



Committee report

Committee	CABINET
Date	15 FEBRUARY 2018
Title	TO APPROVE CHANGES TO THE NON-RESIDENTIAL CARE CHARGING POLICY
Report to	CABINET MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH

EXECUTIVE SUMMARY

1. The purpose of this report is to determine the outcome of a consultation that proposed a change to the council's non-residential care charging policy by including disability related benefits at the higher or enhanced rate as part of a person's means tested financial assessment.
2. The recommendation to Cabinet is to approve a change to the council's non-residential care charging policy by including benefits at the higher or enhanced rate as part of a person's means tested financial assessment.
3. By approving this proposal, the council will be making sure that its charging policy is treating people who receive disability related benefits equally. The proposed change in the charging policy would mean that people who receive these benefits at the higher or enhanced rate will be required to have all their disability benefit income taken into account within their charging assessment in the same way as people on lower, middle or standard rates are required to contribute the full amount they receive.

KEY POINTS TO NOTE:

4. Specifically, the council is considering taking account of disability related benefit income received by people as follows:
 - Attendance Allowance (AA) – the consideration is the council includes AA income at the higher rate (currently only the lower rate is included in the means testing assessment for adult social care services).
 - Disability Living Allowance (DLA) – the consideration is the council includes DLA benefit income at the higher rate (currently only the lower rate or middle rate is included in the means testing assessment for adult social care services).
 - Personal Independence Payments (PIP) – the consideration is the council includes PIP income at the enhanced rate (currently only the standard rate is included in the means testing assessment for adult social care services).

5. People who receive these benefits are not means tested by the Department of Works and Pensions as part of their eligibility. Rather, and regardless of income, these benefits are paid to people to meet their care and support needs.
6. The higher levels are paid to help those that need help and supervision throughout the day and night. The regulations detailing eligibility for payment of the higher rates of these national benefits state the following:

- *Attendance Allowance [AA]; the higher rate of £83.10 per week is paid to people over 65 who need help and supervision throughout both day and night, or who are terminally ill.*
- *Disability Living Allowance [DLA] (being phased out and replaced with Personal Independence Payments – PIP); the higher rate of £83.10 per week was historically paid to people under the age of 65 and is paid to people who need help or supervision throughout both day and night, or who are terminally ill.*
- *Personal Independence Payments [PIP]; the enhanced rate of £83.10 per week has replaced DLA for people under 65 and is determined by an assessment from a healthcare professional.*

It is important to note that the mobility component part of DLA and mobility part of PIP is not included in a person's means testing assessment by Adult Social Care and is available to the individual to meet any transport costs they may incur through their disability or condition.

The regulations detailing eligibility for payment of the lower, middle or standard rates of these benefits state the following:

- *Attendance Allowance [AA]; the lower rate of £55.65 per week is paid to people over 65 who need frequent help or constant supervision during the day, or supervision at night.*
- *Disability Living Allowance [DLA] (being phased out and replaced with Personal Independence Payments – PIP); the middle rate of £55.65 per week was historically paid to people under 65 and is paid to people who need frequent help or constant supervision during the day, supervision at night or someone to help while a person is on dialysis. The lowest rate of £22.00 per week was historically paid to people who need help for some of the day or with preparing cooked meals.*
- *Personal Independence Payments [PIP]; the standard rate of £55.65 per week has replaced DLA for people under 65 and is determined by an assessment from a healthcare professional.*

A link to the gov.uk guidance on these benefits is given in the background papers to this report but repeated here for ease of access:

- <https://www.gov.uk/attendance-allowance>
- <https://www.gov.uk/dla-disability-living-allowance-benefit>
- <https://www.gov.uk/pip>

7. The proposed charges have been considered for two reasons: equity and delivery of the savings needed across Adult Social Care in 2018/19. Firstly, we do not treat those people in receipt of these benefits in an equal way. Whereas we include 100 per cent of the

income from these benefits when means testing people in receipt of the lower, middle or standard rates of these benefits, we disregard all of the additional income received by those people in receipt of the higher or enhanced rates of these benefits. As the national regulations set out above reveal, these benefits exist to help disabled and terminally ill people meet their costs of care – and the levels of payment are differentiated in explicit recognition of different levels of care needs. Their receipt is NOT means tested. In terms of Adult Social Care means testing, the entirety of someone's disability related expenditure must be taken into account and any charges levied by Adult Social Care cannot take someone below the nationally prescribed Minimum Income Guarantee.

8. There are varying amounts of Minimum Income Guarantee dependent upon an individual's circumstances however, as an example £189.00 per week is allowed for a single person aged 60 and above living on their own and £151.56 per week is allowed for a single person who also lives on their own and is aged 25 to 59. These amounts include an additional 25 per cent allowance considered by the Department of Health to be appropriate to enable a person to meet their everyday living costs (see paragraph 24). By implementing this change we will ensure equity in how all disabled related benefit income is treated.
9. Secondly, the implementation of this change will assist Adult Social Care to contribute to the council's overall savings targets which are £7.5 million in 2018/19 and a further £16.5 million over the next three years (2019/20 to 2021/22). Securing these savings will undoubtedly demand very tough decisions and Adult Social Care, as the largest spending department of the council, must deliver the magnitude of savings attributed to it.
10. On 15 June 2017, Cabinet made the decision to seek a two month consultation period to consider people's views on the proposed changes. The consultation was aimed at determining the opinion of those people who received non-residential care services including those individuals who would be directly affected by the proposals. The council worked with People Matter IW to ensure that the consultation was inclusive by ensuring as many people as possible had the opportunity to respond and by making sure that all the responses were recorded accurately. The outcome of the consultation is shown in paragraphs 27 to 32 and Appendix 2.
11. There was a high level of response to the consultation from which a majority of responders felt that the council should not change its charging policy in this way. It is important that Cabinet considers the consultation responses and recognises the implications by having due regard to the equality impact assessment when determining whether to change the way the council takes account of disability related income as part of determining how much a person will have to pay towards their non-residential care service.
12. Members are asked to note that disability related benefits are not means tested and are paid to everybody who has an eligible care need irrespective of other income or savings. It is also the case that everybody affected by this proposal will also have access to other benefits or income. This means that they will always have additional income to ensure that charges are affordable and sufficient income is retained to meet everyday living costs. More details on how the council makes sure a person's charge allows them to meet their everyday living costs are given in paragraph 24. To support members' understanding of how a person's financial contribution towards their care service is assessed, the following calculation is undertaken:

<p>INCOME Minus PROTECTED INCOME / DISREGARDS / ALLOWANCES Equals DISPOSABLE INCOME</p>

The amount calculated as disposable income is considered as available for paying towards a person's care and support needs. The person will then be asked to pay either their disposable income or the actual cost of their care and support, whichever is the lower amount. It is important to note that, in overall terms, financial contributions made by people towards their care and support services while living at home account for approximately 16 per cent of the total amount spent by the council on their services.

13. Cabinet is also asked to consider this report alongside recent changes that the council has made to its Local Council Tax Support (CTS) Scheme. These changes were approved at Full Council on 17 January 2018 and reduce the financial help to working age claimants (18 to 64) on low incomes. It should also be noted that the CTS scheme continues to disregard certain disability benefits as income from the CTS assessment.
14. It is estimated that approximately 196 people who receive non-residential care services are aged between 18 and 64 and, dependent upon their individual financial circumstances, may also be affected by changes to the CTS from 1 April 2018 and changes to the scheme in future years. However, it must be emphasised that the council makes an allowance for council tax in its non-residential care charging assessments so any increase in council tax payments as a result of the changes to CTS would reduce the impact of any increased charge for people affected by this proposal. This will mean that affected people will not pay more than the amount of any increase in their non-residential care charge.
15. Cabinet received a report on the outcome of the consultation on 9 November 2017 and agreed to defer a decision until the Cabinet meeting on 15 February 2018 when Cabinet will have considered all savings proposals across the council and is able to evaluate them against corporate priorities. This also offered the opportunity to give further consideration to the impact the proposal may have on affected people and get more understanding of how other local authorities consider higher or enhanced rate benefits as part of the non-residential care charging assessments.
16. Further consideration and analysis of the consultation responses has now taken place in order to identify the principal areas of impact for individuals. These can be summarised as follows:
 - Impact on how the council allows disability living expenses.
 - Impact on a person's everyday living costs.
 - Impact on the provision of night time care.
 - Impact on the needs of an unpaid carer.
 - Impact on a person's lifestyle.

Measures to help mitigate these impacts are included in the equality impact assessment shown in Appendix 4.

17. The impact to people affected by this proposal will be partly mitigated by work the council is undertaking to develop the personal assistant (PA) market across the Isle of Wight and which will be in place by June 2018. This will support carers and care recipients by providing them with specialist and personalised care at more competitive rates than those provided through agency care. The council's strategy is to ensure that there is a robust and diverse PA market on the Island which in turn can support recipients on a personal budget who may be considered to be negatively impacted by the proposed change to the council's non-residential care charging policy. It will also be available to those who wish to purchase care independently whether they are local authority funded or are self-funding their care. Increasing the PA market will provide genuine alternative support for those who require a wide range of services ranging from domestic support through to personal care and meeting night time needs.
18. It must be emphasised that some other local authorities already include disability related benefits at the higher rate as part of their charging assessment. Cabinet, on 9 November 2017, was made aware of how a desktop review of 52 other local authorities had shown that 22 currently include disability related benefits at the higher or enhanced rate while 17 assess the amount a person is required to pay for their care at the lower, middle or standard rate only. Thirteen local authorities did not respond to the council's previous request for information.
19. In order to offer Cabinet members more understanding as to how other local authorities consider this issue, a more detailed analysis has since been undertaken. This was done by contacting 150 local authorities in England which have adult social care responsibility. Widening our analysis has given us a further understanding of how they assess these benefits as part of their local charging policies. The analysis showed that 29 include these benefits at the higher or enhanced rate in line with the council's proposal. Sixty further authorities also include these benefits at the higher or enhanced rate but have varying qualifying criteria for including them in a person's charging assessment. This includes criteria such as the provision of night time care, making specific allowances for disability related expenditure and assessing the enhanced rate of Personal Independence Payment (PIP) benefit income differently to that of Attendance Allowance or Disability Living Allowance. Thirty five still follow the council's current policy by including these benefits at the middle, standard or lower rate only, irrespective of how much disability benefit a person receives, and 26 authorities did not respond to the council's request for information.
20. The council has now undertaken a thorough review of all budget savings options. The increased income that will be received by including disability related benefits as part of a person's financial assessment is considered necessary in order to achieve the savings that are required from Adult Social Care.
21. It is important to note that these proposals will not affect the level of care provided by the council but will change the amount that a person is required to pay.
22. If the recommendation is agreed it is anticipated that new charges will be applied from 1 June 2018. This will give the opportunity to undertake care reviews and assessments for disability related expenditure that are central to the individual's needs.

BACKGROUND

23. On 15 June 2017 and 9 November 2017, Cabinet noted the background to the proposed changes which is summarised below:
- a) The proposal is considered necessary in light of the financial challenges facing the council, the growing demand for adult social care services and the need to treat people with equity by ensuring that everyone who receives a disability related benefit has the full amount of their benefit taken into account in their charging assessment.
 - b) Income from charging is an important contribution to Adult Social Care's budget. The council is facing a significant reduction of core central government funding in 2018/19 and 2019/20, alongside an increasing demographic demand for services that is reflected by more elderly people and increasing longevity of disabled people.
 - c) It is important for members to note that, where disability related benefits are taken into account as part of a person's income when assessing how much they are required to pay, the council takes account of any additional disability related expenditure to allow the person to keep enough benefit to meet any needs which are not being met by the council.
 - d) As at 23 October 2017, 1,400 people receive chargeable non-residential care services and 770 of these are estimated to receive disability related benefits at the higher or enhanced rate. The overall number of people receiving care services at home is increasing. The difference between higher or enhanced and middle, lower or standard rate of payment of these benefits is currently £27.45 per week and it can be seen that any change the council makes to the way it assesses these benefits as income will have an effect to both an individual person and the council. It must be emphasised that, if the proposal is agreed, not everyone would be required to pay £27.45 per week more as the exact amount of any increase would depend on their financial circumstance. Of the 770 people who are paid disability benefits at the higher or enhanced rate, 95 people would not be affected as their chargeable income is too low and 75 people would pay an amount that is based on their individual circumstance that is less than £27.45 per week. Appendix 3 shows the numbers of people who would be impacted by these proposals together with examples of how these proposals would affect people's charges.
24. As already indicated in paragraph 8 above, disability related benefits are not means tested and are paid to everybody who has an eligible need irrespective of other income or savings and everybody affected by this proposal will also have access to other benefits or income. This means that they will always have additional income to ensure that, as part of their financial assessment, they are able to retain the Minimum Income Guarantee (MIG) referred to above alongside an additional 25 per cent allowance required by the national charging regulations. The MIG and additional 25 per cent allowance is considered by the Department of Health to be appropriate to enable a person to meet their everyday living costs. This includes basic living expenses such as clothes, furniture, house repairs, utility costs, food, insurance and holidays that all people are required to pay. In addition, housing costs such as rent, mortgage and council tax are separately allowed as expenses in the charging assessment.

25. Examples of how this proposal would affect individuals were made available as part of the consultation. As already stated, Appendix 3 shows the numbers of people who would be impacted by these proposals together with examples of how these proposals would affect people's charges. It is important to note that, if this proposal is agreed, not everyone would be required to pay £27.45 per week more as the exact amount of any increase would depend on their personal financial circumstance.

STRATEGIC CONTEXT

26. The proposal is considered to meet the council's short term outcome as set out in the Corporate Plan 2017-2020 approved by Full Council on 18 October 2017 in the following way:
- *A financially balanced and sustainable council.* The proposal is seen to support a key focus of making sure that the council has sufficient resources to be financially sustainable.

In particular this proposal seeks to achieve the following key activities as set out in the Corporate Plan 2017 to 2020:

- Deliver the savings plan necessary to achieve an annual balanced budget.
- Create a three year savings plan ensuring the council's planned expenditure is, ultimately, no greater than its expected income.
- Continually review further options for expenditure reductions and income growth as part of the budget management process.

CONSULTATION

27. As already highlighted, Cabinet previously agreed that a consultation exercise be undertaken regarding these proposals. The specific proposals included in the consultation are summarised as follows:
- a) The proposed changes are being considered to ensure everybody who receives disability benefit income is treated equally so that everyone has the full amount of their benefit included as part of their income calculation in their financial assessment. The higher rates are paid to help or support people throughout both night and day and guidance from gov.uk that gives an explanation of each of these benefits is given in the background papers to this report. This is a change in the current arrangements where the income from these benefits is assumed to be at the lower rates only – regardless of whether or not the person receives the higher rates.
 - b) It was emphasised that people who receive these benefits at the higher or enhanced rate have the difference between the lower and higher rates effectively ignored for purposes of means testing for adult social care. By way of contrast, those people who receive the lower, middle or standard rates of these benefits have all this income taken into consideration in the means test.

c) As part of the consultation, the council emphasised that:

- The proposal is in line with the provisions of the Care Act 2014;
- Current council policy has chosen not to include these benefit payments at the higher rate;
- The mobility component part of DLA and mobility part of PIP will not be included in a person's financial assessment;
- The council will continue to make sure that all eligible disability costs that a person may have (for example extra help for shopping, laundry, cleaning, prescriptions and higher fuel costs) are taken into account as part of how their charge is calculated - this is called Disability Related Expenditure and examples of how a person's financial assessment would potentially be impacted by this proposal are given in Appendix 3;
- The council will also make sure that everyone has an allowance made in their financial assessment to meet the costs of their everyday living - this weekly allowance, which covers food, heating and standard living costs, is set by the Department of Health and is called the Minimum Income Guarantee;
- Services provided directly to carers will continue to be non-chargeable - it would only be the charge made for services to the cared for person which would be affected by these proposals;
- The proposal will also assist Adult Social Care to contribute to the councils overall savings targets.

28. The consultation on the proposed changes to the council's non-residential care charging policy by including disability related benefits at the higher or enhanced rate as part of a person's means tested financial assessment began on 16 August 2017 and ended on 16 October 2017. The survey was placed on the council's website, iwight.com, and offered the opportunity to hear the views from anyone who wished to respond. Specifically, the council used information held on its social care database to write to 900 relevant people who receive non-residential care services, or people identified as being responsible for dealing with their finances, offering them the opportunity to complete a consultation questionnaire or access it online via the council's website iwight.com.
29. In summary, a total of 498 responses were received of which 337 paper survey responses were received and 161 further responses were received online. Importantly, 62 per cent of those who responded indicated they were either someone who received social care (201 responses) or were an unpaid carer (107 responses). The overall response rate of 55 per cent is considered to be a very good level of engagement.
30. The responses to the two month consultation are included in Appendix 2. The overall outcome was that a majority of people who responded were not in favour of the proposed changes. Out of 498 responses, 425 people responded to the specific question about how the council treats disability related income as part of its financial assessment as follows:

- 58.4 per cent of these respondents (248) feel that people paid at the higher or enhanced rate should only have the lower, middle or standard rate of their benefit taken into account (as now). From the responses of these 248 people, 219 indicated which type of benefit they received with 156 saying they received a higher or enhanced rate of benefit and 63 saying they received lower, middle or standard rates.
- 16.5 per cent of these respondents (70) feel that people paid at the higher or enhanced rate should have the full amount of the benefit taken into account (proposal). From the responses of these 70 people, 56 indicated which type of benefit they received with 21 saying they received a higher or enhanced rate of benefit and 35 saying they received lower, middle or standard rates.
- 25.1 per cent of the respondents to this question (107) indicated they don't know but responded to other parts of the survey.
- In addition, 73 respondents did not answer the question about how the council should treat disability related income as part of its financial assessment process but responded to other parts of the survey.
- Overall, a large majority of comments made by these responders indicated that they were not in favour of the council's proposal. A total of 282 responders gave written views as to how they felt proposal would affect them and 150 further written comments were received.

31. Comments received from the consultation also highlighted five main areas of impact to people who would potentially be affected by the proposal to change the council's non-residential care charging policy by including disability related benefits at the higher rate as part of a person's means tested financial assessment:

- Impact on how the council allows disability related expenses.
- Impact on a person's everyday living costs.
- Impact on the provision of night time care.
- Impact on the needs of an unpaid carer.
- Impact on a person's lifestyle.

Measures that help to mitigate these impacts are included in the equality impact assessment shown in Appendix 4.

32. In addition to the responses received from individuals, one response was received from a representative of an organisation and seven from town and parish councils. None of these responses were in favour of the proposal.

CONSULTATION METHOD

33. In order to offer an impartial support service to both people who receive services and carers, it was decided to build on the lessons learned from consultations on charging undertaken in 2014 and 2015 by developing a consultation partnership with People Matter IW. The method of consultation is shown in Appendix 1 and the response rate of 55 per cent reflects well on the involvement of People Matter IW by ensuring the letters and paperwork used were understood.

FINANCIAL / BUDGET IMPLICATIONS

34. The council's Medium Term Financial Strategy (MTFS) describes the financial challenge as the single biggest risk to sustainable public services on the Island. In that context, this decision needs to be cognisant of the potential implications for all users of council services on the Island.
35. The MTFS sets out the council's overall savings targets and this proposal will assist Adult Social Care to contribute towards these savings targets which are £7.5 million in 2018/19 and a further £16.5 million over the following three years (2019/20 to 2021/22). This is a considerable financial challenge particularly given that the council has already had to make £68 million of savings and efficiencies since 2011/12 which represents circa 33 per cent of the council's controllable spending. Adult Social Care accounts for approximately 38 per cent of the council's net controllable expenditure and is therefore required to contribute to the savings targets outlined above. The alternative would be to require more drastic savings for all other services (including other statutory services to the vulnerable) and the consequent implications for service delivery.
36. Appendix 3 details the financial implications of implementing this change to the way the council considers disability benefits at the higher or enhanced rate as part of a person's income when making charges for non-residential care. The total anticipated additional income that the council would receive has been estimated to be £934,440 in a full year. However paragraph 22 of the report states that the new charges would be applied from 1 June 2018 therefore additional income in 2018/19 would be reduced to £778,700. This would increase to the full estimated income of £934,440 from 2019/20.
37. In recognition that certain individual's circumstances may be such that the effect of the policy may subject them to significant financial hardship, there will be discretion to include certain additional disability related expenditure in the means tested financial assessment calculation. A provision of £100,000 will be set aside for this purpose. The provision is not capped and all eligible applications will be considered equally on their merits.

LEGAL IMPLICATIONS

38. The Care Act 2014 supported by regulations and statutory guidance provides a framework for charging for Adult Social Care services. The council has some discretion on how to apply the framework to enable people who can afford to contribute towards their care and support to do so, while ensuring that those people who are unable to make a contribution continue to receive the necessary care and support to help maintain their independence and wellbeing.
39. The Care Act 2014 (Annex C: Treatment of Income) states that there are a number of benefits that must be fully taken into account when considering what a person can afford to pay towards their care from income including:
 - Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance;
 - Disability Living Allowance (care component);
 - Personal Independence Payment (daily living component).

Currently, the council only takes account of these benefit payments at the lower, middle or standard rate of payment.

The act is also clear that the mobility component of Disability Living Allowance and Personal Independence Payments must be fully disregarded.

40. Paragraph 8.46 of the Care Act 2014 (Care and Support Statutory Guidance) requires a local authority to consult people with care and support needs when exercising discretion as to how to apply its charging policy. Having consulted on the proposed changes, it is within the council's powers to make a decision in this matter.

EQUALITY AND DIVERSITY

41. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
42. Under the Equality Act 2010 we are required to have due regard to our equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies.
43. An equality impact assessment has been undertaken and the assessment of the full impact of this proposal on the protected characteristic groups is included in Appendix 4.
44. While the council recognises the main outcome of the assessment is that people with a disability who receive disability benefit income at the higher or enhanced rate will be negatively impacted, the proposal will ensure everyone who receives a disability related benefit is treated equally by making sure that the care component of all disability related benefit income is taken into consideration as part of their charge. Currently, people who receive these benefits at the higher or enhanced rate do not have their full care related income taken into account while those people who are paid benefits at the lower, middle or standard rate are required to have all their benefit income included in their charging assessment.
45. An important outcome from the equality impact assessment was how the council would consider the extra expenses that a person has as a result of their disability. These costs are referred to as Disability Related Expenditure (DRE). Individuals who receive non-residential care support services provided by the council are entitled to request that any expenditure that they incur that is related to their disability or illness can be offset from their charge as part of their financial assessment. The Isle of Wight Council's assessment of DRE is based on good practice guidelines developed by the National Association of Financial Assessment Officers (NAFAO). The DRE guidelines are set out in the Isle of Wight Council's charging policy for non-residential adult social care services (Appendix 1 pages 12 to 16) which is included as a background link to this report.

OPTIONS

46. Option 1 – To approve a change to the council’s non-residential care charging policy by including benefits at the higher or enhanced rate as part of a person’s means tested financial assessment.
47. Option 2 – To maintain the council’s current non-residential care charging policy by having the difference between the lower and higher rates effectively ignored for purposes of means testing for non-residential care.

RISK MANAGEMENT

48. Option 1 is contrary to the views received from the consultation. It is also possible that there will be an increase in requests for care reviews and possibly support provided by the council as well as reviews of allowances made for disability related expenditure.
49. Option 2 would represent a risk to the council in not meeting the savings required of Adult Social Care. It would also mean that the way the council continues to treat people who receive disability related benefits at the lower, middle or standard rates is different from those people who receive these benefits at the higher or enhanced rate in that all their disability related income is taken account. This could represent a challenge against the council in that its policy is unfairly treating certain disabled people who are on lower, standard or middle rate disability related benefits.

EVALUATION

50. Option 1 is considered to meet the objectives of supporting Adult Social Care to meet its obligations to make savings required by the council. This option also meets the need to treat everybody who receives disability related benefits equally by taking all of their care related benefit income into account in their financial assessment. Option 1 is not consistent with the outcome of the consultation. If approved, it is important to note that the council will be required to make sure that it follows guidance issued by the Department of Health in making sure that people are able to retain standard amounts considered appropriate for everyday living and housing costs. In addition the council will have to consider any requests for an allowance to be made for costs relating to a person’s disability that it is claimed were previously being met by the difference between higher or enhanced rates of disability benefit and lower, middle or standard rates.
51. Option 2 in the context of the council’s financial position is considered unaffordable and will require Adult Social Care to consider other ways to make savings. This option does not address the issue of treating the income received by people who receive these benefits equally. Option 2 reflects the views of the majority of people who responded to the consultation.

RECOMMENDATION

52. Option 1 – To approve a change to the council’s non-residential care charging policy by including benefits at the higher or enhanced rate as part of a person’s means tested financial assessment.

APPENDICES ATTACHED

53. [Appendix 1](#) – Consultation method
54. [Appendix 2](#) – Consultation responses (summary)
55. [Appendix 3](#) – Impact of proposal
56. [Appendix 4](#) – Equality impact assessment

BACKGROUND PAPERS

Gov.uk description of disability related benefits

<https://www.gov.uk/attendance-allowance>

<https://www.gov.uk/dla-disability-living-allowance-benefit>

<https://www.gov.uk/pip>

IW Council Charging Policy for Non-Residential Adult Social Care Services

<https://www.iwight.com/documentlibrary/view/charging-policy-for-non-residential-asc-services>

Dept. Health Care and Support Statutory Guidance issued under the Care Act 2014

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

Report to Cabinet on 5 November 2017

<https://www.iwight.com/Meetings/committees/cabinet/9-11-17/Paper%20B.pdf>

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