

Notes of Care & Support Alliance/ Department of Health meeting on the draft regulations and guidance on charging - 9/7/14

The following notes of a meeting between members of Care & Support Alliance (CSA) and the Department of Health should be taken as the CSA response to the consultation on the draft regulations and guidance on charging under the Care Act.

In general the guidance is clear and comprehensive. However, there are some areas where it could be clearer.

Common issues for charging: It would be helpful to add a paragraph in here reiterating the point in the process at which a financial assessment should take place, i.e. after assessment.

Paragraph 8.11 Things which a local authority must not charge for it would be helpful to include information and advice, assessment, care planning and advocacy to this list.

In this same paragraph it would be helpful to cross reference to the paragraph in the prevention guidance on charging for reablement (paragraphs 2.43 to 2.48).

Choice of accommodation

Currently the draft guidance is slightly unclear on the offer of options for care home choice. On the one hand it states that a person must be offered a choice of accommodation and on the other that the person must be offered "at least one" care home place at a fee within the adult's personal budget, and in Annex A states that the person must be given genuine choice (implying at least 2 options within the person budget).

It is really important that the personal budget allows the person to purchase a care home which will meet their needs, giving them a real choice. The guidance needs to make it clear that top ups should be genuinely voluntary and to fund more expensive care, not because it is impossible to purchase adequate care with the budget provided.

Adults entering a care home should have a care plan that reflects all their preferred outcomes which may include more than simply the cost of the care home place.

It is important that anyone entering a top up agreement has access to independent information and advice before they sign a written agreement and commit to a top-up.

The current wording of paragraph 31 of Annex A on review is too vague. It is important that at the outset there is an agreed frequency of review of sustainability of top up. This should be at least annually and that the payer can request a review at any time.

Annex C:

Disability related expenditure

Paragraph 18 includes in a list of benefits that must be taken into account Disability Living Allowance and Personal Independent Payments. However, the mobility component of these two benefits cannot be taken into account. This is correctly stated in paragraph 29. It would be clearer if paragraph 18 listed Disability Living Allowance (Care component) and Personal Independence Payment (Daily Living component).

Paragraph 45 It would be useful to make it clear that this list of disability related expenditure is not intended to be comprehensive and that any reasonable additional cost directly related to a person's disability should be included.

It would be helpful to include internet access in the list. This is a particular issue for blind and partially sighted people for whom internet access is not an option but an essential. RNIB will follow this up with more detail.

Other points of concern

Delegated functions

It is important that people don't have to pay significantly more for the arrangement of their care simply because the local authority has chosen to outsource this function. There needs to be something in the guidance to state that the cost to the person requesting the local authority organise their care should be no more than it would have been had the local authority kept the function in-house.

Carers

The points on charging for replacement care need to be clearer. Carers UK will follow up on this separately.

Informing people of their charges

There is a principle in the current charging regulations which appears to be missing from this draft. This is that a person must be informed of the charges they must pay and how these were calculated. We feel this is an important principle, which should include charges, top ups and deferred payment agreements. The information should be provided in writing and in a format that is accessible to the person.

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