

Item No. 8	Classification: Open	Date: 18 April 2023	Decision Taker: Health & Social Care Scrutiny Commission
Report title:		Care Contributions update briefing	
Ward(s) or groups affected:		N/A	
From:		Pauline O'Hare, Director for Adult Social Care	

Additional information as requested at the Health and Safety Scrutiny Commission held 2 February 2023

- 1. A breakdown of the £8.4 million received through care charges by cohort, including working age and pension age, including a breakdown of the amount of money received in income for each year between 2015 and 2022**

Breakdown of payments received from the 4 main client groups

	2019/20 (£)	2020/21 (£)	2021/22 (£)	2022/23 (£) *
Mental Health (Over 65s)	-2,893,035	28,608	-365,762	121,704
Learning Disabilities	1,349,334	1,206,944	1,351,811	1,130,995
Older Peoples Services	6,048,166	5,049,674	6,316,231	6,180,853
Mental Health (18-65)	85,903	49,215	152,155	193,826
Monthly Total	4,590,369	6,334,442	7,454,435	7,185,587

- 2. Norfolk judgement – Challenge to charging, as seen as discriminatory to those who can work and those who can't. In SH v Norfolk County Council [2020] EWHC 3426, the High Court decided that Norfolk's charging policy unlawfully discriminated against severely disabled people in the enjoyment of their benefits income.**

We understand that Southwark Council has been reviewing its own Fairer Contributions Policy in the light of this judgment. Can you tell us where you are up to with this review?

The UK Government requires local authorities to treat income earned through work and income through benefits differently for the purposes of adult social care charging.

Norfolk County Council, in attempting to make its charging policy less generous and to bring its policy in line with minimum income standards, attracted a legal challenge on its application of this UK law and the justification it had given for

changing its policy. The case against Norfolk council contained a number of challenges to its charging policy and also highlighted a potential inequality in the original legislation, which Local Authorities now consider as part of their financial assessment process.

Southwark Council was planning to undertake a full review of our charging policy in 2022/23 in preparation for the UK Government's planned charging reforms. As part of this, we were planning to address this different treatment of income through work and income through benefits, by affirming that we were applying UK law and undertake full equality analysis on the impacts of this application of UK law. Given the delay to the UK Government's charging reforms this policy review is now planned for 2023/24.

3. Confirm that the council does add 25% to the Minimum Income Guarantee (MIG) and clarify if this is set out in the Fairer Contributions Policy.(or is a government-applied buffer)?

No, this is not the Council's policy. We work to the UK Government's minimum income guarantee levels.

4. Information and support available to enable disabled people and carers to understand Care Charges and Disability Related Expenditure

The Council has produced leaflets for residents and their carers on charges for residential (Appendix 1) and non-residential services (Appendix 2). The non-residential charging leaflet includes a section on disability related expenditure. In addition, our non-residential financial assessment form (Appendix 3) includes a specific section on disability related expenditure and the kind of costs that can be taken into consideration. We have also produced an easy to read guide to charging, which is currently under review and therefore not available on the website (Appendix 4)

5. A Copy of the Fairer Contributions Policy.

See Appendix 5. The policy is also available on the Council's website at: <https://www.southwark.gov.uk/social-care-and-support/adult-social-care/arranging-and-paying-for-your-care/adults-with-care-needs/charging/paying-for-your-care-and-support>