

Slough Borough Council

Subject:	Adult Social Care Fees and Charges
Lead Member:	Councillor Anna Wright, Lead Member for Adult Social Care
Chief Officer:	David Coleman-Groom, interim Executive Director-Adult Social Care
Contact Officer:	Anna Grainger – Senior Manager
Ward(s):	All
Key Decision:	Yes
Exempt:	No
Decision Subject to Call In:	Yes
Appendices:	Appendix One: Demand for Adult Social Care Appendix Two: Neighbouring Charges Appendix Three: Examples of Fees and Charges Appendix Four Equality Impact Assessment

1. Summary and Recommendations

1.1 This report outlines the reasons to consult on current fees and charges and implement some amendments to these charges or resident contributions within Adult Social Care. Following consultation, a final policy will be presented to Cabinet in April 2025, with an accompanying report outlining any changes arising.

Recommendations:

Cabinet is recommended to:

- a) Note the additional costs and pressures on Adult Social Care services over the last two years and the need to address these
- b) Agree consultation and evaluation on the impact of the changes proposed in this report led by a lead officer in Adult Social Care during February/March 2025.
- c) Agree that a further report will be brought back to Cabinet in April 2025 for a final decision on the proposals

Reason: The paper outlines the pressures on adult social budgets and details how Slough Borough Council is not in line with most neighbours regarding charges particularly to people who have over the savings threshold of £23,250 and pay for their own support (self-funded support) and with regards to the minimum income guarantee amount allowed.

Commissioner Review

Commissioners have reviewed this report and have no specific comments to add.

2. Report

2.1 Demand for Support:

During 2022/23 Slough Borough Council was providing support packages (e.g. homecare or a direct payment) to a total of 1,727 residents who are 18 and over. This has risen to 1,907 residents in 2023/24 from April to December 2024 with rises in costs of support and complexity of presenting issues.

There has been an 8% increase in total clients accessing long term support throughout the years between 2019/20 and 2023/24, which compares to a 2% increase across England and 4% across the Southeast, in the same period.' From 2022/23 to 2023/24; it is a 10% increase in Slough, with national increases of 3% and Southeast 1%.

Appendix One details the demand in more detail.

2.2 Options considered

- Do nothing – not sustainable in long run and would still leave Slough Borough Council out of step with most other local authorities against the national circular on charging.
- Consider changes to charges to ensure fair cost of recovering administrative costs and contributions for those who can afford to pay.

3 Proposals:

3.1 The overall number of people aged over 18 coming forward for assistance with support and the cost of support has increased. In common with most other councils, Slough is facing challenges in meeting the demand for support alongside general cost of living challenges. Therefore, the Council must ensure that those who are deemed as **able to afford to pay** are doing so and recover the costs of arranging support.

3.2 As part of the Council's aim to provide support to those most in need all the fees and charges made for adult social care have been reviewed. Slough charges less than other neighbouring boroughs or excludes elements of care packages from charging that other neighbours include. Given the financial constraints and the increasing demand faced by the Council it is necessary to review the current charges so that the council receives a fair cost for arranging these services.

In line with national guidance and with what most other Councils, particularly neighbouring areas, are doing there are several changes proposed within the council's annual budget setting process for 2025-26. See **Appendix Two** for Neighbouring Council's charges and processes.

Proposed Changes:

3.3 Minimum Income Guarantee and buffer:

The national charging guidance prescribes the minimum amount of income a person must be left with after paying for their care and support in the community. This amount is called the minimum income guarantee (MIG). Councils can allow people to keep more income

than this amount although increasingly councils are finding that they can no longer afford to do this.

Currently Slough applies the minimum income guarantee + 25% meaning people are left with a basic income plus a **25% buffer** over and above the minimum. See **Appendix Three** for an Explanation of Minimum Income 2023/24 levels. It is proposed that Slough now applies MIG as per the national guidance. The buffer is not a statutory requirement.

3.4 Full Cost Recovery:

Currently the Council arranges support and does not always receive the full cost of arranging this - which includes personnel time, invoicing, banking, and sometimes legal involvement. Moving to full cost recovery will not result in a profit but will enable the Council to recover its costs. In 2016 Cabinet agreed to charge people who are funding the full cost of their support £150 per annum. Advice is available from financial assessment team concerning available benefits, such as attendance allowance that might increase their income as part of any assessment also. This is not about raising profit but ensuring that the Council is receiving a fair amount for what it arranges and, in some cases, the full cost of arranging the support. The £150 does not cover the current cost of arranging support and it is proposed to increase this. Appendix **Three** gives some examples of what the council do in arranging and managing the support.

3.5 Deferred Payment and Interest:

A person may be deemed as able to pay for their support if they need a residential or nursing place and they own their own property or have substantial income. They can apply for a deferred payment loan whilst they sell their house. This is similar a loan that the Council grants to the person. The council can arrange a charge on their property and pay their care fees for them whilst the house sale goes through. This takes considerable time to set up and incurs legal costs, plus the council loses interest on this money. It is proposed that the amount paid to arrange this loan is increased and an annual fee charged to administer it. The interest and charges to arrange this will be reviewed six monthly in line with national and neighbouring guidance.

3.6 Deputyship and Appointee-ship.

The Council may arrange and charge for deputyship for people who lack the capacity to manage their own finances and have no one else to do this for them. The council may become appointee to receive someone's pension and administer it on their behalf. Arranging this incurs costs of legal support and time in arranging and administering the money. Currently the council does not charge for appointee-ship management. It is proposed that the Council charges a sliding fee for appointee-ship in future.

3.7 TABLE ONE: These proposals include the introduction of charges, or an increase in charge, to the following:

PROPOSAL	Estimated Impact	Estimated numbers
<p>Fees for appointee-ship services for residents as follows –</p> <p>Annual management fee payable on the anniversary of the appointment as Appointee:</p> <p>Net assets below £20,300 3.5 % (not exceeding £944) Net assets of £23,250 and above</p> <ul style="list-style-type: none"> • First year £982.00 • Second and subsequent years £824.00 <p>Annual property management fee to include work involved in preparing property for sale, instructing agents, conveyancers, etc. or the ongoing maintenance of property including payment of utility bills, management and letting of a rental property or properties where person is a tenant.</p> <p>An amount not exceeding £380.00</p>	Full cost recovery	Approx. 30 people on average at any one time.
<p>Full cost recovery for arranging care for people above the capital/savings threshold: A one off set up fee of £300 for residents who have their care arranged by the council and pay for it themselves (self-funders) and an annual ongoing fee of £250 if they continue to want the council to arrange this. A one-off fee of £300 for each time that the council assists in moving someone who self-funds to an alternative residential or nursing placement (not when due to safeguarding/risk)</p>	Full cost recovery	Approx: 80 who are currently self-funding
<p>Applying the national MIG rate this will remove the “buffer” on Minimum Income Guarantee as part of the financial assessment from its current 25% to 0% in line with national circular guidance. May bring some people into the charging bands and will affect the 508 people charged at the time of this paper being prepared and some of the 602 not currently charged. Initial impact appears to be that some people could be charged up to an additional £54 per week and half of the 602 others may now pay £10 where they did not pay before.</p>	£1.255m	Will affect everyone charged 508 people currently 602 not charged currently
<p>Increasing the Deferred Payment arrangement fee from £595 one off cost to £800 set up fee and £300 to cover additional officer hours to administer this annually.</p>	Full cost recovery	Usually around 12 with deferred payment

A six monthly review of charging and interest within the guidance limits to keep it in line with actual and inflationary costs whilst adhering to the charging guidance and minimising the impact on the most vulnerable.	Reflect costs and reflect impact on people.	All

3.8. Consultation on current proposals and future plan:

An online survey and consultation are proposed to run from February 18th to March 31st, 2025, inclusive. Information will also be provided in hubs and to the relevant voluntary sector/co-production groups and stakeholders. Paper copies of the survey will also be available on request and in accessible formats.

Implementation of proposals/revised proposals following consultation.

Implementation during April 2025 of some elements if agreed. Further consultation and revision if needed on others, including a review of impact on people with protected characteristics.

3.9 Impact on Stakeholders:

Residents will not have support reduced where need continues to present, and the fees are based on those **who are deemed as being able to afford to pay** doing so. People will be supported and encouraged to take up any benefits that they are entitled to.

Decreasing the MIG buffer could place additional hardship on people at a time of increasing financial hardship. This could be mitigated by the option of reviewing individual cases if needed to consider exceptional circumstances. See **Appendix Three** for the Minium Income Guarantee rates and what can be added to these.

3.10 People self-funding their support will assist in contributing where they are able, to cover the rate that the council determines in arranging their support. This rate will be reviewed on an annual basis and increases/decreases applied accordingly.

People may decide to cease the council arranging their support if they are self-funding this and consideration will be taken to establish whether this presents a risk to them, this would fall under safeguarding or risk considerations.

3.11 Carers – Need to ensure Carers have confidence in reassessment of need and are supported in their caring roles. Carer assessments would continue to be carried out and the carer premium is allowed within the calculations.

3.12 Budget Holders – Early review processes should result in ensuring support packages are the right ones to meet needs. There will be recompense for the administrative costs the tasks incur. There could be an increase in people not paying their contributions to social care and therefore the debt recovery process will also be reviewed to ensure that this is robust and fair.

3.13 Without falling in line with other areas Slough residents could find that the services on offer are depleted further putting vulnerable people at risk in years to come.

4. Implications of the Recommendations

4.1 Financial implications

The financial implications set out below are exemplifications of the proposals that will be reflected in the consultation. Once the consultation has been completed, then this will inform proposals to be included in a report to be presented to Cabinet for their consideration. The financial implication of those proposals will be considered including any mitigations identified in response to the Equality Impact Assessment.

The report outlines the impact of increasing demand on finances within Adult Social Care and the expectation of more financial difficulty in future years if Slough Borough Council does not review the current charging policy. The monetary impact of implementing the proposals is estimated at £1,255,000 and is reflected within the Medium-Term Financial Strategy 2025/26. Tracking and forecasting of the budgetary impact of the proposals will be incorporated within the established Budget Management reporting to Cabinet. Although the draft implications have been included within the budget setting proposals it is probable that there will be variations, and this is allowed for within the risk register and will be reflected in the Cabinet report following consultation.

The proposed charges included within this report are based on the national guidance issued annually by the Department for Health & Social Care. Local authorities are required to act under the care and support statutory guidance in exercising functions given to them by Part 1 of the Care Act 2014 or by regulations under that part.

In respect of this proposal, financial modelling was undertaken in autumn 2024, based on the existing number of chargeable clients which for non-residential services, was circa 1,100 of which 47% were in a chargeable band and 53% were in a non-chargeable band.

The projected incremental income modelled on the existing cohort of chargeable clients was of £1,105,000. It is estimated that existing clients who are currently chargeable would see an increase of their contribution of £42.00 per week, £2,184 per annum.

The projected incremental income on the existing cohort of not chargeable clients was £150,000 based on 50% of this group becoming chargeable. It is estimated that existing clients who are currently not chargeable would see a new contribution of £10.00 per week, £520 per annum.

The review of fees is looking to align them more closely to similar rates of other local authorities whilst ensuring costs are covered. Reviewing discretionary fees and charges is one of the key income-generating options available to local authorities. Section 93 of the 2003 Local Government Act allows authorities to charge for services that they have a power (but not a duty) to provide. It is recognised there may be some new investment required to implement the full range of fees and charges.

4.2 Legal implications

The Care Act 2014 enables Local Authorities to decide to charge when arranging to meet Care and Support needs except when they are required to meet needs free of charge. The relevant Statutory Guidance is the Care and Support Guidance, and the relevant Regulations are the Care and Support (Charging and Assessment of Resources) Regulations 2014, and The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014.

The outcome of Consultation with service users about the proposed changes and an Equality Impact assessment will inform the decision in respect of increasing charges as set out in the report.

4.3 *Risk management implications*

Sustainability of Adult Social Care finance is a key risk and on the risk register.

4.4 *Environmental implications*

None identified.

4.5 *Equality implications*

An Equality Impact Assessment has been conducted and identifies that there could be an impact on the provision of support to vulnerable people in subsequent years should the funding issues not be addressed. The impact that adopting this revised Charging and Financial Assessment Framework and the individual policies has been considered as well as the impact that it might have on the diverse communities of Slough, and in particular residents in possession of 'protected characteristics' as set out in the Equality Act 2010. There could be some negative adverse impact on people with disabilities & older people although the Minimum Income Guarantee, Affordability Check & ongoing monitoring of the use of services will minimise this. Each situation affecting a person with protected characteristics or a disability will be considered on its merits as part of any overall Care Act assessment. The advice and information provided will be available in appropriate community languages to the person including the website information being translated automatically and in formats suitable to people with hearing or visual issues. Disabilities causing additional financial strain will be considered on their merits and as part of disability disregard arrangements and this will not change.

The impact will be further explored as part of the consultation and mitigations put in place if there are risks identified.

4.6 *Workforce implications*

The implementation of full recovery costs will assist in offsetting the number of administrative tasks that are carried out by council finance staff.