

EXECUTIVE MEMBER DECISION FORM

DECISION TO BE TAKEN BY: Councillor Chris Jones

KEY DECISION : No

PORTFOLIO AREA: Adult Care Health and Wellbeing

PORTFOLIOS AFFECTED: Adult Care Health and Wellbeing

WARDS AFFECTED: All

SUBJECT: Options for Charging - Respite / Short-Term Care

1. RECOMMENDATIONS:

In deciding what is reasonable to charge, taking into account the guidance and regulations for rules for charging the following options are recommended:

- **Respite (short-term care up to 8 weeks)**

To implement Option 2, if a person's care home placement is for a short-term period such as regular respite, local authorities have the power to choose to charge a person as if they are receiving care and support in their own home. (Note, this is a discretionary decision, which means they do not have to do this) However, by not choosing to do so this means that some people are being left with less than the minimum income guaranteed amount as set by the Department of Health and cause potential financial hardship and may lead to non- payment of their charges.

The guidance states if a person is treated as if they are living at home for a short-term stay in a care home, the financial assessment must follow the non-residential care income protection rules. The main rule is your weekly income must not fall below a set level called the 'minimum income guarantee', after any financial contribution.

This approach ensures that people are treated equally and only pay what they can afford to pay over and above the Minimum Income Guaranteed amount.

- **Short-Term Care (temporary stays not intending to be more than 52 weeks)**

To implement Option 3, if a person is placed in a care home for a temporary stay (known as short term care for charging purposes) then the Authority uses its discretionary powers as set out in the guidance to follow the charging rules for permanent stay residents in care homes. The guidance rules must apply taking into account any additional personal expenses allowance or disregards case by case where the intention is that the person returns to their own home that must be disregarded, such as ongoing independent living costs like mortgages, rent and Council Tax, building insurance, utility costs (gas, electricity and water, including basic heating during the winter) and reasonable property maintenance costs. Sufficient allowance for partners still living at home must be allowed.

This option ensures that all people assessed to contribute towards their short-term care are treated fairly on a case by case basis and is consistent with charging rules guidance for temporary stays in a care home

2. REASONS FOR THE DECISION

To ensure individuals in receipt of a respite or short term stay in a care home are treated fairly and financially assessed to pay the maximum amount that they can afford to pay; this means that people will not be left with less than the Minimum Income Guaranteed amount as set out by the Department of Health and guidance set out within the Care Act 2014.

3. STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Deputy Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

4. DECLARATION OF INTEREST

None

<p>Signed:</p> <p>Executive Member:</p>  <p>Date: 17 October 2019</p> <p>Also present:</p>	<p>Signed:</p> <p>Chief Officer:</p>  <p>Date: 17 October 2019</p>
<p>Date of Senior Policy Team Meeting(s):</p>	

A list of background papers on this issue is held with:

Contact Officer:
Date:

Date of Publication:

Date of Expiry of Call-In Period:

Form Reference: Executive Member Decision Form May 2012 v 1.0