

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Social Work and Health

Council: 17 December 2008

Subject: Implementation of Learning Disability Charges

1. Purpose

- 1.1** To provide members with further information on the implementation of Learning Disability Charges.
- 1.2** To provide members with the outcome of the independent review of Learning Disability Charges conducted by Lomond and Argyll Advocacy Service (LAAS).
- 1.3** To respond to the motion from Councillor McNair on 27 August 2008, which raised the following questions:
 - Do service users “have sufficient means to lead a fulfilling and meaningful life”?;
 - What is the Councils definition of “sufficient means to lead a fulfilling life”?;
 - How can the above be assessed?;
 - The impact the charging policy has had on the service, including take-up;
 - Whether constituents are now using other services as stated in the option appraisal; and
 - The views of service users and their carers.

2. Background

- 2.1** Following a meeting of West Dunbartonshire Council on 14 February 2008 the Learning Disability Charge was implemented. This charge consists of £20 per week for housing support services and £3 per day for day services. Learning Disability Services have been collecting this charge since 1 August 2008. Charges are collected through the existing processes and in conjunction with our partners and provider agencies.

It is important to note that no service user will pay both charges. Where a service user is in receipt of both housing support and day services, only the housing support charge of £20 per week will apply. This is the maximum anyone can be charged.

- 2.2** Throughout the period April to August 2008 letters were sent to all carers and service users. These letters generated a number of enquiries which were dealt with by Learning Disability Services. The charging process was explained to service users through their existing forums and carers were kept informed of any developments. In addition, the Learning Disability Service's

Welfare Rights Officer responded to individual requests for a benefits check/ability to pay assessment.

2.3 The Good Life Group, an independent advocacy/service user project, held two consultation events with Client Councils, whose members are elected by service users, at Dumbarton and Auchentoshan. Advocates also attended care reviews where the charging policy was explained and discussed.

2.4 LAAS have now completed the review of the implementation of Learning Disability charges that was requested by Council on 27th August 2008.

3. Main Issues

3.1 LAAS were commissioned to undertake a review of Learning Disability Service Charges in West Dunbartonshire. (Appendix 1). This review has involved both service users and carers and took the form of focus groups, meetings and postal questionnaires.

3.2 LAAS was asked to conduct the review on the basis of the motion raised at the meeting of 23rd August 2008, as stated at 1.3 above.

3.3 In order to conduct the review, LAAS chose a representative sample. 35 people with a learning disability took part in three focus groups. 39 carers were involved in the review via a postal questionnaire of which there were 13 responses. The response rate to the postal questionnaire was 33%.

3.4 The key findings of the report are as follows:

- There was little evidence that people with learning disabilities had withdrawn from or reduced their use of services as a consequence of the introduction of charges. We are now aware of one individual who has altered their week by reducing 2 days that they spent at a day service whilst maintaining the 3 days that they attend the Locality Service.
- Most people asked to pay the charge are doing so. It was found that collection rates are broadly on target in relation to both housing support and day services.
- The report reviewed the issue of “sufficient means to lead a fulfilling life” and found that this included a “myriad of factors” including – maximising income, quality of services, access to community and the use of ILF.
- Assessing this issue is addressed in the report through consultation and service user involvement. In addition, Learning Disabilities has undertaken an active income maximisation programme including individual visits as a method of assessing “sufficient means”. Further quality of life issues are addressed through care reviews and person centred planning.

- The introduction of charges generated a level of concern for both service users and carers. However, in both cases this level of concern has reduced over recent months.
- The survey found mixed views on whether people with learning disabilities should be asked to pay a charge for community services. In both carers responses and service users views were split approximately on a 50/50 basis.
- Most carers (77%) felt that if other people living in West Dunbartonshire were asked to pay for some community care services then people with learning disabilities should not be treated differently.
- The review found that there was little evidence that people with learning disabilities have had to change the activities that they do as a result of charges being introduced. Two carers reported that the person they care for had to change the activities they are involved in, but only one provided a specific example.
- The report found that adults with learning disabilities were not aware of the amount of money which they receive was raised within the review. It was found that 83% of people with learning disabilities did not know what their weekly income was.
- Finally, people were asked their views on Learning Disability Services. Half of all carers said the Learning Disability Services had improved over recent years however, almost three quarters of adults with learning disabilities felt that this was the case. It may be that this highlights the differing expectations and aspirations of both carers and adults with learning disabilities.

3.5 The LAAS report discusses the issue of awareness of the charge by people with learning disabilities. It highlights that the awareness seems to be higher in day services than in housing support services. It is important to note that prior to the implementation of charges all carers, service users and service providers received letters detailing both the level of charges and the means of collection. The issue of awareness may again highlight the problem of adults with learning disabilities not having control or understanding of their own finances. This is an area which is discussed throughout the LAAS report.

3.6 The review undertaken by LAAS has explored the impact of charges and has covered a complex area of work. LAAS have consulted with both service users and carers and highlighted a number of issues, detailed above. Overall, the findings of the review are positive and provide a basis for further engagement with both carers and service users.

4. Personnel Implications

4.1 There are no personnel implications related to this report.

5. Financial Implications

- 5.1** The Learning Disability Charge represents a savings option against the Learning Disability budget of £123,000 from financial year 2008/09 onwards. In the event that this charge was removed, consideration would require to be given to alternative sources of income. As the charge has been in place for most of the current financial year any alternative saving would not be to the full value of £123,000. However as part of the Council's normal budget preparation process the budget drafted for 2009/10 has included an expectation of this income being received as this is currently Council policy.
- 5.2** As previously stated Learning Disability Services are currently on target with housing support services and the uptake on day service is approximately 80%. Political scrutiny of the agreed commitment may have generated uncertainty about the continuation of charges in this area of service delivery.
- 5.3** Approximately 40% of those eligible to pay the charges are in receipt of ILF. This means that they will be reimbursed for any charges levied against them by the local authority and that the net effect to them will be cost neutral. For example:

Mrs C lives at home with a relative. She attends a day service 4 days per week and has an ILF award, which provides her with an additional 35 hours support per week. She receives the following:-

<u>Income Support</u>	Personal Allowance	£60.50
	Disability Premium	£25.85
	Enhanced Disability Premium	£12.60
<u>DLA</u>	High Rate Mobility	£46.75
	High Rate Care	<u>£67.00</u>
		£212.70
<u>Charges/ Contributions</u>	SW Day Service Charges (4 x £3.00 per day)	£12.00
	ILF Contribution	<u>£21.50*</u>
		£33.50
	<u>Net Disposable Income</u>	<u>£179.20</u>

**ILF contribution of £33.50 minus £12.00 refund of local authority charge = £21.50*

Learning Disability Services are committed to increasing the already high number of people in receipt of ILF. Any increase in the uptake of ILF will in turn mean that people within Learning Disability Services will not experience any net effect from the charge.

In addition, Learning Disability Services have completed income maximisation checks on 382 of the 540 adults on the LD database, approximately 70%. The remaining 30% are part of a rolling programme.

6. Risk Analysis

- 6.1** As previously stated, the Learning Disability Charge represents a significant savings option within the overall council budget. Consideration would need to be given to alternative sources of funding or savings should the charge not be implemented in full.

7. Conclusions

- 7.1** The report from LAAS presents a positive picture of many of the areas covered in the review.
- 7.2** The report highlights key themes in relation to both the Learning Disability charge and the issue of both control and access to personal finances.
- 7.3** The report highlights that there has been little impact on uptake of services following the introduction of the charge.
- 7.4** Clients in receipt of the Independent Living Fund are not affected by the net cost of the charge as this can be recovered against ILF.
- 7.5** The report highlights high levels of satisfaction from both carers and service users with Learning Disability Services.
- 7.6** The differing opinions between carers and service users highlighted in the report are consistent with other consultation exercises carried out both within the authority and nationally. This issue was originally highlighted in the "Same as You" (2000).
- 7.7** As previously stated, a number of other authorities have charges in place for Learning Disability Services. We have been informed that other areas are reviewing their position in light of the current financial climate.
- 7.8** As regards the questions raised in the motion of 27 August 2008 the conclusions reached from the research are as follows:
- 7.8.1 Do service users "have sufficient means to lead a fulfilling and meaningful life"?**
Based on the research done by the LAAS there are few service users or carers who have stated that their lives have been adversely affected by the introduction of the charge and it is concluded that the ability to lead a fulfilling and meaningful life has not been adversely affected.
- 7.8.2 What is the Councils definition of "sufficient means to lead a fulfilling life"?**
This is described in the LAAS report as appended. The LAAS report reviewed the issue of "sufficient means to lead a fulfilling life" and found that this included a "myriad of factors" including – maximising income, quality of services, access to community and the use of ILF.
- 7.8.3 How can the above be assessed?**
Assessment is done through consultation and service user involvement. In addition, Learning Disabilities has undertaken and active income maximisation

programme including individual visits as a method of assessing “sufficient means”. Further quality of life issues are addressed through care reviews and person centred planning.

7.8.4 The impact the charging policy has had on the service, including take-up.

As described in the LAAS report and in this report the charging policy has not had a significant impact on the service to date. From the LAAS report it would appear that 2 people, of the sample, have chosen to reduce attendance at day services as a result of the charging policy. The take-up rate of the charge is as described at 5.2 above at around 80%.

7.8.4 Whether constituents are now using other services as stated in the option appraisal.

From the LAAS report and from the department’s own knowledge of the position the charging policy has not resulted in constituents seeking to use other services.

7.8.5 The views of service users and their carers.

The LAAS report provides a detailed analysis of the views of the service users and carers and these are summarised in 3.4 above. Generally the results of the LAAS review have been positive, though there are mixed views amongst service users and carers about the fairness of charging for service provision.

8. Recommendations

8.1 Council is asked to note the contents of the report.

8.2 Council is asked to thank Lomond and Argyll Advocacy Service for their work in undertaking this review.

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Appendices: LAAS report

Background Papers:

Wards Affected: All