

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 7 MARCH 2023

CONTRIBUTIONS POLICY - NON-RESIDENTIAL CARE SERVICES - UPDATE

REPORT BY GAIL SMITH, CHIEF INTEGRATION OFFICER

ABSTRACT

This report provides an annual update to the Committee regarding the Contributions Policy for Non-Residential Social Care Services.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) Agree the recommendations contained within, and adopt as policy, the COSLA National Strategy and Guidance on Charges Applying to Social Care Support for people at home.
- (ii) Agree to the updates contained in the Contributions Policy attached as Appendix 2 to this report which implements and supplements locally the Strategy and Guidance referred to in (i) above.
- (iii) Approves the annual amendment of external links contained within the Contributions Policy without the requirement to present it annually to Committee. However, any material changes to the content of the Contribution Policy, including the taper, would be subject to a separate report to committee.

2. ALIGNMENT TO THE COUNCIL PLAN

2.1 This report contributes to the following local outcome contained within the Angus Community Plan 2017 – 2030:

- Improved physical, mental and emotional health, and wellbeing

It also contributes to policy implementation within the Angus IJB's Strategic Commissioning Plan, namely the priority to maintain people at home for as long as it is possible, including by the provision of non-residential services.

3. BACKGROUND

- (i) Section 87 of the Social Work (Scotland) Act 1968 permits a local authority providing social care services under that Act or under other defined legislation to recover such charges as they consider reasonable. Charges for relevant residential accommodation are regulated by the National Assistance Act 1948.
- (ii) Given the above, a local authority has a degree of discretion in the way it charges for non-residential social care services. Scottish Government Guidance has been issued to local authorities to assist them in determining charging policies. In addition, and since 2002, COSLA has regularly produced and updated a National Strategy and Guidance in relation to Charges Applying to Non-residential Social Care Services.
- (iii) The Public Bodies (Joint Working) (Scotland) Act 2014 required local authorities to delegate their social care functions to their local IJB. However, the function of determining charges for non-residential accommodation services was not delegated to the IJB and remains with Angus Council. Angus Council have always charged for non-residential social care services. Its polices

have been closely based on the COSLA Strategy and Guidance referred to above. Work has previously been undertaken to consolidate the Council's local policies which implement and supplement the COSLA Strategy and Guidance into a consolidated local policy. A copy of the updated consolidated Contributions Policy is attached as Appendix 2 to this report.

4. CURRENT POSITION

- (i) The Contributions Policy for Non-Residential Social Care Services (Contributions Policy) was approved by Policy and Resources Committee in February 2022, (report 23/22). It was previously agreed that the updated Contributions Policy for Non-Residential Social Care Services would be presented at Policy and Resources Committee for approval on an annual basis in the first quarter of every financial year.

The Policy has now been updated to remove the requirement for annual committee approval. It is proposed that changes can be made to update the external links to the COSLA website on an annual basis without a requirement to bring the Contributions Policy to Policy and Resources Committee for approval. Any material or fundamental changes to the Policy would continue to be presented for approval.

5. PROPOSALS

- (i) COSLA will issue Guidance on Charges Applying to Social Care Support for people at home 2023/24. This guidance is updated annually and issued to all local authorities to implement any changes that are required to be made to local charging policies and procedures.
- (ii) The Contribution Policy has been updated in order to move away from the need for annual updates. By removing specific reference to the annual COSLA charging thresholds, instead the policy contains a link to access the most up to date information on the COSLA website.
- (iii) The Contribution Policy has been updated to reflect the Capital and Savings thresholds as detailed in the COSLA Guidance on Charges Applying to Social Care Support for people at home. This change can be found in section 5.1 at Appendix 2.
- (iv) The proposed change to the Capital and Savings thresholds will be implemented from April 2024 to allow for engagement with impacted service users to take place, clarification of implementation arrangements and for any necessary support to be provided.
- (v) The Contribution Policy has been updated to formalise existing practice within the policy in regard to undelivered services. This specific change can be found in section 5.3 at Appendix 2.
- (vi) The Contribution Policy has been updated to formalise the policy in regard to non-disclosure of financial information. This specific change can be found in section 5.4 at Appendix 2.

6. FINANCIAL IMPLICATIONS

The effect of this update is limited to progressing adjustments largely linked to inflationary changes and national guidance.

7. OTHER IMPLICATIONS (IF APPLICABLE)

Minimal other implications.

8. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been carried out and is attached at Appendix 1.

9. CONSULTATION

Not applicable as there are no substantive changes to the policy.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Appendix 1 : Equalities Impact Assessment

Appendix 2 : Updated Angus Council Contributions Policy



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

Name of Proposal (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions): **CONTRIBUTIONS POLICY-NON-RESIDENTIAL CARE SERVICES- ANNUAL UPDATE**

Step 2

Is this only a **screening** Equality Impact Assessment

~~Yes~~/**No**

(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

- | | |
|--|--------|
| (i) It does not impact on people | Yes/No |
| (ii) It is a percentage increase in fees which has no differential impact on protected characteristics | YES/No |
| (iii) It is for information only | Yes/No |
| (iv) It is reflective e.g. of budget spend over a financial year | Yes/No |
| (v) It is technical | Yes/No |

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment

Yes/No

Is this a Fairer Scotland Duty Assessment

Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i)Lead Directorate/Service: Angus Health and Social Care Partnership

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

No

(iii)What is the aim of the proposal? Please give full details.

Update the existing Contributions Policy for non-residential services in order to better reflect COSLA guidance.

(iv)Is it a new proposal? Yes/No Please indicate OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? Yes/No Please indicate

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees Yes/No

Job Applicants Yes/No

Service users Yes/No

Members of the public Yes/No

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Data produced by Revenues and Benefits in relation to current charges for non-residential services.

Internal consultation (e.g. with staff, trade unions and any other services affected).

Staff from a number of Council services including AHSCP, finance, revenues and benefits, I.T, legal and planning have been consulted and involved in the preparation of the proposals in this report via the Charging Group.

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

COSLA National Strategy and Guidance on Charges Applying to Social Care Support - https://www.cosla.gov.uk/data/assets/pdf_file/0011/32033/COSLA-Social-Care-Charging-Guidance-2022-23.pdf

External consultation (e.g. partner organisations, national organisations, community groups, other councils).

N/A

Other (general information as appropriate).

N/A

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact – potentially negative. This change will impact a small number of service users who are below pension age and who have capital and savings within the stated thresholds. Impacted service users will be subject to financial assessment to determine their ability to pay these fees. Care and support will not be impacted for those who are assessed as being unable to pay these fees

Disability

Impact – potentially negative. This change will impact a small number of service users who are below pension age and who have capital and savings within the stated thresholds. Impacted service users will be subject to financial assessment to determine their ability to pay these fees. Care and support will not be impacted for those who are assessed as being unable to pay these fees

Gender reassignment

Impact – N/A

Marriage and Civil Partnership

Impact – N/A

Pregnancy/Maternity

Impact – N/A

Race - (includes Gypsy Travellers)

Impact – N/A

Religion or Belief

Impact N/A

Sex

Impact N/A

Sexual orientation

Impact – N/A

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

Consultation has not taken place as this change is to move Angus Council in line with existing COSLA guidance. Consultation will take place with any impacted service users prior to the change being implemented. This change only impacts those with capital and savings over the COSLA thresholds. Support and information will be provided prior to the change being implemented. Impacted service users will be subject to financial assessment to determine their ability to pay these fees. Care and support will not be impacted for those who are assessed as being unable to pay these fees.

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

Impacted service users will be subject to financial assessment to determine their ability to pay these fees. Care and support will not be impacted for those who are assessed as being unable to pay these fees.

Step 10: If a potentially negative impact has been identified, please state below the justification.

Reflecting national COSLA guidance in relation to charging for non-residential services.

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

N/A – Reflecting national COSLA guidance in relation to charging for non-residential services.

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

No

Step 13: FAIRER SCOTLAND DUTY

*This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.*

Links to data sources, information etc which you may find useful are in the Guidance.

N/A – this is not a new strategy this is an update to current fees been driven by national COSLA guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from Covid-19.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport)).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

The EIA in relation to the Contributions Policy will be reviewed and updated following any future changes.

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

As part of the committee report.

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

Prepared by: Morgan Low, Strategy and Improvement Manager, AHSCP. January 2023

Reviewed by: Sheila McGrady, Team Leader, Finance, February 2023

Approved by: Eunice McLennan, Head of Service, AHSCP, February 2023

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.
