

Meeting: Council

Date: 21 February 2019

Wards Affected: All

Report Title: Adult Social Care Home Fees – New Model and Fees for 2019/20

Is the decision a key decision? Yes

When does the decision need to be implemented? April 2019

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1. Proposal and Introduction

- 1.1 It is being proposed that, following previous consultation with the market, a new Adult Care Home fees (over 65) model be introduced with effect from 1st April 2019. This model will be used in respect of the fees paid by Torbay and South Devon Foundation Trust, our Integrated Care Organisation (ICO), on behalf of Council for adult (over 65) in residential and nursing home care.
- 1.2 It is intended that the new model will replace the previous model that has been in place since 2013/14 and has been used to calculate the fees payable in the subsequent financial years.
- 1.3 It has been found that with the changes in the market since the model was first introduced the existing model has gradually become less relevant and that it was becoming harder for the ICO to place clients in suitable accommodation within the bands being paid. The previous model was also created prior to the implementation of the Care Act.
- 1.4 It is expected that the new model will better reflect the market conditions and that the fees for 2019/20 will be more readily accepted by the market.

2. Reason for Proposal and associated financial commitments

- 2.1 The Council is the responsible body for the provision of Adult Social Care, which it fulfils in conjunction with its partners through the ICO. The introduction of a new model for the calculation of fees is required to be approved by the Council, as it is a change from the previous method. The fees that are consequential from the model are normally approved by the Director of Adult Services and Housing but are being

brought here as they are a result of the new model. In future years' responsibility for the setting of fees (based on the model) will revert to the Director again.

- 2.2 The financial implications arising from the implementation will form part of the annual Risk Share Agreement the Council has with the Torbay and South Devon Foundation Trust and the South Devon and Torbay Clinical Commissioning Group.
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3. Recommendation(s) / Proposed Decision

- 3.1 That the Adult Social Care Home Fees – New Model and Fees for 2019/20 set out at Appendix 1 to the submitted report be approved for the calculation of Adult Social Care (over 65) fees for the financial year 2019/20 and future years.
- 3.2 That the Adult Social Care Home fees set out in Appendix 2 to the submitted report be approved as the fees payable in 2019/20, for the services covered in the table.

Appendices

Appendix 1: Adult Social Care Home Fees (over 65) Model

Appendix 2: Adult Social Care Fees (over 65) for 2019/20

Background Documents

Consultation paper on Model

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The approval of a new model for the calculation of Adult Social Care Fees (for over 65s) and to approve the fees for the 2019/20 financial year.</p>
2.	<p>What is the current situation?</p> <p>The Council currently uses a fees model that was created in 2013 for the calculation of fees for Adult Social Care (over 65) clients. This has been the subject of a Judicial Review but the process identified areas of weakness in the model, which were changed when identified. However, the market has also changed since this model was introduced and it was considered that a new model was required. It is thought that a new model, better reflecting the current market, will result in fewer clients having “unbanded” fees in the future.</p>
3.	<p>What options have been considered?</p> <p>The options considered before coming to the recommended option included:</p> <ul style="list-style-type: none">(1) Continuing with the existing model – The concern with this approach was that this did not truly reflect the current model of care and that there would be a continuation of fewer clients being accepted on the banded fees currently in place.(2) Create a new “in-house” version of the fees model – It was thought that this would be extremely expensive in terms of manpower resources and, based on past experience, may not be accepted by the market as a valid tool.(3) Go to the market and seek an external supplier who could create a new model for the Council – This was the option selected and a tender exercise was undertaken before Valuing Care was appointed to undertake the work.
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>The model and fees should ensure that the Council meets the action of “Protecting and supporting vulnerable adults”</p>
5.	<p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>Not Applicable</p>

<p>6.</p>	<p>How does this proposal tackle deprivation?</p> <p>By assessing a true market rate for Adult Social Care fees it should ensure that no client is discriminated against when it comes to being placed in residential or nursing care.</p>
<p>7.</p>	<p>How does this proposal tackle inequalities?</p> <p>As above.</p>
<p>8.</p>	<p>How does the proposal impact on people with learning disabilities?</p> <p>As above</p>
<p>9.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>All care home providers within Torbay were invited to contribute data to Valuing Care when it undertook the initial survey of the local market. The homes were also consulted over a six week period, including an “open day”, on the consequential proposed model and fees. No objections were received during this period. One provider sought clarification on some points.</p>
<p>10.</p>	<p>How will you propose to consult?</p> <p>Not applicable as consultation has already taken place.</p>

Section 2: Implications and Impact Assessment

11.	What are the financial and legal implications? The financial impact of the introduction of the model and fees will depend on the number of clients who require care through the Council. The financial implications will form part of the discussions on the Risk Share Agreement that the Council has with its partners - the Torbay and South Devon Foundation Trust and the South Devon and Torbay Clinical Commissioning Group (CCG).
12.	What are the risks? The risk of the local market not accepting the fees will still exist but should have been significantly reduced by the new level of fees being generated.
13.	Public Services Value (Social Value) Act 2012 The model forms the basis of purchasing residential care and nursing services for the residents of Torbay and is designed to meet the requirements of the Act.
14.	What evidence / data / research have you gathered in relation to this proposal? The information used in the model was based on locally collected data along with the latest regional and national data available.
15.	What are key findings from the consultation you have carried out? The market raised no concerns about either the new model or the fees proposed for 2019/20.
16.	Amendments to Proposal / Mitigating Actions No changes were required following consultation.

Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	It should ensure that older people are able to access the whole of the Care Market.	
	People with caring Responsibilities		There is no differential impact.
	People with a disability		There is no differential impact.
	Women or men		There is no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>		There is no differential impact.
	Religion or belief (including lack of belief)		There is no differential impact.
	People who are lesbian, gay or bisexual		There is no differential impact.
	People who are transgendered		There is no differential impact.
	People who are in a marriage or civil partnership		There is no differential impact.
	Women who are pregnant / on maternity leave		There is no differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact.
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None identified	
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified	