

Meeting: Strategic Commissioning Board			
Meeting Date	07 March 2022	Action	Approve
Item No	7.1	Confidential / Freedom of Information Status	No
Title	Annual Review of Adult Social Care Fees and Charges for the Financial Year 2022/23		
Presented By	Will Blandamer, Executive Director of Strategic Commissioning		
Author	Paul Oakley, Strategic Accountant		
Clinical Lead	-		
Council Lead	Cllr Simpson, Communities and Wellbeing		

Executive Summary
<p>The One Commissioning Organisation (OCO) directorate raises a number of Adult Social Care fees and charges. In accordance with the Council's Financial Regulations, there is a requirement to review fees and charges on an annual basis.</p> <p>This report proposes the 2022/23 Adult Social Care fees and charges across the OCO directorate to take effect from April 2021 unless stated otherwise.</p> <p>The full list of proposed charges is detailed in Appendix A of this report</p>
Recommendations
<p>It is recommended that the Strategic Commissioning Board approve the Adult Social Care Fees & Charges Uplift detailed in Appendix A of this report</p>

Links to Strategic Objectives/Corporate Plan	Yes
Does this report seek to address any of the risks included on the Governing Body / Council Assurance Framework? If yes, state which risk below:	No

Implications						
Are there any quality, safeguarding or patient experience implications?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Has any engagement (clinical, stakeholder or public/patient) been undertaken in	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

Implications						
relation to this report?						
Have any departments/organisations who will be affected been consulted?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Are there any conflicts of interest arising from the proposal or decision being requested?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Are there any financial implications?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Are there any legal implications?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Are there any health and safety issues?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
How do proposals align with Health & Wellbeing Strategy?	The proposal to uplift the ASC fees and charges allows Bury Council to meet the increased cost demands and therefore ensure the needs of the people of Bury are aligned to the Health and Wellbeing strategy.					
How do proposals align with Locality Plan?	The proposals to uplift provider fees aligns to the Locality Plan.					
How do proposals align with the Commissioning Strategy?	The proposals align to the commissioning strategy by ensuring the proposed fees & charges are aligned to the proposed 2022/23 provider fee uplifts					
Are there any Public, Patient and Service User Implications?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
How do the proposals help to reduce health inequalities?	Ensuring that the setting of the ASC Fees and Charges are aligned to the proposed 2022/23 provider fee uplifts will ensure the most vulnerable people in Bury have their needs met.					
Is there any scrutiny interest?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
What is the Information Governance/ Access to Information implications?						
Is an Equality, Privacy or Quality Impact Assessment required?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
If yes, has an Equality, Privacy or Quality Impact Assessment been completed?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
If yes, please give details below:						
If no, please detail below the reason for not completing an Equality, Privacy or Quality Impact Assessment:						
This document does not refer to a change in policy but highlights the updated 2022/23 Adult						

Implications						
Social Care Fees and Charges.						
Are there any associated risks including Conflicts of Interest?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Are the risks on the CCG /Council/ Strategic Commissioning Board's Risk Register?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Additional details						

Governance and Reporting		
Meeting	Date	Outcome
Community Commissioning Management Team (CCMT)	15/02/2022	

Annual Review of Adult Social Care Fees and Charges for the Financial Year 2022/23

1. Introduction

- 1.1 The One Commissioning Organisation (OCO) directorate raises a number of Adult Social Care fees and charges. In accordance with the Council's Financial Regulations, there is a requirement to review fees and charges on an annual basis.

2. Fee Proposal

- 2.1 The 2022/23 proposed increases to Adult Care Service discretionary fees and charges are detailed in **Appendix A**.
- 2.2 To ensure that the 2022/23 adult care service fees are aligned with the 2022/23 fees paid to commissioned providers it is proposed that the fees are uplifted by the same percentage rates employed to uplift the 2022/23 fees paid to commissioned providers
- 2.3 The 2022/23 fees and charges proposal also recommends that the fees listed below are increased by 5% which is in line with Councils 2022/23 budget proposal to uplift fees and charges by 5%
- Maximum Weekly Charge for Homecare
 - Transport to Day Centres
 - Carelink/Telecare
 - Home Support Service
 - Day Centre Attendance
 - Appointeeship Fees – Community Based
 - Appointeeship – residential based

- Deferred Payments – set-up fee
- Deferred Payments - annual fee
- Deferred Payments – Termination fee

3. Fair Cost of Care

- 3.1 There is a requirement for Local Authorities to complete the fair cost of care exercise in response to the Government's upcoming Market Sustainability and Fair Cost of Care Fund.
- 3.2 The Market Sustainability and Fair Cost of Care Fund is designed to address the impact of the government's aim to allow more people who fund their own care to pay the lower rate that Councils can access from 2023, as well as under investment in care. It will offer Councils £162m in 2022/23 to "prepare their markets for reform", with a further £600m in both 2023/24 and 2024/25.
- 4.1 The Government "expect local authorities will carry out activities such as":
- Conducting a cost of care exercise to determine sustainable rates and how close they are to paying those rates.
 - Engage with local providers to improve data on costs and number of self-funders, to assist them in understanding the impact of reform on the market (65+ residential care, but also domiciliary care).
 - Strengthen capacity to plan for and execute greater market oversight and improved market management, ensuring markets are positioned to deliver on reform ambitions.
 - Use funding to increase fees, as appropriate to local circumstances. This funding should not be used to fund core pressures (authorities are expected to use the social care grant, improved Better Care Fund, and Social Care Precept).
- 4.2 The fair cost of care exercise (including the activities listed above) will likely result in a need to significantly uplift fees, Consequently, to ensure fees & charges continue to align with the Commissioned provider fees the uplift values to future fees & charges may also increase significantly. However, the fees offered to providers for 2022/23 are larger uplifts than previous years which may mitigate the need for significant fee increases following the fair cost of care exercise.

6 Financial Context

- 6.1 Whilst the rates set out in Appendix A will be used to calculate the cost of care, a separate financial assessment is carried out for each service user and the service user will only contribute the value deemed affordable to them in that assessment. Service users' charges may therefore not increase at all following a financial reassessment for 2022/23, which would incorporate the uplifted rates.
- 6.2 Any changes to an individual's financial circumstances will be considered as part of the normal review process, and a new financial assessment carried out where appropriate, to ensure the charges levied remain fair and affordable in line with the

Council's Client Charging policy.

7 Legal Implications

- 7.1 The Council's policy in relation to charging for adult social care non-residential services is allowable under the discretionary power to charge for care and support services given to local authorities by section 14 of the Care Act 2014. The Care Act states that the cost cannot exceed the cost to the local authority of making provision, although in certain circumstances we can make a charge to represent a cost to the Council of commissioning the care. There is a statutory means test for charges. The statutory means test is set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014.
- 7.2 The national policy contains key principles in relation to setting a maximum charge and the criteria adopted for assessing charges. The policy of the Council provides for prior notification of any increases in charges to service users and this should be conducted as soon as possible if the increase in charges proposed is agreed.
- 7.3 National guidance recommends consultation if charges are increased; however, the increase is to reflect the increased cost of provision to the Council therefore consultation has not been deemed necessary

Appendix A

Service Setting		2021/22 rate	22/23 Uplift	2022/23 rate	Notes
Domicillary Care	Standard (Note 1, Note 3)	£ 16.50	6.6%	£ 17.58	2022/23 fee uplifts aligned to the proposed 22/23 provider fee uplifts
	Real Living Wage (Note 2)	£ 16.76	6.6%	£ 17.86	
Residential	Standard	£ 507.72	8.0%	£ 548.40	
	Real Living Wage	£ 521.14	8.0%	£ 562.90	
Nursing	Standard	£ 522.72	14.5%	£ 598.40	
	Real Living Wage	£ 536.14	14.3%	£ 612.90	
Residential -Dementia Premium	Standard	£ 522.72	7.8%	£ 563.40	
	Real Living Wage	£ 536.14	7.8%	£ 577.90	
Nursing - Dementia Premium	Standard	£ 567.72	13.3%	£ 643.40	
	Real Living Wage	£ 581.14	13.2%	£ 657.90	
Supported Living	Standard	£ 16.32	6.6%	£ 17.40	
	Real Living Wage	£ 16.59	6.6%	£ 17.69	
Sleep Ins	Standard	£ 9.73	6.6%	£ 10.37	
	Real Living Wage	£ 9.98	6.6%	£ 10.64	
Direct Payments		£ 10.79	5.4%	£ 11.37	
Maximum Weekly Charge for Homecare		£ 410.00	5.0%	£ 430.50	2022/23 council budget proposal is to uplift council fees & charges by 5%
Transport to Day Centres	Single Journey	£ 2.60	5.0%	£ 2.73	
	Return Journey	£ 4.80	5.0%	£ 5.04	
Carelink/Telecare		£ 4.20	5.0%	£ 4.41	
Home Support Service		£ 19.40	5.0%	£ 20.37	
Day Centre Attendance		£ 39.20	5.0%	£ 41.16	
Appointeeship Fees – community based		£ 11.00	5.0%	£ 11.55	
Appointeeship – residential based		£ 5.80	5.0%	£ 6.09	
Deferred Payments – set-up fee		£ 250.00	5.0%	£ 262.50	
Deferred Payments - annual fee		£ 150.00	5.0%	£ 157.50	
Deferred Payments – Termination fee		£ 75.00	5.0%	£ 78.75	

Note 1 - Standard is the rate paid to those providers who havent signed a contract variation commitment to paying their staff the RLW

Note 2 - Real Living Wage is the rate paid to those providers who have signed a contract variation commitment to paying their staff the RLW

Note 3 - In terms of charging customers for care at home, Care Act Statutory Guidance states that Care at Home charges are made at standard rates irrespective of how or by whom the care is delivered only one rate can be charged , therefore because the customer charging must be consistent and equal, and not dependent on who the care provider is the proposal is to charge at the "standard" rate,