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# Your views on changes to Adult Social Care Charging Policy – Charging an arrangement fee for people who self-fund their social care

## Overview

The Council faces difficult decisions to deliver on its ambitions for the people of Norfolk against a difficult economic climate and more than a decade of reduced funding. Each year, the Council reviews its budget and proposes the savings it will need to make for the following year to balance its budget.

We conducted our annual budget and council tax consultation for 2024/25 between October and December 2023. However, the Government’s autumn statement and provisional funding settlement, which followed our budget consultation, set out a worse funding position for local authorities than had previously been anticipated. As a result, the Council is £4m worse off than it had expected to be.

For 2024/25 the Council has proposed £41.5m of new savings which may require further consultation. This is one of those consultations. The Council is doing its best to protect key services, but faced with rising costs, rising demand and under-funding, it must make difficult decisions to balance the books.

In this consultation we are asking for your views on our proposal to charge an arrangement fee to people who self-fund their social care for sourcing, contracting and invoicing on their behalf where we have a duty to meet that person’s needs.

The proposed change would bring the council in line with many other authorities who apply the guidance in the Care Act 2014 and charge an arrangement fee to self-funders and would affect self-funders above the age of 18.

The council is proposing this in order to manage its finances, following a lower-than-expected settlement from the government. It is also struggling to meet growing demand, greater complexity of need and growing costs brought about by both inflation and the increase in the National Living Wage.

This will mean that people who self-fund their care where we have a duty to arrange their care will be charged an arrangement fee.

We are also consulting on proposals to change our Adult Social Care non-residential care charging policy, and this can be viewed on our consultation platform. [https://norfolk.citizenspace.com/health/non-residential-care-charging-policy/](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnorfolk.citizenspace.com%2Fhealth%2Fnon-residential-care-charging-policy%2F&data=05%7C02%7Csamantha.brown%40norfolk.gov.uk%7C765b754fc3e84b898ae808dc3142f9db%7C1419177e57e04f0faff0fd61b549d10e%7C0%7C0%7C638439410924198266%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=vLEYiE6k53hqu2O5Yiw3n52yQL3oXmbXceNV9mrmFqg%3D&reserved=0)

## Why we are consulting

We want to find out what people think about our proposal to charge an arrangement fee for people who self-fund their social care

We are consulting through:

- The online consultation, which is also available as a paper copy

- Email /Letter to key stakeholders and partners

- Email /Letter to service users

- Meetings with service users

**We are consulting from 19 February to 17 May 2024.** Please note that if we receive any consultation responses after this date, we cannot guarantee that we will be able to take them into account.

We will feed back the findings from our consultation to our county councillors as part of the evidence they will use to help them come to a decision about our proposals.

**If you need a copy of this consultation document in a different format, please email** [**haveyoursay@norfolk.gov.uk**](mailto:haveyoursay@norfolk.gov.uk)**, call 0344 800 8020 or Text Relay on 18001 0344 800 8020 (textphone) and we will do our best to help.**

The consultation should take about 10-15 minutes to complete.

The questions start on page 10 of this document.

## Personal information, confidentiality and data protection

We will use any personal information to understand how different groups of people feel about our savings proposals.

We will process any personal information we receive from you in line with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), the Data Protection Act 2018 and Norfolk County Council’s data protection policy and guidelines. This means that Norfolk County Council will hold your personal data and only use it for the purpose for which it was collected, being this consultation. [You can find a copy of our privacy statement on the Norfolk County Council website.[[1]](#footnote-2)](https://www.norfolk.gov.uk/privacy)

We will not identify individuals when reporting back our findings and under our record management policy we will keep this information for five years. We will also, under normal circumstances, not pass your personal data on to anyone else. However, we may be asked under access to information laws to publish or disclose some, or all, of the information you provide in response to this consultation. We will only do this where such disclosure will comply with such relevant information laws which include the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004.

You can choose not to take part in the consultation, to stop responding at any time, or to ignore any personal questions that you do not want to answer.

## Introduction

Norfolk County Council is committed to making Norfolk a county where businesses, organisations and communities continue to thrive together. [Our Better Together, For Norfolk strategy](https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/corporate/council-vision-and-strategy)[[2]](#footnote-3) sets out our ambitions to be one of the highest performing counties in the country, overseeing economic growth, creating jobs and opportunities for the people of Norfolk, while maintaining and cherishing our environment, countryside, and heritage.

However, we, like other upper tier local authorities, continue to face very significant pressures arising from rising costs driven by inflation, growth in demand and the National Living Wage.

Although the Council’s budget increases each year with Council Tax, it is not enough to meet growing needs and costs.

The October 2023 Cabinet meeting considered 2024-25 savings proposals totalling £26.5 million. [The 2023 Cabinet meeting minutes are available on the Norfolk County Council website.](https://norfolkcc.cmis.uk.com/norfolkcc/CalendarofMeetings/tabid/128/ctl/ViewMeetingPublic/mid/496/Meeting/2053/Committee/169/SelectedTab/Documents/Default.aspx)[[3]](#footnote-4) They make a significant contribution towards our target of £41.5 million and will help the council to continue to deliver the key services for Norfolk’s residents, while balancing the books.

It is in these difficult times that the County Council cannot afford any complacency and, working with its partners, we consider how best to deploy our own limited resources to support the most vulnerable people and communities, whilst continuing to provide wider public services.

In this consultation we are proposing to charge an arrangement fee to people who self-fund their social care.

We want to hear your views on our proposals to help our elected councillors make the right, even tough decisions, in agreeing a robust and sustainable budget for the year ahead.

## Our current service

Adult Social Services provides mainly statutory services to people in Norfolk with eligible care needs. As these services must be provided by law, we need to look at all options available to us to ensure we can afford to keep supporting everyone who needs care.

One area we have reviewed again is our charging policy. The policy sets out the way that we work out how much, if anything, to charge people for their care. We made changes to this before and following a legal challenge we had to reverse some of the changes. Because of the pandemic we did not fully implement some of the changes, and therefore we have looked again at this.

We currently provide adult social care services to over 13,000 people. These services include things like:

* help at home,
* getting meals,
* support with activities such as going on trips,
* residential care
* help with education, and
* going to a day centre.

We can charge people for these services following a financial assessment to see how much, if anything, they can afford to pay.

In the financial assessment if the person has more than £23,250 in capital or savings, they are known as a “Self-funder”, and they will be liable to pay for the full cost of their care. More information on self-funding care can be found [here.](https://www.norfolk.gov.uk/care-support-and-health/how-adult-social-care-works/paying-for-care/if-you-pay-for-your-own-care)[[4]](#footnote-5)

The way we carry out a financial assessment is set out in Norfolk County Council's [Non-Residential and Residential Care Charging Policies](https://www.norfolk.gov.uk/care-support-and-health/how-adult-social-care-works/paying-for-care/care-charges-and-charging-policies)[[5]](#footnote-6)

At the moment, Norfolk County Council currently commissions services for 1521 self-funders of those 680 are in non-residential care (they live in their own home) and 841 are in residential care (they live in a care home).

We do not currently charge an arrangement fee for sourcing and contracting care for people that self-fund their adult social care.

## Our proposal

We propose to introduce an arrangement fee for people who self-fund their social care in line with Care Act 2014 guidance which is outlined below:

***Care Act 2014***

*5. The Care and Support Statutory guidance which accompanies the Care Act says:*

*“8.15 The legal framework for charging is set out in Sections 14 and 17 of the Care Act. When choosing to charge, a local authority must not charge more than the cost that it incurs in meeting the assessed needs of the person. It also cannot recover any administration fee relating to arranging that care and support. The only exception is in the case of a person with eligible needs and assets above the upper capital limit who has asked the local authority to arrange their care and support on their behalf.….”*

*“8.59 Arrangement fees charged by local authorities must cover only the costs that the local authorities actually incur in arranging care. Arrangement fees should take account of the cost of negotiating and/or managing the contract with a provider and cover any administration costs incurred….”*

*“8.60 Local authorities must not charge people for a financial assessment, a needs assessment or the preparation of a care and support plan.*

[The Care Act](https://assets.publishing.service.gov.uk/media/5a7dcf2aed915d2ac884dafa/Care-Act-Guidance.pdf)[[6]](#footnote-7) is clear in that it means that people using non-residential services can ask Norfolk County Council (NCC) to arrange their care on their behalf and we have a duty to do so when asked, regardless of funding status. The Non-Residential charging policy states ‘Where the person has more than £23,250 and they ask NCC to arrange the care and support, we may apply an administration fee to cover our costs’. We do not currently charge an arrangement fee.

The Residential charging policy does not currently refer to our ability to charge self-funders for arranging their care. We have a duty to arrange residential care for people who lack capacity, have no access to their funds or require a deferred payment arrangement (DPS) where they (loan) the money against the value of their home. If we choose to arrange residential care services on behalf of self-funders for reasons not outlined, we are unable to charge any administration fee.

We are now proposing this change which would mean applying a flat upfront set-up fee of:

**£20.45 plus VAT for sourcing only**

**£65.91 plus VAT for sourcing and contracting\***

\*This charge would be applied each time the client was to request a change of provider/placement.

**Ongoing charges will be seen on the four weekly invoices issued for care at a 24/25 rate of £10.09 plus VAT equalling (£131.20 plus VAT annually)**

These charges will be reviewed annually to ensure that NCC charges the amount it costs to deliver the service. By introducing these charges, this would provide an estimated £200k a year in additional income for Norfolk County Council.

This will only affect individuals that self-fund their care – a self-funder is someone who has more than £23,250 in savings and/or capital assets.

The sourcing and contracting charges proposed will not be applied retrospectively to existing clients, however the four weekly invoicing costs would be applied from the date of decision by Cabinet – should the proposals go ahead. If there is a change in service moving forward such as a move from non-residential to residential or a change in provider, then the sourcing and contracting fee would apply.

## Who would be affected by our proposal and how

There are currently 680 non-residential self-funders who we arrange care for. As NCC has a duty to arrange their care if they ask us to do so, they would all be affected by this proposed change given they would be charged for sourcing their care and organising a contract to ensure it is delivered.

There are currently 841 people who are assessed as self-funding in residential care whom we arrange care for, and it is predicted that 655 of these will be arranged under our duty and these people will also be affected.

If our proposal went ahead, we would look at all self-funders and we would offer to carry out a full financial assessment for them. We would look at all the money they have coming in, how much they spend and if there are any benefits, they might be entitled to that they are not already claiming.

If, in the future, people’s financial circumstances change they can contact us and ask us to review the amount they have to pay for their care.

Below there are some examples of how different people could be affected.

**Susan** has savings in her bank of £50,000 and has requested support from NCC to help her source a residential placement. We would contact providers and provide Susan details on the placements so she can choose one.

Susan will be charged an arrangement fee at £20.45 plus VAT\*

**Ben’s** savings in his bank are less than £14,250 however Ben owns a property and would like NCC to contract a residential placement and to enter into a Deferred Payment Agreement (DPA’s attract separate fees) with NCC against his property. This means the cost of the care will be met when the property is sold.

Ben will be charged an arrangement fee of: Sourcing and contracting placement fee at £65.91 plus VAT\*

4-weekly ongoing cost of £10.09 plus VAT

**Brenda** has savings in her bank account of £45,000. Brenda has asked NCC to source and contract her care services at home.

Brenda will be charged the following:

Sourcing and contracting placement £65.91 plus VAT\*

4-weekly ongoing costs of £10.09 plus VAT

\*Where multiple services are required, the charge will apply for each service.

## Our proposal to charge an arrangement fee for people who self-fund their social care.

## Questions

1. **How often do you receive a service from Norfolk County Council Adult Social Services?** Please choose **one** answer only from the list below:

Daily

Weekly

Monthly

A few times a year

Hardly ever

Never

Q2. Will the proposal directly affect you? A self-funder is someone who has more than £23,250 in savings and/or capital.

Yes

No

Q3. **How far would you agree or disagree with our proposal to charge an arrangement fee for people who self-fund their social care?** Please choose **one** answer only from the list below:

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

Don’t know

Q4. Please tell us more about why you chose that answer and whether you have any other comments on the proposals, using the box below:

Please write your comments here:

## How we will make our decision and report back to you

We will take a report about the findings of this consultation to cabinet this summer.

Our county councillors will consider the consultation responses we receive very carefully. In particular, they will take into account:

* The impact of any proposal on individuals, groups, or communities and in particular on people identified as having 'protected characteristics' under the Equality Act 2010. The protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. As well as this equality impact assessment, councillors will consider the impact of proposals on rural areas
* The views of people and stakeholders consulted
* The evidence of need and what is proven to work effectively and well
* The financial and legal positions and any constraints at the time
* Any potential alternative options, models, or ideas for making the savings.

# About you

To make sure we are learning from a wide range of people – we would like to ask some questions about you. These are optional questions (so you may choose not to give this information), but this information is helpful to understand who is responding to our consultations.

1. **Are you responding as...?** Please choose **one** answer only from the list below:

An individual / member of the public

On behalf of a voluntary or community group

On behalf of a statutory organisation

On behalf of a business

A Norfolk County Councillor

A district or borough councillor

A town or parish councillor

A Norfolk County Council employee

If you are responding on behalf of another organisation, what is the name of the organisation, group, or business?

Please write your answer here:

1. **How did you hear about this consultation?** Please choose **one** answer only from the list below:

Local media (e.g., newspaper, radio)

From a social media post (e.g., Facebook)

From a friend

From a group I belong to

From my place of work or education

The Norfolk Residents' Panel

District council web page

Norfolk County Council web page

My parish council

From an email I received

By post

1. **Are you...?** Please choose **one** answer only from the list below:

Male

Female

Prefer not to say

Prefer to self-describe (please specify below)

If you prefer to self-describe, please specify here:

1. **How old are you?** Please choose **one** answer only from the list below*:*

Under 18

18-24

25-34

35-44

45-54

55-64

65-74

75-84

85+

Prefer not to say

1. **Do you have any long-term illness, disability or health problem that limits your daily activities or the work you can do?** Please choose **one** answer only from the list below:

Yes

No

Prefer not to say

1. **If yes which of the following best describes your condition or disability?**

Please select **all** answers that apply:

Blind or partially sighted

Deaf or hard of hearing

Limiting health condition *e.g. heart disease, asthma, stroke, osteoarthritis, Rheumatoid arthritis, fibromyalgia and magic encephalomyelitis (ME)*

Learning Disabilities

Neurodiversity *e.g. autistic spectrum disorders, dyslexia, dyspraxia*

Mental health conditions e.*g. depression, schizophrenia, bipolar affective disorders, eating disorders, obsessive compulsive disorder*

Physical disability *e.g. limb disorder, amputee, wheelchair user, cerebral palsy, motor neurone disease, muscular dystrophy*

If you have another type of disability not listed above, please write here:

Prefer not to say

1. **How would you describe your ethnic background?** Please choose **one** answer only from the list below:

**Asian or Asian British**

Asian British

Indian

Pakistani

Bangladeshi

Chinese

Any other Asian background, please describe here:

**Black, Black British, Caribbean, or African**

Black British

Caribbean

African

Any other Black, Black British, or Caribbean background, please describe here:

**Mixed or multiple ethnic groups**

White and Black Caribbean

White and Black African

White and Asian

Any other mixed or multiple groups, please describe here:

**White**

English, Welsh, Scottish, Northern Irish or British Irish

Gypsy or Irish Traveller

Roma

Other White background, please describe here:

**Another ethnic group**

Arab

Any other ethnic group please describe here:

Prefer not to say

1. **Which district/borough/city do you live in?** Please choose **one** answer only from the list below:

Breckland

Broadland

Great Yarmouth

Kings Lynn and West Norfolk

North Norfolk

Norwich

South Norfolk

1. **Do you have caring responsibilities?** Please choose **one** answer only from the list below*:*

No

Yes – for children with additional needs

Yes – for older family members/ Adults

Yes - Parent Carer

Yes – for a disabled adult(s)

Yes, other. Please write here:

1. **Which of the following best describes you?** Please choose **one** answer only from the list below:

Employed (full time)

Employed (part time)

Self-employed

Unemployed

Student

Looking after the family home

Long term sick

Retired

1. **What is your first language?**

English

Other, please write here:

**Your opinions are valuable to us. Thank you for taking the time to read this and respond.**

**You can fill in our online feedback form at:** [www.norfolk.gov.uk/savingsproposals](http://www.norfolk.gov.uk/savingsproposals)

**You can email return your feedback form to:** [haveyoursay@norfolk.gov.uk](mailto:haveyoursay@norfolk.gov.uk)

**You can send back a paper feedback form to:**

Adult Social Care Charging Policy Consultation 2024/25

Freepost Plus RTCL-XSTT-JZSK, Norfolk County Council, Ground floor - south wing, County Hall, Martineau Lane, Norwich NR1 2DH.

However, if you want to help the council save money, please use a stamp and send to this address: Stakeholder and Consultation Team, Norfolk County Council, Ground floor - south wing, County Hall, Martineau Lane, NR1 2DH.

You may wish to keep a copy of your response to our consultation for your own records.

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1. https://www.norfolk.gov.uk/privacy [↑](#footnote-ref-2)
2. https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/corporate/council-vision-and-strategy [↑](#footnote-ref-3)
3. https://norfolkcc.cmis.uk.com/norfolkcc/CalendarofMeetings/tabid/128/ctl/ViewMeetingPublic/mid/496/Meeting/2053/Committee/169/SelectedTab/Documents/Default.aspx [↑](#footnote-ref-4)
4. https://www.norfolk.gov.uk/care-support-and-health/how-adult-social-care-works/paying-for-care/if-you-pay-for-your-own-care [↑](#footnote-ref-5)
5. https://www.norfolk.gov.uk/care-support-and-health/how-adult-social-care-works/paying-for-care/care-charges-and-charging-policies [↑](#footnote-ref-6)
6. https://assets.publishing.service.gov.uk/media/5a7dcf2aed915d2ac884dafa/Care-Act-Guidance.pdf [↑](#footnote-ref-7)