



EXECUTIVE 21st December 2023

Report Title	Amendment to Adult Social Care Charging Policy
Report Author	David Watts, Executive Director of Adults, Health Partnerships and Housing (DASS) Amy Colley, ASC Finance Operations Service Manager
Lead Member	Councillor Helen Harrison, Executive Member for Adults, Health and Wellbeing

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A

List of Appendices

None

1. Purpose of Report

- 1.1. The Purpose of this report is to seek agreement to amend the Adult Social Care (ASC) Fees and Charges Policy to remove reference to exemption from charging for community-based care services for people who are in receipt of a Department of Work and Pensions (DWP) DS1500 fast track benefit claim form.

2. Executive Summary

- 2.1. This report sets out the basis for the request to approve the proposed changes to the ASC Fees and Charges Policy, detailing the current policy position and background and context to the requested change.
- 2.2. North Northamptonshire Council's ASC Fees and Charges Policy currently contains an exemption to charging for community-based care services if a

person is in receipt of a DWP DS1500 fast track benefit claim form. This policy stipulation is not based on legislation, or the Charging Regulations as set out in the Care Act 2014.

- 2.3. Further the DWP removed the DS1500 form effective from 31st March 2023 and implemented a new form, the SR1 from 1st April 2023. The scope of the DS1500 was for people with terminal illness, with a life expectancy of six months or less, to claim benefits on a fast-track process. The SR1 form is different to the DS1500 in that it offers the opportunity to fast track benefit claims to people with terminal illness who have a life expectancy of 12 months or less. Given the change in scope and process by DWP there is a need for North Northamptonshire to review how it manages assessed financial contributions towards care and support for people in receipt of a DS1500 and SR1 form.

3. Recommendations

- 3.1. It is recommended that the Executive approve the proposal to remove reference to Department of Work and Pensions DS1500 Certificates from the Adult Social Care Fees and Charges Policy and not extend the exemption to charging to the SR1 Form.
- 3.2. Reasons for Recommendation: This recommendation is the preferred option as it provides an equitable policy on charging for all people with an eligible need for community-based services, in line with charging regulations and statutory guidance.
- 3.3. Alternative Options Considered: Other options have been considered;
 - a) Do nothing – this would mean that NNC’s Adult Social Care Charging policy does not reflect current practice in relation to Department Work and Pensions assessments and provision for extending benefits to people assessed as approaching the end of their life.
 - b) Extend the exemption on charges to the SR1 form - this option is not recommended as it would result in inequitable financial contributions for people in receipt of community-based care and support.

These options are explored in more detail in section 5.

4. Report Background

- 4.1. North Northamptonshire Council’s Adult Social Care Fees and Charges Policy currently exempts people for community-based care charges if they are in receipt of a DS1500 certificate from their GP or health professional.
- 4.2. The purpose of a DS1500 certificate is to fast track a person for a benefit application, as the expectation is they have less than 6 months to live. Department for Work and Pension (DWP) guidance on DS1500 applications is

that the certificate only lasts for 3 years, and benefit applications should be reviewed in line with this.

- 4.3. The charging policy adopted by the Council was a historic Northamptonshire County Council (NCC) policy, for which the rationale to exempt people from community-based charges is not known.
- 4.4. North Northamptonshire Council and West Northamptonshire Council (WNC) are the only local authorities who appear to operate this policy. This policy is not based on any legislation or statutory charging regulations.
- 4.5. It is apparent that some people receiving a Palliative care service, such as from MacMillan, are signposted to the DS1500 specifically for the purpose of exempting them from care charges. This is not applied equitably to people with Palliative diagnoses elsewhere in the system.
- 4.6. In April 2023 the DS1500 certificate became defunct and was replaced by the DWP with the SR1 form. The scope of the SR1 form is different from the DS1500 in that life expectancy for fast-track benefit applications for people with a terminal diagnosis is extended to 12 months. This paper proposes that NNC remove reference to the DS1500 exemption to charging from the Charging Policy and do not extend the exemption to the SR1 form.
- 4.7. The Council currently has 50 people exempt from charges due to having a DS1500 certificate. The average contribution for a person receiving community care services is £59.08 per week. On this basis the Council are losing at least £153k income annually due to people being exempted from charging. Based on current numbers, and the extended scope of the SR1 form it is not unrealistic to expect this number to double if the Council decides to extend the exemption to the SR1 form.
- 4.8. The majority of people exempted from charging with a DS1500 certificate have been receiving services for some time. 90% of the people exempted from charging have been receiving services for longer than six months, with the longest being in place since February 2019. The most recent DS1500 exemption is effective from March 2023. There is currently no review process in place for people on a DS1500 exemption from charges, so they remain nil contribution indefinitely.
- 4.9. It is proposed that no change is made to these people's charging arrangements, to let the natural end or change of service reduce the number over time. For new benefit claims on the SR1 form, people who have an eligible need for Adult Social Care services, are subject to a financial assessment and charging in line with all other people who receive a community-based service.
- 4.10. The extended scope of the SR1 form means more people will be able to make fast tracked benefit applications. If the DS1500 exemption is extended to the SR1 form, this could represent a loss of income for the Council as more people are eligible for the SR1 form.

- 4.11. It is worth noting that people who need end of life care will be on the Continuing Health Care (CHC) fast track and it will be the responsibility of the NHS to meet their needs, people with those needs are out of scope of Adult Social Care charges.
- 4.12. In making this amendment to NNCs charging policy we will ensure it reflects the latest practice of DWP and minimised inequalities in financial contributions towards care and support.

5. Issues and Choices

- 5.1. Other options have been considered in relation to the current exemption to charging for people in receipt of a DS1500 certificate, as follows:
 - a) Do nothing – This was not considered a viable option, as information available in the charging policy is misleading as the DS1500 Certificate no longer exists and clarity is required for staff and people on the Council's position with regards to the SR1 form.
 - b) Extend the exemption on charges to the SR1 form- This was not considered a viable option as the extended scope of the SR1 form means more people may become exempt from charging, resulting in a loss of income to the Council. The exemption to charging creates an unequitable charging policy, which is not based on the legislative framework or charging regulations.
- 5.2. The recommended option to remove reference to DS1500 Certificates from the ASC Fees and Charges Policy and not extend the exemption to charging to the SR1 form, is intended to provide an equitable policy on charging for all people with an eligible need for Adult Social Care and Support needs.

6. Next Steps

- 6.1. If this proposal is approved the next step would be to amend the ASC Fees and Charges Policy and publish the updated version on the Council's website.
- 6.2. Communications to ASC staff and the NHS Palliative care teams to confirm the change in policy to ensure people are given the correct information with regards to charging for care services.

7. Implications (including financial implications)

7.1. Resources, Financial and Transformation

- 7.1.1 As a result of not extending the DS1500 charging exemption to the SR1 form the Council are estimating an increase in income relating to care charges of £153k annually, based on the current cohort of people with exempted charges.

7.2. Legal and Governance

- 7.2.1 Legal advice has been sought on this proposal which confirms that it is lawful and appropriate to remove the reference to DS1500 exemptions and not extend the exemption to the SR1 form, as it is not a mandatory charging exemption under the Care Act 2014. The Local Authority has chosen to make those with a DS1500 exempt, it is not a legal requirement.
- 7.2.2 The proposal does not seek to remove the DS1500 charging exemption to the people who currently have it in place. Legal advice has confirmed that this approach is appropriate.

7.3. Relevant Policies and Plans

- 7.3.1 The policy in scope of this proposal is the Adult Social Care Fees and Charges policy which can be accessed as follows: [Adult social care plans and policies | North Northamptonshire Council \(northnorthants.gov.uk\)](http://www.northnorthants.gov.uk/adult-social-care-plans-and-policies)
- 7.3.2 The proposed amendment to the policy will ensure the Council are meeting their obligation to manage the “Public Purse” effectively and to the benefit of the population it serves.

7.4. Risk

- 7.4.1 There are no significant risks arising from the proposed recommendations in this report.

7.5. Consultation

- 7.5.1 Legal advice has confirmed that it is not necessary to undertake a public consultation on this proposal to amend the ASC Fees and Charges policy as this is a lawful decision in line with statute and we are simply not going to extend an exemption that we have been doing to DS1500 to those with an SR1 Form. There are no grounds for Judicial Review.

7.6. Consideration by Executive Advisory Panel

- 7.6.1 This report has not been considered by an Executive Advisory Panel

7.7. Consideration by Scrutiny

- 7.7.1 This report has not been considered by the Council’s Scrutiny function.

7.8. Equality Implications

7.8.1 An equalities review of the existing cohort of people with an exemption to ASC charges due to being in receipt of a DS1500 certificate has been carried out, in line with the Protected Characteristics as set out in the Equalities Act (2010).

7.8.2 Legal advice has confirmed that an Equality Impact Assessment is not required as a result of this proposal as none of the conditions identified are considered as a Protected Characteristic.

7.9. Climate and Environment Impact

7.9.1 There are no climate and environment implications as part of this report.

7.10. Community Impact

7.10.1 There are no identifiable impacts for the community as a result of this report.

7.11. Crime and Disorder Impact

7.11.1 There are no identifiable impacts on crime and disorder as a result of this report.

8. Background Papers

8.1 None