

Decision Report - Executive Decision

Forward Plan Reference: FB/23/03/07

Decision Date - 30/03/23



Adult Social Care Fees and Charges 2023-24

Executive Member(s): Cllr Heather Shearer - Lead Member for Adult Social Care

Local Member(s) and Division: All

Lead Officer: Mel Lock, Director of Adult Social Care

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1. Summary / Background

1.1 Adult Social Care (ASC) service fees and charges are updated annually and adjusted to take account of cost of living and annual benefit increases, market factors, legislation, national guidance, demand and local policy requirements. This paper sets out the proposed annual update to fees paid to providers of ASC services in Somerset as well as updating Somerset County Council (SCC) charges for its customers and service users .

1.1.1. This years fee uplifts represent a permanent increase of between 8.8% and 57.5% for the 2023/24 financial year. This represents a total investment of £24.9m in the social care sector by SCC. Details of uplifts for each service provision are within Appendix A. Fees paid to providers will be with effect from 27th March 2023. Charges to individuals will change from 10th April 2023.

The ongoing fee settlement for care providers in 2023/24 represents a further significant investment in the sector by SCC. It enables providers to continue to invest in staff and quality, reflect National Minimum Wage increases and work with SCC on building sustainable and different models of care and support for the future.

These uplifts also represent the first step as Somerset County Council moves towards paying the cost of care as identified in the work undertaken with providers in Summer 2022 and allow providers to prepare for the delayed charging reforms from October 2025.

2. Recommendations

2.1. The Executive Member for Adult Social Care agrees:

1. the charges as set out in Appendix A for Care services for 2023/24.
2. the proposals as set out in Appendix A and this document for payment of Adult Social Care provider fees for 2023/24.

3. Reasons for recommendations

- 3.1** These fee increases represent a big investment in the Somerset care sector, at a time when we continue to witness their value and importance to the people of Somerset. SCC wishes to maintain and continue to improve the high standards of care provision that it currently enjoys and this means keeping pace with legislative costs as well as ensuring that staff are fairly rewarded. SCC wishes to value the social care sector and those who work within it, seeking to recognise the vital role it plays in keeping people healthy and independent and supporting people at home.
- 3.2** Somerset needs to ensure that appropriate fee levels are in place to support service delivery, responding to national decisions and legislation as well as our extensive provider engagement undertaken to reflect local policy requirements.
- 3.3** Somerset will ensure that appropriate charges are in place to support service delivery and to reflect statutory and local policy requirements. These charges are only uplifted by recognised inflationary indices.

4. Other options considered

- 4.1.** Consideration was given to lower fee increases across care sectors however this would have meant SCC failing in its duty to reflect rising costs of care, including minimum wage and regulatory increases. If agreed, the increase protects those already being cared for as well as ensuring good quality care availability for those who need it in the future.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1.** Links to the County Vision:
- A Healthy and Caring Somerset
 - A Flourishing and Resilient Somerset

6. Consultations and co-production

- 6.1.** Consultation has been undertaken with the Somerset Registered Care Providers Association (RCPA) and providers. All providers in Somerset were invited to an event on 31st January that took place both face to face and online. All feedback was taken into consideration.

These uplifts are the first stage towards paying the Cost of Care identified in an exercise which was open to all providers in Summer 2022.

- 6.2.** The fees and charges and in particular the financial increase in fees to the market, formed part of extensive consultation with all members, as part ASC budget setting at both ASC and Health Scrutiny and Full Council.

7. Financial and Risk Implications

- 7.1.** Funding for the fee level increases will come from the Adult Social Care Council Tax precept, increased Social Care Support Grant funding and Market Sustainability Fund. The settlement results in a positive investment of £24.9m into the sector for 2023/24 but is in line with the ASC budget agreed by Executive and full council.
- 7.2.** Funding has been identified for the fee rate increases without risk to the overall financial position of SCC. There is an inherent risk that increased charges (although in line with inflation) will mean fewer people are able to access services such as transport. However increased charges are linked to benefit levels which help mitigate the majority of the risk. This report provides a consistent charging approach to support those people accessing services across all client groups and ages.

Likelihood	2	Impact	2	Risk Score	4
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8. Legal and HR Implications

- 8.1.** We have a contractual obligation to review fees on an annual basis. In line with Section 5 duty (2014 Care Act) we have had due regard for the costs and position of the market. This decision also adheres to paragraph 4.31 within the care and support statutory guidance.

The Local Government Act 2003 contains powers for all local authorities to charge. These charges are in line with practice nationally and as per the guidance do not exceed the costs of providing the services. The decision therefore complies with the statutory guidance of the Care Act 2014 (Sections 14, 17 and 69-70).

- 8.2.** There are no HR implications.

9. Other Implications

9.1. Equalities Implications

An Equalities Impact Assessment has been completed and is attached to this paper. The additional fee rates paid to providers will not impact on service users. Their contribution and ability to pay is assessed via a nationally agreed formula and they are not impacted by rates paid to providers. The assessment broadly shows that any increases in charges for people who use services are offset by equivalent benefit or support increases or reflect a nationally recognised formula.

Additional financial burdens can create anxiety amongst this supported group but we continue to financially review users of the service as required and understand and mitigate any implications of charges altering.

9.2. Community Safety Implications

No community safety implications.

9.3. Sustainability Implications

An agreed corporate process is already in place and regularly reviewed to provide continued care of residents should care homes be unable to continue trading. This is part of our Safeguarding Adults policy and care home urgent closure checklist.

9.4. Health and Safety Implications

No health and safety implications.

9.5. Health and Wellbeing Implications

Maintaining a stable and secure market, for the care of those listed above and their carers be that formal or informal is very important. SCC has moved to increase fees for direct care provision which was the primary concern from the feedback of providers. Quality and sustainability of the market will be monitored via contract reviews and commissioner oversight. The impact of this is expected to be a continuation of the current quality and availability in the market which in turn supports good care and wellbeing.

9.6. Social Value

Social care providers play a huge part in the communities that they work in. This is via employment, care and support and a place within the community. This will continue and be developed further by these decisions.

10. Scrutiny comments / recommendations:

10.1. The Adults and Health Scrutiny considered these recommendations as part of the budget setting process. There were no alternative proposals put forward.

11. Background

11.1. See section 1

12. Background Papers

12.1 Appendix A set out fees and charging rates for 2023/24.

Report Sign-Off

Date completed

Legal Implications	Honor Clarke	12/03/23
Governance	Scott Wooldridge	21/03/23
Corporate Finance	Jason Vaughan	15/03/23
Customers, Digital and Workforce	Chris Squire	09/03/23
Property	Paula Hewitt / Oliver Woodhams	13/03/23
Procurement	Claire Griffiths	21/03/23
Senior Manager	Mel Lock/Paul Coles	14/03/23
Commissioning Development	Sunita Mills / Ryszard Rusinek	09/03/23
Executive Member	Cllr Heather Shearer - Lead Member for Adult Social Care	15/03/23
<u>Sign-off Key Decision / Consulted on Non-Key Decision</u>		
Local Member	N/A	N/A
Opposition Spokesperson	Opposition Spokesperson - Adult Social Care - Cllr Sue Osborne	21/03/23
Scrutiny Chair	Scrutiny For Policies - Adults and Health Committee - Cllr Rosemary Woods	09/03/23



Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Organisation prepared for	Somerset County Council		
Version		Date Completed	7/3/23
Description of what is being impact assessed			
<p>Every year, we review the fees we pay to our care providers and the charges for our customers. This decision reflects those recommendations and impacts on care providers and current and future users of the service. Changes to charges relate to services for vulnerable groups and relate to their specific assessed needs. The proposals in this report would relate mainly but not only to those with disabilities and those aged over 65 and are in line with legal government charging policies for ASC.</p>			
Evidence			
<p>What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics, Somerset Intelligence Partnership, Somerset's Joint Strategic Needs Analysis (JSNA), Staff and/ or area profiles, should be detailed here</p>			
<p><u>Somerset's Population</u> (Data sets for 2021 census have only recently been released by the ONS and are still being analysed)</p>			

At the time of the 2011 census there were 28,414 Somerset residents whose ethnicity was not White British, equating to 5.4% of the county's overall population. In the same census, it was identified that 346,597 Somerset residents identified themselves as being affiliated to a religion, equating to 65% of the county's population.

In 2017, the Office for National Statistics published experimental estimates of sexual identity at county level for the first time. The estimates suggest that 95.2% of Somerset's adult (aged 16 or over) population identify themselves as heterosexual or straight; 0.9% (4,000 residents) identify as gay or lesbian; 1.1% (5,000 residents) identify as bisexual; and 0.4% (2,000 residents) as 'Other' ('other' indicates that respondents did not consider themselves to fit into the heterosexual or straight, bisexual, gay or lesbian categories).

The 2011 Census identified 733 residents who described their ethnic group as Gypsy or Irish Traveller.

Adults with a disability

At the time of the 2011 census, 99,664 people in Somerset identified themselves as having a long-term health problem or disability which limited their day to day activity. There was a higher proportion of women than men that reported having a long term health problem or disability. Overall, over half of people aged 65 or over in Somerset have a long term health problem or disability, rising to 83% of those aged 85 or over.

The additional fee rates paid to providers will not impact on service users. Their contribution and ability to pay is assessed via a nationally agreed formula and they are not impacted by rates paid to providers.

Charges made in relation to care will be based on one of the following (Appendix A details the links and percentages):

- Increased by Consumer Price Index in line with agreed practice
- Increased in line with national rates for income support and pension credit specified by the Department of Work and Pensions and Department of Health.

Government suggested rates in relation to the charge for Blue Badges

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

All providers have been offered the opportunity to feedback into the trade body, RCPA (Registered Care Providers Association) and at a provider event on 31/1/23.

ASC reviews its charges in line with national benefit and inflation indices. We continue to financially review users of the service as required and understand any implications of charges altering.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Financial charges are amended annually in line with national benefit and inflation indices. Additional financial burdens can create anxiety amongst this supported group. Many individuals who receive social care services are older people (65+) and so will be affected by these increases. 	□	□	□
Disability	<ul style="list-style-type: none"> The proposed increases in fees for providers will impact on this group, primarily due to the fact that the majority of individuals who use social care services have some form of disability. We will also ensure that those with a Learning Disability are supported appropriately. 	□	□	□

	<ul style="list-style-type: none"> Financial charges are amended annually in line with national benefit and inflation indices. Additional financial burdens can create anxiety amongst this supported group but we continue to financially review users of the service as required and understand any implications of charges altering. Charges are only adjusted in line with recognised indices and benefit payments. 			
Gender reassignment	<ul style="list-style-type: none"> Minimal impact identified although more likely to be reliant on care services as they are less likely to have a support network. As above – same mitigations as for age and disability. 	□	□	□
Marriage and civil partnership	<ul style="list-style-type: none"> Minimal impact identified. As above – same mitigations as for age and disability. 	□	□	□
Pregnancy and maternity	<ul style="list-style-type: none"> Minimal impact identified. As above – same mitigations as for age and disability. 	□	□	□
Race and ethnicity	<ul style="list-style-type: none"> Minimal impact identified. As above – same mitigations as for age and disability. 	□	□	□
Religion or belief	<ul style="list-style-type: none"> Minimal impact identified. As above – same mitigations as for age and disability. 	□	□	□

Sex	<ul style="list-style-type: none"> Minimal impact identified. As above – same mitigations as for age and disability. 	□	□	□
Sexual orientation	<ul style="list-style-type: none"> Minimal impact identified although more likely to be reliant on care services as they are less likely to have a support network. As above – same mitigations as for age and disability. 	□	□	□
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Maintaining a stable and secure market, for the care of those listed above and their carers be that formal or informal is very important. SCC has moved to increase fees for direct care provision which was the primary concern from the feedback of providers. Quality and sustainability of the market will be monitored via contract reviews and commissioner oversight. The impact of this is expected to be a continuation of the current quality and availability in the market. 	□	□	□

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Reassessment of finances should circumstances change and unable to pay contributions	30/03/2023	FAB Team	FAB Team	□
	Select date			□
	Select date			□

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	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

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Completed by:	James Sangster
Date	7/3/23
Signed off by:	
Date	
Equality Lead/Manager sign off date:	Tom Rutland 30/3/23
To be reviewed by: (officer name)	
Review date:	

