to evidence any disability related expenditure in the care and support plan, depending on the nature of the need this may then have to be signed off by their manager.

**Are you suggesting that people give examples of other disabilities as part of the consultation?**

We are keen to hear from anyone who has any suggestions about what other areas that should be included.

**How are you dealing with utilities at the moment?**

Utilities are an allowance within the non-residential assessment this Care and Support Charging and Financial Assessment Framework is looking to make it very clear what the allowed rates are. The water allowance will depend on if your water is provided by Wessex Water or Bristol Water and if you are on a meter or not:

**Service Provider Price per annum 2019/20**

Metered	Non Metered		
Wessex Water Fresh Water	£24.00	£7.00	
Wessex Water Sewerage	£56.00	£7.00	

**Total Standing Charge £80.00                      £14.00**

**Service Provider**

**Price per annum 2019/20**

Metered	Non Metered		
Bristol Water Fresh Water	£41.00	£33.00	
Wessex Water Sewerage	£56.00	£7.00	

**Total Standing Charge £97.00                      £40.00**

This rate will be reviewed every April in line with the water companies possible annual increase date. Gas and Electricity will be the actual amount paid for the standing charge as shown on your bill. If you are a current service user and we have not had sight of your bill we will allow the standard tariff British Gas Rate of £1.83 per week for gas and £1.83 per week for electricity until such time as you provide us information of your current actual charges.

**Would the figures show utilities on the financial statement?**

Yes, this is set out within the financial statement.

**The £5 for laundry and extra bedding – is this a new amount?**

This is an increase to the current allowance of £3.75 per week

**How is the allowance for transport needs calculated?**

This will be for the social worker to evidence in the Care and Support and plan, the Care Finance Officer will then confirm the cost when the financial assessment is carried out.

**How will people pay for the usage costs of their utility costs?**

The Government allows £189 per week (the minimum income guarantee) for those aged over 60 this is to cover daily living costs including usage of utilities.

**What is a person's set amount for daily living costs?**

The Government allows £189 per week (the minimum income guarantee) for those aged over 60. This figure is review annually by the Government in April.

**Is there a different rate for disabled people Minimum income guarantee?**

No, there is a different rate for those aged 18-25 and 25-60.

**My wife goes to the day centre, our funds are so low, is there a charge?**

This will depend on the service and your Care and Support plan.

**My brother attends a day centre, will the costs of the transport be covered?**

This will depend on the Care and Support plan and what benefits the person receives.

**Do you have any idea of the extra amount that you will clawback from people?**

The Care and Support Charging and Financial Assessment Framework is about creating transparency and an equitable procedure for all not about costs savings.

**Are there many self-funders who ask the Council to arrange for their care?**

No, it is a relatively small number.

**Is this a new service that was not there before?**

No the council currently offers this but does not charge. The Care Act allows Councils to make an administrative charge to cover the costs of carrying out the work but B&NES have not done this to date.

**Will any of the fees be back dated?**

No. Any changes will come into effect from the 6th April.

**Additional benefits**

**Do you know how big a problem unclaimed benefits area across BANES?**

We do not know within B&NES and it is not possible for us to obtain this information from our systems.

**Will there be support for service users applying for the additional benefits?**

Yes, the Council's benefits team can assist as well as Age UK and the Citizen's Advice Bureau.

**I presume that those people receiving an attendance allowance will be taken into account when the financial assessment is completed?**

Yes attendance allowance is taken into account in the financial assessment.

**You are assuming people will be able to get Pension Tax Credit, I applied as I was told by someone I would be eligible, but I wasn't. How will you ensure that people will not be disadvantaged?**

The new system will use the same parameters as the DWP so should only identify those people who should be entitled but if we thought someone was entitled and they turned out not to be if they let us know we would not take the benefit into account.

**Who is likely to be eligible for pension credit?**

Pension Credit is a benefit entitlement for retired people with an income within certain parameters set by the DWP. It is a means tested benefit but this means test is limited.

**Will the Employment and Support Allowance (ESA) be taken into account?**

ESA is being phased out and if you apply now you would apply for universal credit. If you are currently in receipt of ESA this is taken into account.

**If you support someone at home will your household expenses be taken into account?**

That will depend on the individual's personal circumstances.

**Could you explain Disability Living Allowance?**

Disability Living Allowance is money for people who have extra care needs or mobility needs as a result of a disability. You can no longer make a new claim for DLA if you are 16 or over. You may be able to claim Personal Independence Payment (PIP) instead.

**Are you able to confirm whether the mobility aspect of the allowance is not changed?**

This will depend on the care and support package and assessment carried out by the DWP.

**You mentioned the allowance for people with Creutzfeldt-Jacob Disease, why is this singled out?**

This decision was made by the Government.

**Agreements for Third Party Top Up**

**Is the Third Party Top Up agreement compulsory?**

Yes. Where a family member or friend is requesting a placement that requires extra funding, they will be required to agree and sign the Third Party Top Up agreement.

**Is the third party top up agreement new?**

No, we are putting in place more formal arrangements.

**Presumably the agreement will also offer a safety net for service users?**

The agreement will ensure that all parties understand their commitments.

**Is that why the light touch financial assessment is required?**

The financial assessment is necessary to ensure the family member or friend understands fully their financial commitment.

**If you were topping up for an elderly person, what happens if you have financial difficulties?**

The agreement will set out clearly what is expected from the person who has agreed to pay the addition fees and the council will undertake a light touch assessment to see if they can afford to pay. If circumstances change then the placement would be reviewed by a Social Worker and the service user may be moved depending on the outcome of the review by the Social Worker.

**Who can top up?**

Anyone, a family member, friend, or organisation.

**Does there have to be a financial link with the individual?**

No, however they will need to agree to a light touch financial assessment being undertaken.

**Amendment to Q5**

The details of the fees proposed set out in Question 5 were incorrect. It should read:

**The council is proposing that the annual fee will increase from £30 to £105 and the set-up fee will not change.**

**Deferred Payments**

**What was the original fee for Deferred Payments?**

We are proposing to increase the fee from £30 to £105. This is an annual charge until the home is sold. This is an average of other local authorities in the area.

**With the new procedure for Deferred Payment Agreements, will the fees be annually?**

Yes the fee is an annual fee and will be added to the statement and paid when the agreement ends.

**Will the fees go up for existing service users who have Deferred Payment Agreements?**

No, any agreement completed before the 6th April 2020 will incur the fee of £30 per annum.

**If the situation arises, can we get advice from the Council regarding a Deferred Payment Agreement?**

Yes, you can contact the council the details of who to contact can be provided by the Care Finance Officer. However, we can only advise on the procedure we cannot provide legal advice and would always encourage you to seek independent legal advice.

**If you don't have anyone to help you in relation to a deferred payment, who can help?**

If you do not have capacity your social worker will make a referral to the B&NES Deputyship team who may, depending on your circumstances become your deputy, or they may ask the Court to appoint a solicitor as your deputy. If you have capacity you can if you wish appoint a solicitor to act for you.

**Does the Deferred Payment Agreement (DPA) still allow for 12 weeks grace?**

Yes the Care Act requires the property to be disregarded for the first 12 weeks from the date the person first resides in a residential placement. If a person is resident in a care home as a self-funder for more than 12 weeks before a request for funding from the Council is made then the 12 week disregard does not apply as they have already had this time.

**What is the interest paid on DPA?**

Interest is payable and is currently set at 0.15% above the gilt rate and is currently 1.45% until the 31st December 2019. All fees are added to the debt. A six-month statement is sent to service users.

**What assets are connected to deferred payments?**

For the purposes of deferred payments, assets are defined as your property. the charge secured by the deferred payment agreement is secured against the property.

**If a house was sold for £200,000 and the care home fees were £400,000 would the Council pick up the difference?**

The equity limited is estimated in the Deferred Payment Agreement, this is then reviewed annually once the equity limit is reached the Council will pay the costs that were being deferred and service user will continue to pay there assessed weekly charge based on their income.

**What would happen if there were no beds available in a care home at the fairer price of care rate, what would the Council do?**

The Council must fund the placement at the rate available on the day, so if on the day only a home a higher rate was available the Council would fund this placement subject to the service user's financial assessment. if however a person wants a more expensive home than a home available on the day the difference between the available rate and the higher rate would need to be paid via a top up.

**Does the deferred payment agreement come into play if a couple lives in the house?**

If one of the couple will remain at the property and is aged over 60 or in receipt of incapacity benefits then the property will not be taken into account, if both people go into residential care then the property will be taken into account 50% for each person (subject to any different percentage spilt being noted on the Land Registry).

**If an elderly couple lives in a home, one needs to go into a home, will the property be taken into account?**

If one of the couple remains at the property and is aged over 60 or in receipt of incapacity benefits then the property will not be taken into account, if both people go into residential care then the property will be taken into account 50% for each person (subject to any different percentage spilt being noted on the Land Registry).

**We have a three-bedroom house in joint name and I still live at home, my wife is in a care home. If I wanted to move into a flat will the property be taken into account?**

If you sold the property, the 50% of the proceeds of sale would go to your wife and

depending on how much that was she may becoming self-funding for a period of time, you could then use your 50% share of the sale proceeds to buy another property.

**My daughter is in supported living with a private company and doesn't own her own home, will these changes impact on her and will her fees go up?**

With a private company they will determine the fees and rent charged. Whether the changes will impact on the amount of her weekly assessed care charge will depend on her individual circumstances.

**If someone was a self-funder can the debt be attached to their home?**

If the person is a self-funder then the Council would not be funding and there would be no debt.

**You mentioned if you own your own home, if another family member is living at home how does that work? This is a real worry if you have a dependent child?**

This would depend on the circumstances, but if an adult child was resident in the home and in receipt of disability benefits it is probable that the property would be disregarded.

**Some people put their property in Trust for family members. Does it have to be put in place for 7 years?**

No the Trust can be put in place at any time. The 7-year rule does not apply to funding for care and support.

**If a person is already in care, can they then put their property in Trust?**

This may be considered as a deprivation of assets. This means that someone has made a gift or transfer of assets to a third party, usually a relative, to avoid or reduce their liability to pay for care.

## **Interim Funding Policy**

**I don't really understand what is meant by unregistered properties in relation to the Interim Funding Policy.**

If a property is not registered with the land registry it is unregistered, since 1992 on sale it has been compulsory to register your property but there are still some properties that are unregistered and if you want to apply for a deferred payment agreement you will need to apply to the land registry for first registration of the property.

## **Pre-payment Cards**

**I don't understand how the prepayment card will work?**

The pre-payment cards are not compulsory. They can be used to pay personal budgets to people who have been assessed as eligible for direct payments.

**If we do not bank on-line how would the pre-payment cards work?**

You do not need to bank on-line for prepayment cards to work as far as we know but the plan to introduce pre-payment is at a very early stage so once we have further

information we can let people know.

**What are the benefits of the pre-payment card?**

They should reduce the amount of paperwork that the person administering the direct payment needs to send into the Council so the account can be audited.

**Are there any other ways the pre-payment cards can be used, can they be used for day to day expenditure?**

Yes they can be used like a bank card so any day to day costs of the care can be paid for using the card.

**What support would be available to support people who move to the use of prepayment card?**

The implementation is at a very early stage but one we have more information we will let people know.

**Can small amounts of cash be withdrawn using a pre-payment card?**

Yes, it will work in the same way as a bank card.

**What if a person that doesn't get the mobility element of the relevant benefits needs transport costs, they just need to use a wheelchair friendly car, can they still get the costs paid?**

This will depend on the care and support plan.

**Direct Payments Policy**

**What is the change to Direct Payments?**

There are no changes to the way in which Direct Payments are paid, we have updated our policy and provided some more detailed guidance. The Council is exploring introducing pre-payment cards the details of which are currently being drawn up, however this will not be compulsory.

**Does this impact on direct payments?**

Yes, the Care and Support Charging and Financial Assessment Framework will apply to anyone in receipt of funding for care and support.

**Who will help with Direct Payments?**

The social worker, together with Virgin Hub will provide support.

**When people are self-funding, can they get a direct payment?**

No, self-funders are not eligible for direct payments as they are not receiving financial support from the Council.

**My son moved from a commissioned service to direct payment (DP). On occasions the support is not given. Does the council review this?**

Yes. The council would like to hear from any service user or their representative if there are any problems with the care and support they are receiving.

**What is the difference between Direct Payments and Commissioned Services?**

A commissioned service is when the Council arranges the care and a direct payment is when the Council give the person money to arrange the care themselves.

**My son moved from a Commissioned Service to Direct Payment (DP). The DP service is not good. On occasions the support is not given. Does the council review this?**

Yes the Council does undertake reviews. If you have concerns, we do need to know about this, please do let us know and we can investigate it.

**If someone is already in receipt of a Direct Payment Agreement that it will not change?**

No there will not be any changes to the policy just clarifies what should be happening anyway. However, dependent upon the care and support plan there may be some changes and this will be subject to the Care and Support and Financial Assessment Framework being approved by Full Council.

**Are there any changes proposed to personal budgets?**

The level of the personal budget would not change as this is set by the care and support plan but the amount of the weekly assessed care charge may change dependant on the financial assessment in line with the Care and Support Charging Financial Assessment Framework.

**Please note the final Direct Payment Policy will include the following:-**

**Special Educational Needs and Disability Personal Budget**

SEND Personal budgets, which can be paid as Direct Payments, are an allocation of the agreed funding made for children and young people with an Education, Health and Care Plan, after an assessment of their needs and will be outlined in the Plan. It should be noted that the allocation of an educational personal budget needs the agreement from the parents/young person, council and educational placement to release the allocated funding. Parents or young people can request a Personal Budget as part of an EHCP Needs assessment, once the decision has been made to issue an Education, Health and Care Plan. An educational and healthcare plan can remain in place up to the age of 25, provided that it is agreed by the council and they remain in education and make progress. A personal budget will cover aspects of the support outlined in the Plan and will not cover the cost of a named educational placement or any social care element which would be covered by any social care Direct Payment allocation.

Families can decide how they want it to be managed: As a direct payment. (set out in 'Personal Budget Direct Payment Agreement')

The funding is paid direct to the family who will manage it to deliver support as set out in the EHCP.

As a 'commissioned budget' where the council manages the notional budget for the family. By a provider (for example a school or voluntary service).

Or as a combination of the three options above.



# Equality Impact Assessment / Equality Analysis

<b>Title of service or policy</b>	Care and Support Charging and Financial Assessment Framework
Name of directorate and service	Adult Social Care, Complex & Specialist Commissioning
<b>Name and role of officers completing the EIA</b>	Annemarie Strong; Louise Murphy
Date of assessment	August 2019

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The main aim is to identify

any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version (including the action plan section) being published on the Council's and NHS Bath and North East Somerset's websites.

<b>1. Identify the aims of the policy or service and how it is implemented.</b>		
	<b>Key questions</b>	<b>Answers / Notes</b>
<b>1.1</b>	<p>Briefly describe purpose of the service/policy e.g</p> <ul style="list-style-type: none"> <li>● How the service/policy is delivered and by whom</li> <li>● If responsibility for its implementation is shared with other departments or organisations</li> <li>● Intended outcomes</li> </ul>	<p>This EIA relates to the consultation and implementation of the draft Care and Support Charging and Financial Assessment Framework which sets out the charges for both residential and non-residential care and support services. Care. The ability to charge has been in place since the 1990s. Local authorities are required to carry out a financial assessment to calculate what an individual can afford to pay towards their care and support. The Care Act 2014 provides the Councils charging basis however some decisions are discretionary.</p> <p>The proposed draft Care and Support Charging and Financial Assessment Framework will ensure that there is transparency and equality for those people in need. It aims to:-</p> <ul style="list-style-type: none"> <li>● Provide consistency in the Council's decision making regarding individual care and support packages;</li> <li>● Ensure that people are not charged more or less than is statutorily permissible for them to pay for care and support;</li> <li>● Offers a transparent and equitable process for all;</li> <li>● Bring in line with other local authorities.</li> </ul>

	<p><b>1.2</b> Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> <li>● Is it a new service/policy or review of an existing one?</li> <li>● Is it a national requirement?).</li> <li>● How much room for review is there?</li> </ul>	<p>The Care and Support Charging and Financial Assessment Framework proposals are:</p> <ul style="list-style-type: none"> <li>● All financial assessments will take into account Pension Guaranteed Credit this does not require the service user to have an individual financial assessment even if they are not currently being claimed.</li> <li>● New charging rates will be used for Disability Related Expenditure eg cleaning. The Council will use the National Association of Financial Assessment Officers based guidance.</li> <li>● There will be a standing charge only allowed as part of the financial assessment for gas, electricity and water and sewerage.</li> <li>● Transport and education costs will be included subject to need.</li> <li>● A fixed deadline to reduce unreasonable delays from clients responding to requests. This is proposed to be two weeks.</li> <li>● A new Interim Funding Policy for Deferred Payment Agreements for those properties that are unregistered with Land Registry and for those who are waiting on obtaining deputyship to allow them to act on the client's behalf. The policy may also be implemented in other situations subject to assessment</li> <li>● A new third party Top Up agreement will be implemented for families/friends/organisations who wish to make a top up payment on behalf of a service user.</li> <li>● The administration fees charged to those who enter into a deferred payment agreement will be reviewed and amended.</li> <li>● Arrangement fees would be charged to self-funders who ask the Local Authority to arrange their care and support and those who wish the Local Authority to obtain a solicitor's undertaking whilst a property is sold.</li> <li>● It is proposed that the Appeals Procedure will remain the same.</li> </ul> <p>This Care and Support Charging and Financial Assessment Framework only relates to care and support packages for individuals 18 and over.</p>
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		If approved, implementation will be undertaken by April 2020.
<b>1.3</b>	Do the aims of this policy link to or conflict with any other policies of the Council?	No
<b>2. Consideration of available data, research and information</b>		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> <li>● <b>Demographic</b> data and other statistics, including census findings</li> <li>● Recent <b>research</b> findings (local and national)</li> <li>● Results from <b>consultation or engagement</b> you have undertaken</li> <li>● Service user <b>monitoring data</b> (including ethnicity, gender, disability, religion/belief, sexual orientation and age)</li> <li>● Information from <b>relevant groups</b> or agencies, for example trade unions and voluntary/community organisations</li> <li>● Analysis of records of enquiries about your service, or <b>complaints</b> or <b>compliments</b> about them</li> <li>● Recommendations of <b>external inspections</b> or audit reports</li> </ul>		
	<b>Key questions</b>	<b>Data, research and information that you can refer to</b>
<b>2.1</b>	What is the equalities profile of the team delivering the service/policy?	<p>The Client Finance Team, Adult Social Care management team Commissioning staff and Social Workers are the main staff who will be delivering the Care and Support Charging and Financial Assessment Framework.</p> <p>The Adult Social Care management team, commissioners and officers (including the Client Finance Team), are too small a cohort</p>

		<p>to report on the protected characteristics as this could make individuals identifiable.</p> <p>Data on the profile of social workers has been requested from Virgin Care and AWMHP and will be inserted if it is available. Social Workers will play an important role in supporting clients through the engagement period and in developing and implementing the Care and Support Charging and Financial Assessment Framework. Managers and their teams were engaged with at the start of the process to seek their views and input prior to wider engagement.</p>
<b>2.2</b>	What equalities training have staff received?	New staff undertake an Induction programme which includes equality and diversity. There is also an equality and diversity course for staff which is part of the corporate training programme.
<b>2.3</b>	What is the equalities profile of service users?	The Council currently supports around 2,100 individuals, of which 740 are currently in care homes and 1,350 are in receipt of non-residential care packages. <i>Note, these figures do fluctuate and are subject to change</i>
<b>2.4</b>	What other data do you have in terms of service users or staff? (e.g. results of customer satisfaction surveys, consultation findings). Are there any gaps?	Reports from ContrOCC and Liquid Logic.
<b>2.5</b>	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>A full consultation process took place from 24 Sept and 3<sup>rd</sup> December 2019. A full description of the consultation process and findings is contained within the main report (Consultation Results Final Report). Equality related issues raised within the consultation have been added to this template in section 3.</p> <p>In advance of the public consultation, the council's Independent Equality Advisory Group (IEAG) was consulted at a meeting on 31st July. This meeting focused on the consultation plan (to check it was as inclusive as possible and to identify any potential barriers in</p>

		<p>taking part for different groups of people). Some of the issues raised by IEAG included:</p> <ul style="list-style-type: none"> <li>• a request for a factsheet for organisations and agencies to assist them in supporting people.</li> <li>• a briefing sheet for Council staff (including those in the One Stop Shops and Council Connect) who often get enquiries when big issues are consulted on like this.</li> <li>• a briefing to be held for staff and service users of BEMSCA (Bath Ethnic Minority Senior Citizen’s Association) where staff will be available to interpret.</li> <li>• a request to review the current consultation questions to simplify and provide a glossary of terms or jargon-buster.</li> <li>• a request that helpers are available at consultation events to assist in completing surveys.</li> <li>• some updates to the Easy Read version to make it clearer.</li> <li>• Some clarity over how many attempts at contact will be made and that different methods will be used.</li> </ul>
<p><b>2.6</b></p>	<p>If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?</p>	<p>The consultation process was designed to enable as wide a group as possible to take part (service users, carers, providers, B&amp;NES residents etc). There were a number of different ways to take part (by paper survey; by online survey via the Council’s E-consult process; by attending one of several consultation events taking place across B&amp;NES). Advocacy and/or communication support was made available for people who needed assistance to take part. The consultation documents were available in paper and electronically. Easy Read format versions were available. Documents could also be made available in other formats on request. For full details of the attempts to make the consultation process as accessible as possible, see the Consultation Results Final Report</p>

### 3. Assessment of impact: 'Equality analysis'

Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:

- Meets the needs of those with protected characteristics or helps promote equality in some way.
- Could have a negative or adverse impact for those with protected characteristics
- Any ways that adverse impact might be mitigated

#### Examples of what the service has done to promote equality

#### Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this

3.1

**Reducing Health inequalities** - health inequalities are the preventable and unfair differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental and economic conditions within societies, which determine the risk of people getting ill, their ability to prevent sickness, or opportunities to take action and access treatment when ill health occurs.

In B&NES, as with other areas of the country, people living in the least deprived areas live longer in good health than people in the most deprived areas.

The aim of the policy is to ensure we have a fair charging system for all, that gives everyone the opportunity to lead a healthy life, no matter where they live or who they are

The changes may raise extra income which could benefit all client groups.

Cases of individual hardship can be considered on a case by case basis. In certain exceptional cases discretion can be applied with senior

Charges will increase for some day care service users and residents of residential care. Charges may decrease for some. For Adult Social Care, people are assessed to make a payment on the basis of their income and assets and within nationally defined guidelines. Therefore, no-one will be asked to pay more than their assessed weekly care charge.

Attempts were made to engage with as wide a group as possible within the consultation phase, in order to draw out any potential issues within the proposals that could have an impact upon health inequalities

		management approval.	
<b>3.2</b>	<b>Sex</b> – identify the impact or potential impact of the policy on women and men.	<p>Eligible needs related to protected characteristics will be considered as part of the care and support plan.</p> <p>Social workers will make appropriate referrals to other agencies for items relating to health/living expenses that cannot be included in the care and support plan</p>	<p>Evidence suggests that women and disabled people have been amongst the biggest losers under austerity measures, as they are more likely than men to rely on public services and on benefits for their income. Any changes to public services thus disproportionately affect the lives of people from these groups, with the issues being potentially compounded for disabled women.</p> <p>As women slightly outlive men, there are proportionally more women than men in receipt of care and support (56.5%). This means that women are more likely to be affected by these changes than men. However, the impact of the Framework does not necessarily mean that people will have less money to live on. Some people may have more, some may stay the same.</p> <p>We will monitor the impact of the changes to ASC charging across all protected characteristics.</p>
<b>3.3</b>	<b>Pregnancy and maternity</b>	<p>Eligible needs related to protected characteristics will be considered as part of the care and support plan.</p> <p>Families/individuals with children residing with them have an additional sum allowed within the financial assessment (this amount is set annually by central government).</p>	<p>Social workers will be able to make appropriate referrals to other agencies for items relating to health/living expenses that cannot be included in the care and support plan</p>
<b>3.4</b>	<b>Gender reassignment</b> – identify the impact/	Eligible needs related to protected characteristics will be considered as	No issues identified



	potential impact of the policy on transgender people	part of the care and support plan.	
3.5	<p><b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)</p>	<p>Eligible needs related to protected characteristic of disability will be considered as part of the care and support plan.</p> <p>There are changes within the proposals that relate to Disability Related Expenditure (DRE) – as we acknowledge that disabled people have additional expenses. These are now clearly set out in the DRE policy Charging and Financial Assessment Framework so that this expenditure can be taken into account in the assessment process. However, the list in the DRE policy is not exhaustive and some DRE will be provided on the basis of eligible need as identified in the Care and Support plan.</p>	<p>Evidence suggests that disabled people and women have been among the biggest losers under austerity measures, as they are more likely than men to rely more on public services and benefits for their income. Any cuts to public spending thus disproportionately affect the lives of people from these groups, with the issues being compounded for disabled women. Disabled people, including those with Learning Disability) are disproportionately more impacted because they are likely to be over-represented as service users, and also have lower incomes than non-disabled people. Again, the issues are compounded for disabled women.</p> <p>In mitigation to the above, our Disability Related Expenditure (DRE) policy acknowledges that disabled people have additional expenses, and these are now clearly set out in the DRE policy so that this expenditure can be taken into account in the assessment process.</p> <p>The DRE policy makes it clear what can and cannot be treated as DRE. This may mean that certain expenditure that has been deemed as DRE in the past will no longer be deemed as disability related under the new guidance.</p> <p>We will monitor the impact of ASC charging and the changes to DRE upon disabled people.</p> <p>Cases of individual hardship can be considered on a case by case basis. In certain exceptional cases discretion can be applied with senior management approval</p>

		<p><b>The consultation process</b></p> <p>The consultation documents, including Information about the changes (and the wider charging policy) were made available in Easy Read format. The consultation documents were also made available in different formats (e.g. Braille) and other languages on request.</p> <p>It was possible to respond online or via completion of a paper survey.</p> <p>Documents were checked for accessibility in terms of font size, contrast etc. Online versions were available in HTML format for those who use screen readers.</p> <p>Anyone wishing to attend a consultation event who had access/communication support was asked to notify organisers in advance who tried to arrange necessary support.</p> <p>Advocacy support was available to</p>	<p>At one consultation event the hearing loop was not working. The individual who needed it said that they could manage without it if the speaker spoke a little louder. An additional separate consultation event was also held at Action on Hearing Loss.</p> <p>Within the consultation, some concerns were raised about proposal 2 (allowing a two-week period for a response). In response, this two-week period has been extended to four weeks, in part to allow for additional time that some disabled people may need (e.g. if they are unwell).</p> <p>Within the consultation concerns were raised about proposal 9 (to allow for only the standing charge for utilities to be taken into account). Concerns were raised about the extra heating costs that might be incurred by some disabled people. However, disabled people who need additional heating due to their disability could, subject to their care and support plan confirming eligibility, have this added to their assessment as Disability Related Expenditure, along with other higher utility costs that might be incurred due to disability (additional costs for more than average washing machine usage etc).</p>
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		<p>anyone who wished to take part in the consultation event or return a survey (but needed support to do so).</p> <p>Consultation meetings were held in accessible venues.</p> <p>A range of disability support organisations took part in the consultation (see Consultation Response Final Report).</p> <p>A clear communication strategy will be needed to make sure disabled people fully understand the results of the consultation and how the changes will affect them as individuals.</p>	
3.6	<p><b>Age</b> – identify the impact/potential impact of the policy on different age groups</p>	<p>Eligible needs related to protected characteristics will be considered as part of the care and support plan.</p> <p><b>The consultation process</b> Advocacy support was available to anyone who wished to take part in the consultation event or return a survey but needed support to do so.</p>	<p>Service users affected by the proposed change to charging policy are likely to be predominantly older people. Also, adults with Learning Disability. If there are increases in the assessed weekly care charge people are required to make towards the cost of care – there are concerns that this could result in them choosing to cancel services which are contributing to their wellbeing. In mitigation, Social Workers will undertake a risk assessment if a person decides to cancel services that they have been assessed as needing. This will ensure that there are safeguards in place if service users stop accessing the services they need (including those services that help to combat loneliness and social isolation).</p> <p>Cases of individual hardship can be considered on a case by case basis. In certain exceptional cases</p>

			discretion can be applied with senior management approval.
3.7	<b>Race</b> – identify the impact/potential impact on different black and minority ethnic groups	<p>Eligible needs related to protected characteristics will be considered as part of the care and support plan (for example language/communication support; cultural or faith-based observance).</p> <p><b>Consultation process</b> For those who do not have English as a first language, there was an option to request documents to be made available in alternative languages via the council’s commissioned interpreting and translation service Oncall.</p> <p>An additional consultation event was scheduled in with the staff and service users of BEMSCA (Bath Ethnic Minority Senior Citizen’s Association). BEMSCA interpreting staff were present at this meeting and were also paid for the additional time they spent with a number of clients who needed the proposals to be</p>	<p>No specific adverse impacts in respect of race were identified in respect of the proposals. However, see note opposite in connection with eligible needs related to protected characteristics).</p> <p>We will monitor the impact of the changes to ASC charging across all protected characteristics and look for unintended/cumulative impact.</p> <p>There is a hardship fund to support those who are adversely affected by the changes (subject to the qualifying criteria).</p> <p>A clear communication strategy will be needed to ensure that service users and carers who do not read</p>

		<p>interpreted into their language.</p> <p>Communication of the changes will be especially important</p>	<p>English are able to understand how any changes will affect them.</p>
<b>3.8</b>	<b>Sexual orientation</b> - identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people	<p>Eligible needs related to protected characteristics will be considered as part of the care and support plan</p>	<p>No issues identified</p>
<b>3.9</b>	<b>Marriage and civil partnership</b> – does the policy/strategy treat married and civil partnered people equally?	<p>The Care Act and related statutory guidance requires each person to be assessed individually as such no distinction is made in respect of people who are single, married or in a civil partnership.</p>	<p>Some people who are currently assessed as couples are now in the process of being re-assessed as individuals.</p>
<b>3.10</b>	<b>Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	<p>Eligible needs related to protected characteristics will be considered as part of the care and support plan. This may include religious observance/attendance at places of worship.</p>	<p>No issues identified</p>
<b>3.11</b>	<b>Socio-economically disadvantaged*</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	<p>The aim of the policy is to ensure we have a fair ASC charging system for all, that gives everyone the opportunity to lead a healthy life, no matter where they live or who they are</p> <p>The changes should raise extra income which could benefit all client groups.</p>	<p>Charges will increase for some day care service users and residents of residential care. Charges may decrease for some. For Adult Social Care, people are assessed to make a payment on the basis of their income and assets and within nationally defined guidelines Therefore, no-one will be asked to pay more than their assessed weekly care charge.</p> <p>Cases of individual hardship can be considered on a case by case basis. In certain exceptional cases</p>

	<b>(this is not a legal requirement, but is a local priority).</b>		discretion can be applied with senior management approval.
<b>3.12</b>	<b>Rural communities*</b> – identify the impact / potential impact on people living in rural communities	<p>Consultation events were held across the B&amp;NES area including the Hollies in Midsomer Norton.</p> <p>Within the proposal, transport costs may be allowed for people in rural areas to access services.</p>	Anyone from a rural area who wished to attend but could not do so was able to do so because of disability/age was able to request advocacy support to enable them to attend a consultation event.
<b>3.13</b>	<b>All groups</b>	<p>Within the proposal, education costs will be allowed if the Care and Support plan supports this as an eligible need.</p>	<p>We will monitor the impact across all protected characteristics and look for unintended/cumulative impact.</p> <p>There is a hardship fund to support those who are adversely affected by the changes (subject to the qualifying criteria).</p>

\*There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

#### **4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan**

Please list actions that you plan to take as a result of this assessment/analysis. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
The need for clear and accessible information on the proposals	Easy read format version of the policy and the consultation documents Alternative formats available on request	Easy Read versions complete and ready  Strapline telling people to ask for alternative versions on documents.	AS LH and consultation team	Sept 19
Consultation process – the need to design a consultation process that is as accessible as possible	Variety of methods to take part in the consultation (online, paper survey) or by attending an event (several being held across B&NES at different times of the day/evening to fit in with other commitments.  Advocacy support available to anyone wishing to take part who needs support to do so	Consultation timetable set up  SWAN and YOUR SAY Advocacy commissioned	AS LH and consultation team	Sept 19
Signposting to advice and support for those who may be affected by the changes	Sign posting was done via social workers, easy read document and consultation to:  <b>Bath &amp; North East Somerset Council</b> 01225 477000 (Benefits department) <a href="http://www.bathnes.gov.uk/contact-us">www.bathnes.gov.uk/contact-us</a>  <b>Citizens Advice</b>		AS LH and consultation team	Sept 2019

	<p>0344 848 7919  <a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a></p> <p><b>Age UK</b>  01225 466135 (BANES)  0800 055 6112</p>			
<p>The need for a clear and accessible communication strategy to notify individuals of any changes that will affect them during implementation.</p>	<p>Existing clients will all receive a letter informing them of the results of the consultation. Within this initial letter, all clients who may be affected by notional capital will be informed and referred to the agencies listed in the box above for advice and support.</p> <p>Individual letters to clients will go out in April, combined with the annual uplift letter.</p> <p>Agencies such as Healthwatch and other organisations that provide support (e.g. Age UK, BEMSCA) will be given a briefing on the consultation findings so that they are equipped to advise their service users.</p>	<p>Initial letters sent out</p> <p>Copies of the Consultation Report available online and also within One Stop Shops</p> <p>Easy read version with a summary of the consultation and decision.</p> <p>Briefings offered to key organisations</p> <p>All service users will be contacted by letter and notified of any change to their assessed weekly care charge.</p>	<p>AS  LH and consultation team</p>	<p>Jan 2019</p> <p>March 2020</p>
<p>The need to monitor impact on protected characteristics</p>	<p>Continue to look for unintended/cumulative impact.</p>	<p>Although we were unable to carry out modelling to establish specific impacts on individuals or groups, (such as females with a</p>	<p>AS, LH and LM</p>	<p>Review meeting  September 2020 and</p>



		disability), we will ensure this monitored and do what we can to address any negative impacts. (e.g. via the hardship fund, subject to the qualifying criteria).		On-going
Amendments as an outcome from the consultation	Consider the feedback received and ensure a fair and consistent policy is maintained.	It was highlighted that the two-week response time may cause an unfair disadvantage to some groups, such as those with disability who may have outside factors impacting on their ability to engage. The timeframe has therefore been extended to four-weeks and each matter will be considered on a case by case basis.	AS and LH	On-going

## 5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team ([equality@bathnes.gov.uk](mailto:equality@bathnes.gov.uk)), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

**Signed off by:**



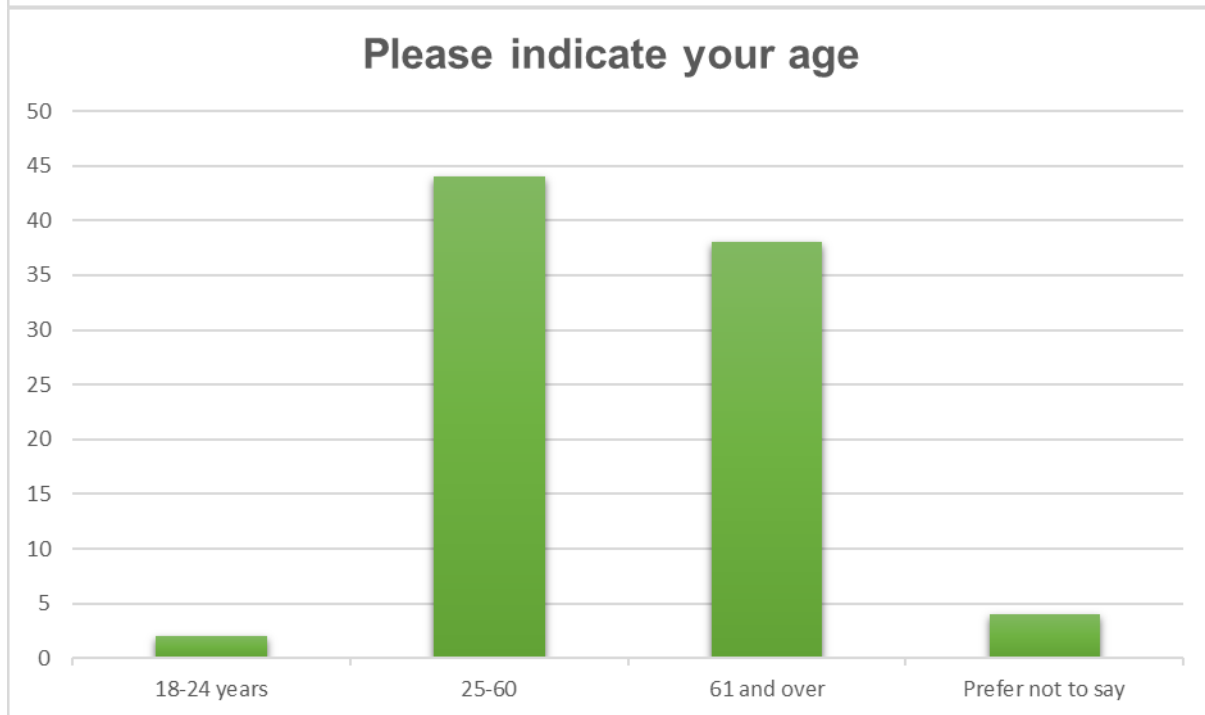
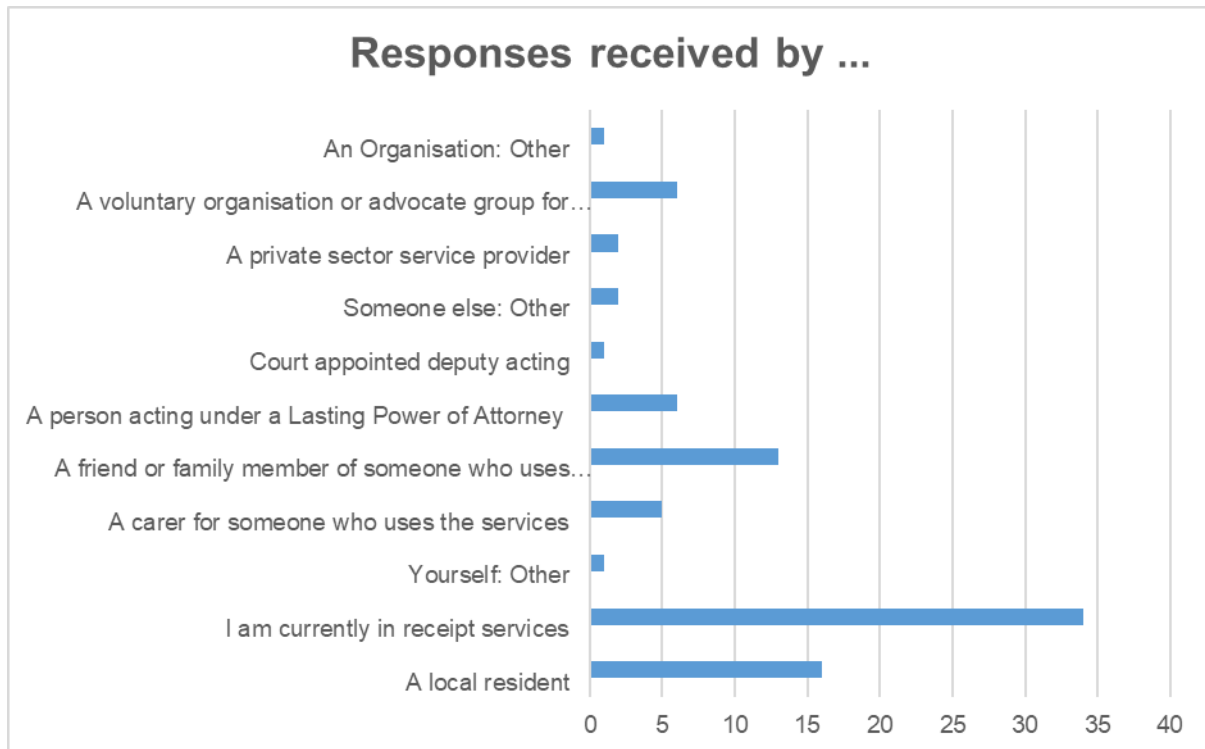
(Nominated senior officer: Lesley Hutchinson)

**Date: 20.02.2020**

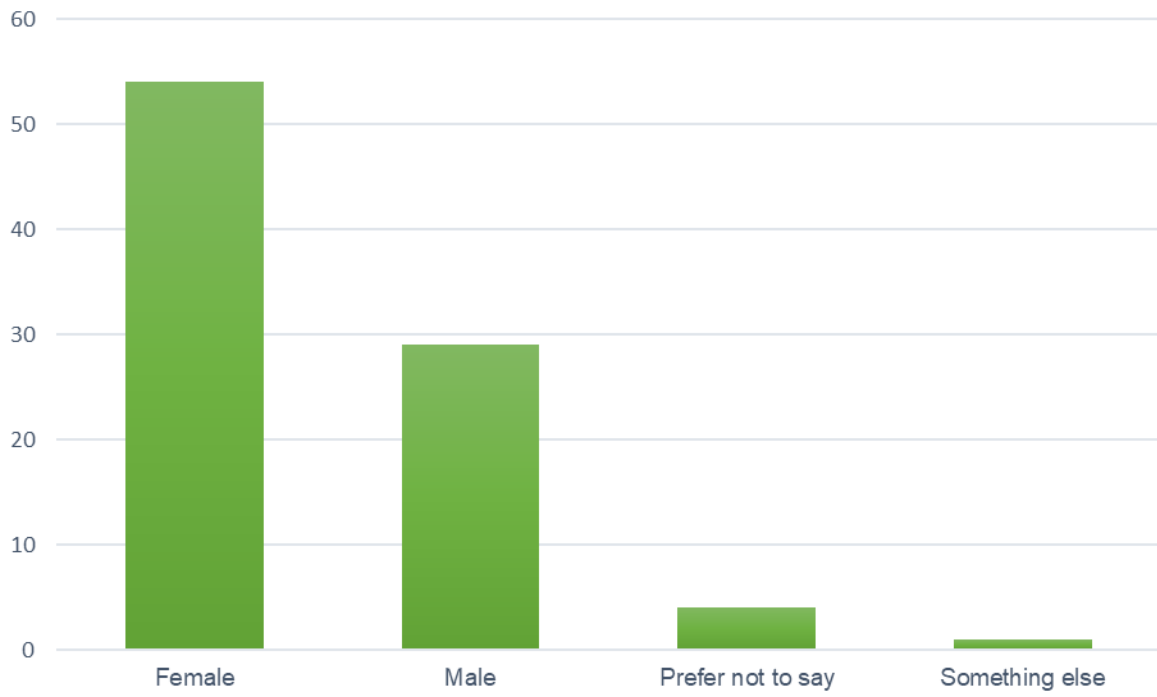
**Appendices 4 – Profile information**

**About the respondents**

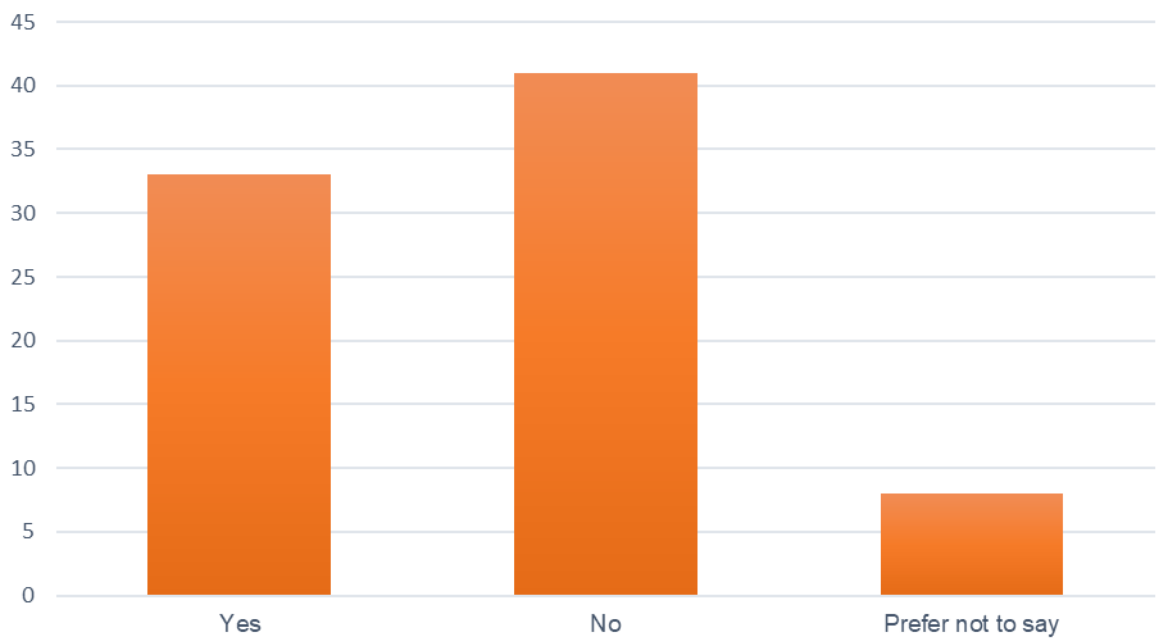
Care and Support Charging Framework – December 2019



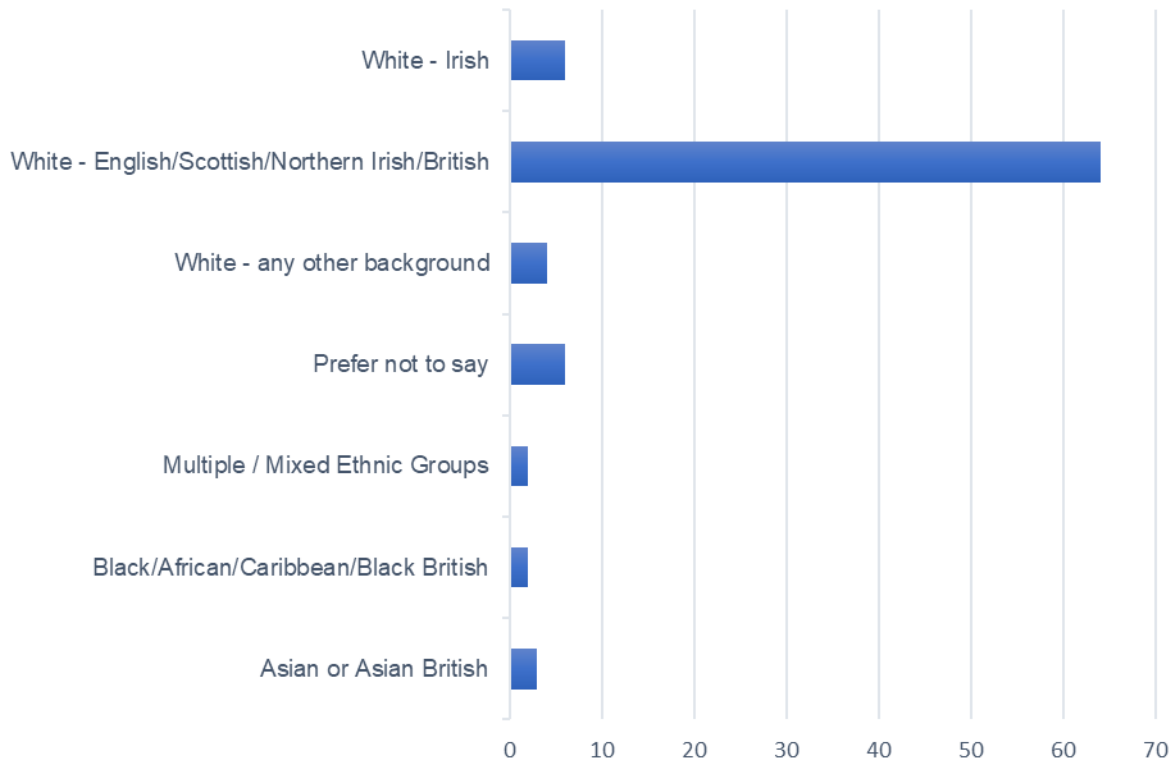
## Are you....



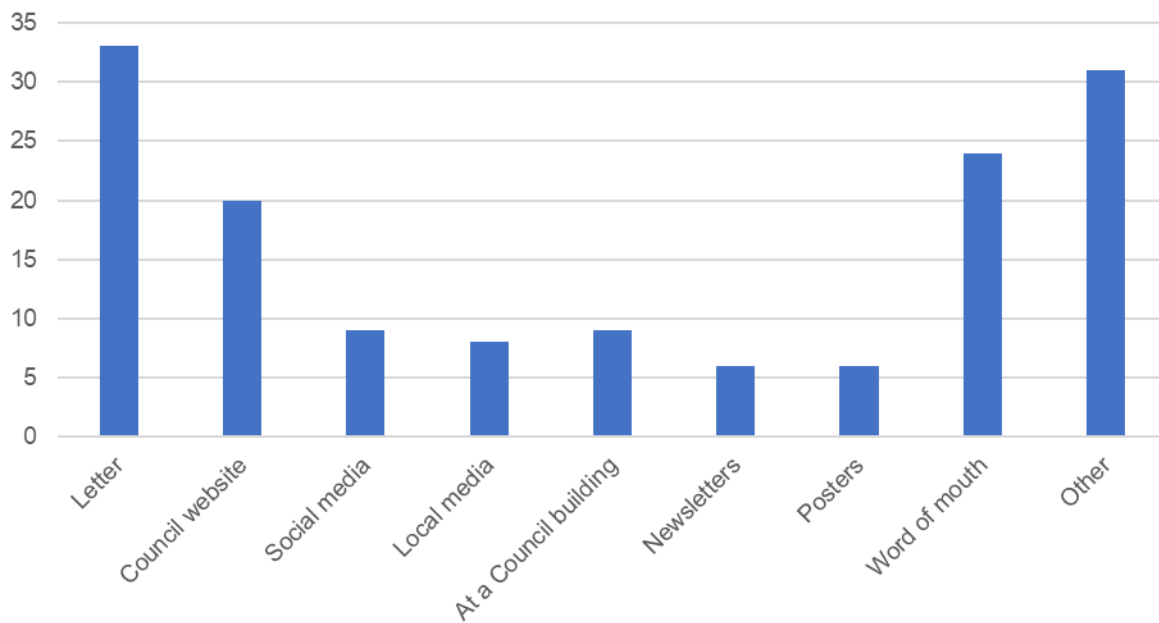
## Do you consider yourself disabled?



## What is your ethnicity?



## How did you find out about the consultation?



Respondents were able to select more than one answer to this question. Other included: Zap, Support worker, BASS, Action on Hearing Loss. Staff, Team Manager, information from outreach meeting, Percy House, BEMSCA.