



Norfolk County Council

Your views on our proposal to change our Adult Social Care charging policy

Overview

Norfolk County Council helps make the county better for everyone who lives or works here or travels to Norfolk. The many services we run include ensuring children and young people have the best start in life, providing the fire and rescue service, protecting vulnerable people, maintaining a safe road system and helping improve the economy. We spend over a billion pounds every year providing public services.

The use of our services, particularly by those becoming older, is growing every year. Demand is rising but the amount of money we receive from central government is declining; we now receive £204 million less each year, compared to 2011/12, and this is also expected to fall to zero by 2020/21.

We have developed a financial strategy to overcome these challenges through these principles:

- Offering our help early to prevent and reduce demand for specialist services
- Joining up our work so that similar activities and services are easily accessible, done well and done once
- Being business-like and making the best use of digital technology to ensure value for money
- Using evidence and data to target our work where it can make the most difference.

Since 2011/12 we have saved the best part of £364 million, including £246 million of efficiency savings. We are proposing to save £79 million, including new saving proposals for 2019/20 to 2021/22, over the next three years and we are also identifying ways of bridging a remaining gap of £45.98 million.

Even though we are proposing to increase council tax next year, by the minimum required to put our finances on a sound footing, the amount of money we hope to raise wouldn't be enough to balance our budget.

This means we must continue to make some difficult decisions about how we spend your money.

The council has therefore been looking at how we can save money on all our services, including adult social services.

We currently spend around £1m each day on adult social services. However, the demands on adult social care continue to change so even with the investment we are making in services, we still have savings to find if we are to continue to meet people's care needs.

Our charging policy sets out our approach to charging people for their non-residential care. These are services that help meet people's social care needs in the community.

We want your views on our proposal to change our charging policy which are about how we work out how much people have to pay towards their non-residential care. If our proposal went ahead it would affect how much we ask people to pay.

There are two parts to our proposal:

1. We are proposing to use different rates of Minimum Income Guarantee (MIG)
2. We are proposing to take the enhanced rate of the daily living component of the Personal Independent Payment (PIP) into account

If both parts of our proposal went ahead we could make a saving of up to £5 million a year.

However, we are proposing to invest up to £1 million in more support to help people find jobs and in more financial advice and guidance.

And, depending on the outcome of the consultation, we would need to decide what changes, if any, we would make and when to make them. The way we carry out any changes might affect how much we would save.

This means that when planning our budget for 2019/20 and 2020/21 we have only included a saving of £3 million.

Why we are consulting

We want to find out what people think about our proposal and how it would affect them if it went ahead. Your views will help us to decide if we should change our charging policy. We are also interested to find out what help and support people would need if our proposal went ahead.

We are consulting through:

- Individual letters to people we think might be directly affected by our proposal.
- This online consultation, which is also available as a paper copy.
- Engagement with Making It Real Norfolk.

We are consulting from 5 November 2018 to 23 December 2018. 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 proposal.

If you need a copy of this consultation document in a different format please email 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.

Personal information, confidentiality and data protection

We will use any personal information to understand how different groups of people feel about our proposal to change our Adult Social Care charging policy.

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 at <https://www.norfolk.gov.uk/privacy>

We won't 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.

Background information

Many of the services that Adult Social Services provide are statutory services which means that we must provide these by law and have little choice about how to provide them. This makes it difficult for Adult Social Services to save money.

One area we can look at is our charging policy – the way that we work out how much, if anything, to charge people for their non-residential care. We have therefore been reviewing our charging policy to see if it is possible to make savings there.

We currently provide chargeable non-residential adult social care services to around 7,900 people. Non-residential services help meet people's social care needs in the community. These services include things like:

- help at home,
- getting meals,
- support with activities such as going on trips,
- 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.

At the moment, most people who receive non-residential care services (around 3,450 people) don't have to make any financial contribution to their care. Around 500 people pay the full cost of their care as this is less than the maximum weekly amount that would we ask them to pay. This leaves around 3,950 people who contribute something towards their care.

The way we carry out a financial assessment is set out in Norfolk County Council's Non-Residential Care Charging Policy <https://www.norfolk.gov.uk/-/media/norfolk/downloads/care-support-and-health/will-you-have-you-pay-for-your-care/non-residential-charging-policy-april-2018.pdf?la=en&hash=0C416F000F5A06A4E6F511151F85FAE6C164E480> which complies with the Care Act 2014 and the Care and Support (Charging and Assessment of Resources) Regulations 2014. In the financial assessment we see how much income people have coming in. We then consider people's costs for expenses such as housing costs, day-to-day living expenses and disability related expenses. We also check to see if people are claiming all the benefits that they are entitled to.

You may remember us consulting on changes to our charging policy before. In January 2017 we proposed changing the amount we automatically allowed for disability related expenses from a standard rate of £15 a week to £7.50 a week. After a consultation the council agreed to make this change. In October 2017 we proposed changes to the way we worked out people's disability related expenses. After a consultation the council agreed to take the actual amount that people spend on disability related expenses into account, rather than applying a standard rate to everyone. The proposal we are consulting on now is about a different part of our charging policy.

What happens now

We carry out an assessment to see what people's care needs are. If the assessment identifies that someone needs help we will then carry out a financial assessment to see what people can afford to pay towards their care. The financial assessment looks at how much money people have coming in, as well as their expenses.

Under the Care Act 2014, the government says that we must make sure that people are left with a certain amount of money to live on to pay for things like food and bills. This is called the **Minimum Income Guarantee (MIG)**. The government sets out different rates of MIG for councils to use when carrying out a financial assessment. These rates depend on people's ages and circumstances.

The government says that when charging people for their care the council can't reduce people's income below the MIG. The government also says that councils can allow people to keep more of their income, and this is what currently happens in Norfolk. The council uses a MIG of £189.00 a week for all age groups, which is above the government rates for people aged 18 to 64.

The government also sets out what we can count as 'income' when working out how much people can afford to pay. Personal Independence Payment (PIP) is a benefit that helps people with the extra costs of a long-term health condition or disability for people aged 16 to 64. Some people can receive PIP up to the age of 70, depending on when they begin to claim it. PIP is gradually replacing Disability Living Allowance (DLA). From April 2013 all new claimants receive PIP.

The PIP is made up of two parts:

- The **mobility component** might be paid if you need help getting about.
- The **daily living component** might be paid if you need help with carrying out everyday activities, such as washing and dressing.

Each component can be paid at either a standard or an enhanced rate.

Depending on how your condition affects you, it's possible to get one component or both, and either the standard or the enhanced rate.

The current PIP rates are:

Daily living component

Standard rate: £57.30

Enhanced rate: £85.60

Mobility component.

Standard rate: £22.65

Enhanced rate: £59.75

When working out how much people receiving PIP have to pay towards their care:

- We don't take the mobility component into account
- We treat the standard rate of daily living component as income
- If people receive the enhanced rate of the daily living component we only take the extra £28.30 they receive on top of the standard rate as income if they receive a night-time service from us.

You can find out more about what the council can and can't take into account when working out how much people can afford to pay at <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance - charging-and-financial-assessment>

Here is an example of how we currently take MIG and PIP into account

Jim is 40 years old and lives alone in his own house. He pays £39.85 per week towards the £200 per week cost of his care services. The balance of £160.15 is paid by Norfolk County Council

Money Jim has coming in each week

- Employment Support Allowance £191.45
- PIP daily living enhanced rate £85.60
- PIP mobility £59.75

Jim's total income: £336.80 per week

Money Jim spends that relates to his disability (known as disability related expenses)

Jim has a community alarm which costs £4.90 each week, cleaning £10.00 and a gardener £5.00. We need to make sure Jim has £19.90 per week to pay for these expenses

Money Jim needs for food and bills

The government says that Jim must be left with a minimum amount from his income for living expenses and this is called the Minimum Income Guarantee (MIG). We currently allow everyone a MIG of £189 a week. Jim's MIG is £189.00 a week.

Because of his social care assessment, Jim's care services cost £200 per week. We work out the amount Jim should pay towards his £200 cost of care as follows:

Jim's income	What Jim can keep	How much Jim has to pay towards his care
Employment Support Allowance £191.45	PIP mobility £59.75	
PIP daily living enhanced rate £85.60	Part of PIP daily living enhanced rate £28.30	
PIP mobility enhanced rate £59.75	Money to pay for his disability related expenses £19.90	
	MIG £189.00	
336.80 -	£296.95 =	£39.85

This means that Jim's charge is £39.85 per week. The remainder of the £200 cost of Jim's services of £160.15 is paid by Norfolk County Council. Jim is left with £296.95 per week.

What we're proposing to change

We have looked at our charging policy and at the government rates.

We have also looked at other councils' charging policies to see what they do about the MIG and the PIP. All councils do something different. Cambridgeshire, Lincolnshire and Suffolk all use a MIG that is more in line with government rates. When it comes to the PIP, Suffolk currently takes the enhanced rate into account.

We are proposing to make two changes to our charging policy.

1. We are proposing to use different rates of MIG

Until now, we have used a higher rate for people aged 18 – 64. Other councils have already changed to the government's rates. However, because Adult Social Services needs to save money we are now proposing to change our rates too.

At the moment, the council has only one rate for the MIG which it uses for everyone. This is £189 a week. However, the government says that there can be different rates for people of different ages. In simple terms, we are proposing to use the following rates:

- **18 - 24 years old - £132.45 a week**
- **25 - 64 years old - £151.45 a week**
- **65 years old - £189 a week**

The different rates of MIG include:

18 - 24 years old - £132.45 a week

This includes:

Personal allowances	£72.40
Disability Premium	£40.35
Enhanced Disability Premium	£19.70
TOTAL:	£132.45

25 - 64 years old - £151.45 a week

This includes:

Personal allowances	£91.40
Disability Premium	£40.35
Enhanced Disability Premium	£19.70
TOTAL:	£151.45

We are **not** proposing to change the MIG for people who have reached pension credit age. This would remain at £189 a week.

Rates also vary depending on whether people are single, in a couple or have children.

You can read the government rates for the minimum income guarantee at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677736/Local_authority_circular_-_charging_for_care_and_support_LAC_DHSC_2018_1.pdf

2. We are proposing to take the enhanced rate of the daily living component of PIP into account

The government also sets out what we can count as 'income' when working out how much people can afford to pay. Currently we don't always treat the enhanced rate of daily living component of people's **Personal Independence Payment (PIP)** as income but the government says that we can.

Who would be affected by our proposal and how

In the information that follows we have described the fullest impact on the financial contribution people might have to make towards their care. We know that our proposal might affect people in different ways. However, please remember that at this stage this is just a proposal. One of the reasons we are consulting is that we want people to tell us about any issues with our proposal and how they might be affected. We want to fully understand the impact our proposal would have on people.

Depending on people's financial circumstances they could be affected by the proposed change to MIG, the proposed change of approach to PIP or to both.

The amount that people would have to pay would depend on their income, expenses and the amount of disability related expenses they have.

Based on the current information we have about people's benefits and charges, we think:

- Around 4,100 people would not be affected by this change
- Around 1,000 people would continue to pay nothing towards their care because their income would remain below the amount of income we would take into account
- Around 400 people would continue to pay the same amount
- Around 1,400 people might have to start paying for their care for the first time
- Around 1,000 people might have to pay more for their care
- People who are affected might have to pay between £1.45 and £87.01 a week more for their care, depending on their financial circumstances. The amount that we would ask people to pay would also depend on whether we made all the changes at once, or whether we decided to phase the changes so that they came in gradually.

Our proposal affects people who receive non-residential adult social care services where Norfolk County Council pays the care providers directly. They also affect people who receive direct payments to buy their own services.

The proposal affects people who live in their own home and in the community including housing with care and supported living. It does not affect people who live in residential or nursing care.

It would affect people with a care need, including disabled people, people with learning disabilities, people with mental health problems and those affected by substance misuse.

The proposal only affects people over the age of 65 if they claimed PIP before they became 65 and still receive it.

Many people who receive non-residential care would not be affected by our proposal as their income would still be below the minimum amount for living expenses that we have to consider.

People with savings over £23,250 would still need to pay the full cost of their care.

People affected by the proposed change to how we take PIP into account would **not** have to have another Department of Work and Pensions PIP interview.

If people receive a direct payment to purchase their own non-residential care they might have to change the amount they contribute to their personal direct payments account.

If our proposal went ahead we would have to work out how much to ask people to pay towards their care costs.

When we write to people about any changes 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.

On the next three pages there are some examples of how different people could be affected.

Susan - an example of someone who would see no change

Susan

Susan is 24 years old.

She gets Universal Credit.

She doesn't get the PIP daily living enhanced rate.

Susan's care costs £250 a week.

At the moment Susan doesn't pay anything for her care.

If our proposal went ahead, Susan would still have to pay nothing towards her care. That's because Susan will continue to have less money coming in than the amount that she is allowed to keep.

What happens now		What could happen	
Money in	£391.73	Money in	£391.73
Minus	- £462.23	Minus	- £405.68
This is made up of:		This is made up of:	
Benefits Susan can keep	£253.23	Benefits Susan can keep	£253.23
Disability related expenses	£20.00	Disability related expenses	£20.00
MIG	£189.00	MIG	£132.45
= Equals	- £70.50	= Equals	-£13.95
Susan has to pay	£0.00	Susan would have to pay	£0.00

David – an example of someone who might have to pay for the first time

David

David is 35 years old.

He gets the enhanced rate of daily living PIP.

David's care costs £100 a week.

David doesn't pay anything for his care. This is because he has less money coming in than the amount he is allowed to keep.

If our proposal went ahead, David would start to pay towards his care.

David would have to pay £33.65 a week. That's because he would have more money coming in than the amount that he is allowed to keep.

What happens now		What could happen	
Money in	£336.80	Money in	£336.80
Minus	- £369.05	Minus	- £303.15
This is made up of:		This is made up of:	
Benefits David can keep	£138.05	Benefits David can keep	£109.75
Disability related expenses	£42.00	Disability related expenses	£42.00
MIG	£189.00	MIG	£151.40
= Equals	- £32.25	= Equals	£33.65
David has to pay	£0.00	David would have to pay	£33.65

Jim - an example of someone who might have to pay more

Jim

Jim is 40 years old.

He gets the enhanced rate of daily living PIP.

Jim's care costs £200 a week.

Jim pays £39.85 a week for his care.

If our proposal went ahead, Jim would have to pay £105.75 a week for his care. That's £65.90 a week more.

What happens now		What could happen	
Money in	£336.80	Money in	£336.80
Minus	- £296.95	Minus	- £231.05
This is made up of:		This is made up of:	
Benefits Jim can keep	£88.05	Benefits Jim can keep	£59.75
Disability related expenses	£19.90	Disability related expenses	£19.90
MIG	£189.00	MIG	£151.40
= Equals	£39.85	= Equals	£105.75
Jim has to pay	£39.85	Jim would have to pay	£105.75

More information to help inform your views

Depending on the outcome of this consultation, we are proposing to invest up to £1 million in more support to help people find jobs and on financial advice and guidance. In Norfolk, we have relatively fewer people with disabilities who have jobs or take part in other meaningful activities compared to other similar areas. We want to strengthen the services we provide to help people regain and gain skills and learning.

We will only know your concerns and the full impact of our proposals on you personally if you tell us. We want to engage with you so that the council can have as much information as possible, and in turn, take an informed decision on whether to go forward with the proposal as it is. The information you provide may also affect when and how the council may make any changes it ultimately chooses to make. Your views will help us to consider how we might reduce the impact of any change.

As well as hearing from people directly through this consultation we are talking to groups of people who use our services and organisations who represent them.

We will take the feedback from the consultation into account when making a final decision about if, how and when we make any changes.

Under this proposal some people will have to pay more towards their care. However, because of the government's MIG we can be sure that everyone will still receive a guaranteed income to live on.

The council would continue to encourage and support people to tell us about their disability related expenses. We can reduce the amount we ask people to pay for the care by capturing the full amount of disability related expenses they have.

Support we could give people if our proposal went ahead

Helping people find work

Disabled people who are working can keep some of their earned income whilst still receiving some benefits. Having a job and gaining some extra income can change people's lives. A major part of the Department for Work and Pensions approach is to make sure that disabled people can work wherever possible.

At the moment we provide help and support to help people find work. This is through our MATCH Service which supports employment and training across Norfolk.

We also offer employment opportunities through our Libraries Employment Scheme and Apprenticeship Schemes. We work very closely with Department Work and Pensions Disability Advisors to explore every private sector training and employment option available for those who would like to find work or training.

If our proposals went ahead, we would invest some of the savings we would make in setting up better services to help people into employment. We would increase the support we give people to find work as we expand our employment services to help all of those using our service, where possible, to look for employment or training. We would work closely with our voluntary sector providers to support more employment and training schemes.

Help with managing money

Depending on the outcome of the consultation we could offer people a range of options to help them manage their money. For example, we could offer more help and support to people who are in debt.

We could also encourage more people aged 18-64 that receive Employment Support Allowance, Universal Credit, Income Support and Jobseekers Allowance to pay their care charges through a direct deduction from their benefits. This helps many people better manage their finances as they receive their benefits minus the amount that they pay for their care. This means that they do not have to worry about making arrangements to pay for their care bill.

Help and advice with claiming benefits

We would offer all working age people a full benefit check to make sure that they are claiming all that they are entitled to. This would involve looking at disability benefits and seeing if they could be claimed at a higher rate. Some people may be able to receive the mobility component of PIP but are not currently claiming for this.

When would the proposed change happen?

If any of the changes we propose go ahead we would not expect to make any changes to the amount people would need to pay for the care they receive until after 1 July 2019. That means we would plan to write to everyone in April 2019 to tell them what any changes mean for them. This means that people would not receive a bill in relation to the new charging policy until September 2019.

Your views on our proposal and the impact it might have

1. How far do you agree or disagree with our proposal to use different rates of Minimum Income Guarantee (MIG)? Please tick (✓) one answer only:

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know

Why do you say that? Please write in the box below:

2. How far do you agree or disagree with our proposal to take the enhanced rate of the daily living component of the Personal Independent Payment (PIP) into account? Please tick (✓) one answer only:

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know

Why do you say that? Please write in the box below:

- 3. If the council went ahead with these changes how, if at all, would it affect you?**
Please write in any ways you think the proposal might affect you in the box below:

- 4. If you would be affected by our proposal, what extra support, if any, would you need?** Please tick (✓) all that apply from the list below:

Help to find work

Help with claiming benefits

Help with managing my money

Other – please write in below:

5. Please select all that apply to you: Please tick (✓) all that apply from the list below:

I get care and support from the council

I care for someone who gets support from the council

My family or friends would be affected by this proposal

I work for an organisation that supports people who may be affected by this proposal

None of the above

About you

If you are filling this in for someone else, please answer the following questions from their point of view.

6. Are you responding as...? Please tick (✓) one answer only:

- An individual / member of the public
- A family
- 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

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

Please write your answer in the box:

8.

8. Are you...? Please tick (✓) one answer only:

- Male
- Female
- Prefer to self-describe (please specify below)
- Prefer not to say

If you prefer to self-describe please specify here:

9. How old are you? Please tick (✓) one answer only:

- | | | | |
|----------|--------------------------|-------------------|--------------------------|
| Under 18 | <input type="checkbox"/> | 55-64 | <input type="checkbox"/> |
| 18-24 | <input type="checkbox"/> | 65-74 | <input type="checkbox"/> |
| 25-34 | <input type="checkbox"/> | 75-84 | <input type="checkbox"/> |
| 35-44 | <input type="checkbox"/> | 85 or older | <input type="checkbox"/> |
| 45-54 | <input type="checkbox"/> | Prefer not to say | <input type="checkbox"/> |

10. Do you have any long-term illness, disability or health problem that limits your daily activities or the work you can do? Please tick (✓) one answer only:

- Yes
- No
- Prefer not to say

11. How would you describe your ethnic background? Please tick (✓) one answer only:

- White British
- White Irish
- White other
- Mixed / multiple ethnic group
- Asian or Asian British
- Black / African / Carribean / Black British
- Prefer not to say
- Other ethnic background - please describe below

12. What is your first language?

Please write your answer in the box:

13. What is the first part of your postcode? (e.g. NR4)

Please write your answer in the box:

How we will make our decision and report back to you

We will take a report about the findings to this consultation to our Adult Social Services Committee on 14 January 2019. The report will feed back what people have told us about the potential impact of our proposal. The feedback will also be reported at Full Council on 11 February 2019.

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.

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/budget

You can send back a paper feedback form to:

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.

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



If you need this document in large print, audio, Braille, alternative format or in a different language please email us at HaveYourSay@norfolk.gov.uk or contact Customer Services on 0344 800 8020 or Text Relay on 18001 0344 800 8020 (textphone) and we will do our best to help.

November 2018
