

**EXECUTIVE  
 3 NOVEMBER 2015**

**PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)**

Councillors Mrs P A Bradwell (Executive Councillor for Adult Care and Health Services, Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Economic Development, Environment, Planning, Tourism), R G Davies (Executive Councillor for Highways, Transport, IT), M S Jones (Executive Councillor for Finance, Property), P A Robinson (Executive Councillor for Fire and Rescue, Emergency Planning, Trading Standards, Equality and Diversity), R A Shore (Executive Councillor for Waste, Recycling), Mrs S Woolley (Executive Councillor for NHS Liaison, Community Engagement), C N Worth (Executive Councillor for Libraries, Heritage, Culture, Registration and Coroners Service) and B Young (Executive Councillor for Crime Reduction, People Management, Legal).

Councillors J D Hough, C E D Mair, Mrs A M Newton, Mrs J M Renshaw and A H Turner MBE JP attended the meeting as observers.

Officers in attendance:-

Tony McArdle (Chief Executive), Debbie Barnes (Executive Director of Children's Services), Wendy Crosson-Smith (Consultation Policy Advisor), Glen Garrod (Director of Adult Care), Cheryl Hall (Democratic Services Officer), Judith Hetherington Smith (Chief Information and Commissioning Officer), Dr Tony Hill (Executive Director of Community Wellbeing and Public Health), David Laws (Adult Care Strategic Financial Adviser), Pete Moore (Executive Director of Finance and Public Protection) and Nigel West (Head of Democratic Services).

**18 APOLOGIES FOR ABSENCE**

An apology for absence was received from Richard Wills (Executive Director for Environment and Economy).

**19 DECLARATIONS OF COUNCILLORS' INTERESTS**

There were no declarations of interest at this point in the meeting.

**20 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS**

There were no announcements made by the Leader, Executive Councillors and Executive Directors.

21 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON  
6 OCTOBER 2015

## RESOLVED

That the minutes of the meeting held on 6 October 2015 be agreed and signed by the Chairman as a correct record.

22 NON-RESIDENTIAL CARE CONTRIBUTIONS POLICY

Consideration was given to a report from Glen Garrod (Director of Adult Care), which described proposals for the Non-Residential Care Contributions Policy; reported the results of the consultation and Equality Impact Assessment; and presented a number of options and made recommendations as to the changes to the policy.

The Executive Councillor for Adult Care and Health Services, Children's Services presented the report to the Executive and made particular reference to the extensive public consultation which had been carried out between 22 June and 28 September 2015. It was also noted that the current policy was agreed by the County Council in 2010 and the current review was timely, following the implementation of the Care Act 2014 and its associated Regulations and Guidance.

The Executive received a joint presentation from Wendy Crosson-Smith (Consultation Policy Advisor) and David Laws (Adult Care Strategy Financial Advisor), which outlined to the Executive the consultation exercise on the seven proposed changes to the Non-Residential Adult Social Care Contributions Policy, which was carried out between 22 June and 28 September 2015. It was highlighted that the proposals were estimated to result in £920k - £957k in extra contributions from service users and were aimed to make the policy clearer and fairer.

The presentation also provided details of the responses received to each of the seven proposed changes. The Executive was advised that the new policy would not be introduced until April 2016.

It was noted that the Adults Scrutiny Committee had considered the same report at its meeting on 28 October 2015 and its comments were circulated at the meeting. It was particularly noted that Members of the public were invited to speak at the Scrutiny Committee and their comments were also included within the document. The Scrutiny Committee noted that Recommendation 3e [*immediate or phased removal of the cap*] was in the form of the presentation of options to the Executive. The Scrutiny Committee by a majority of one had not supported the removal of the cap. However, if the proposal to remove the cap were to proceed, the Scrutiny Committee had agreed by a clear majority to support the phasing of its removal, as set out in paragraph 5.8 of the report to the Executive.

Consideration was also given to an email which was sent by a service user which included two reports on his views on the County Council's proposed changes to the non-residential contributions policy. In response to this, officers had produced and circulated a paper which responded to the points raised by the service user.

Members of the Executive were provided with an opportunity to ask questions, where the following points were noted: -

- It was noted that the Scrutiny Committee had supported recommendation 3g [*the introduction of a single arrangement fee charge for new self-funding service users for the arrangement of their care package*]. However, the Committee had asked that where the proposed arrangement fee of £444 could not be paid immediately, consideration was given to allowing it to be paid as a deferred payment. Further to this, it was clarified that the County Council was obliged to provide care assessments at no charge, and the £444 arrangement fee covered the administrative costs of implementing a care package. It was also confirmed to Members of the Executive that the £444 arrangement fee could form part of a deferred payment scheme;
- Members were advised that the County Council had previously undertaken a benchmarking exercise on non-residential care contributions compared to other authorities, which showed that Lincolnshire County Council was in the lower quartile for the income generated from charges. Further to this, Members were also advised that following this review, Lincolnshire County Council would be positioned mid-range;
- Should the proposals be implemented, any income generated would be recycled back into Adult Care. It was reiterated that the County Council was not looking to make a profit from these proposals;
- It was emphasised that the County Council was required to find a further £135 million in savings for 2016/17 and onwards;
- It was noted that Lincolnshire County Council had some of the lowest rates of care, compared to other local authorities in the East Midlands, with the second highest quality of care for home care provision, as rated by the Care Quality Commission. It was acknowledged that this was thanks to the high quality procurement expertise within the County Council;
- During consideration of Recommendation 3e [*immediate or phased removal of the cap*], the Executive considered the Scrutiny Committee comments, as detailed above. Members agreed that this was an issue of fairness, and those individuals who could afford to contribute more to the cost of their care should be required to do so. Therefore, it was suggested that a phased removal of the cap on service user contributions from 2016/17 to 2018/19 should be undertaken. A phased removal of the cap at this stage would also avoid potential future reviews on the removal of the cap.

RESOLVED

That the Executive:

1. Notes the results and analysis of the public consultation, as set out in the Consultation Report at Appendix A;
2. Notes the Equality Impact Assessment, as set out at Appendix B, and the equalities considerations in section 4 of the Executive Report;

3. Approves amendments to the Council's Non-Residential Care Contributions Policy as follows:-
  - a. To introduce a 72 hour (three days) notice period for cancelling care;
  - b. To introduce an annual review of the contributions paid from service users where requested and to calculate entitlement to refunds by comparing the total cost of care for the whole year with the total annual contribution paid by a service user and refunding any amounts by which the total contributions paid are more than the total cost of care;
  - c. To introduce a new rule so that everyone assessed to pay a contribution will be charged from 14 days after the financial assessment form is sent out;
  - d. To assess service user contributions against the full cost of the services received;
  - e. To phase in a removal of the cap on service user contributions, as per the table at section 5.8 of the Executive report.
  - f. To proceed with the application of banded Disability Related Expenses (DRE) to new service users as described at section 5.9;
  - g. To introduce a one-off arrangement fee for new self-funding service users who wish the Council to arrange their non-residential service care package.
4. Delegates to the Director of Adult Social Services, in consultation with the Executive Councillor for Adult Care, Health Services and Children's Services, the authority to:
  - a. make amendments and approve the final form of the Non-Residential Contributions Policy reflecting the changes approved under paragraph 3 above;
  - b. following a review, take decisions as to whether to apply the banded Disability Related Expenses (DRE) referred to in paragraph 3f to existing service users, within the next 6 months;
  - c. develop and approve implementation plans setting out the detail of how the policy changes will be implemented in practice; and
  - d. following such engagement as he shall consider appropriate, approve the level of the fee to be charged for new self-funding service users who wish the Council to arrange their non-residential service care package.

The meeting closed at 11.10 am.