

Health and Social Care Scrutiny Committee Paper FINANCIAL ASSESSMENT PROCESS

January 2022

Introduction

Healthwatch West Sussex has previously submitted evidence and information to the committee on this topic. We ask the committee, as a matter of urgency, to scrutinise the processes employed by West Sussex County Council for amending adult social care customer's financial contribution to cost of care from January 2021.

Since raising this matter, our insight has increased and now sits at over 150 personal accounts and experiences. This evidence demonstrates that local people have been adversely impacted by the process and outcome of the changes that were implemented at the beginning of last year. As a result, people have expressed to us their experiences, including suicidal feelings, declining mental and physical health and numerous examples of financial hardship, which includes getting into debt. Others have said they have stopped accessing support as they can no longer afford care. Also worrying is the impact this has had on carers, who have described themselves as now feeling 'broken' and 'unable to cope', which suggests a heightened risk of carer breakdown.

We appreciate the financial challenge facing the Council and that this must be tackled in order to meet statutory duties and remain solvent. However, this can

and does not excuse harmful practice, as evidenced through peoples' accounts) and the need for an improvement plan.

We have met with the Council to understand and provide support on this improvement journey and to emphasise the need for timeliness given the urgency expressed by individuals and families contacting us. Our supporting works has included holding a public webinar in November 2021 to provide people with clearer information and an opportunity to ask questions. A resulting question and answers document has since been published.

<https://www.healthwatchwestsussex.co.uk/sites/healthwatchwestsussex.co.uk/files/West%20Sussex%20Financial%20Assessment%20Webinar%20-%20%20Questions%20and%20Responses%20%2811.11.21%29%20Final.pdf>

The conclusion from attendees of the webinar is that even the Council defines the financial assessment process as complex and there remains a lack of transparency that would help people understand what is needed to demonstrate their financial position and support needs.

We ask the committee to consider making the following recommendations to West Sussex County Council to implement

- An external audit of any assessments (care and financial) carried out since January 2021 where an individual's assessed contribution has increased by over £10 per week and to remedy any findings.
- Adjust the re-assessed contribution effect date from January 2021 to the date the Council supplied a written breakdown of calculation of the contribution to the individual (as required in the Care Act)
- Mandatory disability awareness training for all financial assessment staff by the end of the first quarter of 2022/23 that provides learning to improvement practice and communication
- The Council Quality Assurance process is extended to include the end of the customer journey for Adult Social Care, including case audits of staff twice yearly.
- Community organisations that support people who may or receive adult social care are given an appropriate level of information/training so they can support people going forward.

- Communication and written resources are co-produced with Healthwatch relevant community partners and people who may need adult social care in the future by the end of this financial year.

Summary of concerns

1. Concerns about the financial assessment process were formally escalated and reported to the Council in 2018.

<https://www.healthwatchwestsussex.co.uk/sites/healthwatchwestsussex.co.uk/files/Financial-Assessments-Report-August-2018.pdf>

Following several meetings, assurance was given by the Council that staff would receive disability awareness training, communication around the financial assessment will be introduced and including in letters about the assessment.

Peoples' experiences demonstrate there is still a lack of disability awareness by those carrying out the assessments and this has led to some inappropriate conversations and upset customers and their carers.

At the November 2021 HASC meeting the Council's Quality Assurance Framework was scrutinised. It was stated that financial assessment staff were excluded from the staff audit process. However, Council communication shows this is part of the customer journey for adult social care and therefore it is hard to understand the rationale for this exclusion.

<https://www.healthwatchwestsussex.co.uk/sites/healthwatchwestsussex.co.uk/files/Financial%20Assessment%20Customer%20Journey%20-%20November%202021.pdf>

2. In 2019, the Council's responsible Cabinet Member agreed a reduction to the Minimum Income Guarantee for working age adults in receipt of social care funding, meaning that people were likely to be asked to pay more towards the cost of care. At consultation meetings (in 2018) which included Healthwatch, the Council suggested an average increase of under £10 per week and that people would be reassessed before changes were made to their payments.

Accompanying this decision the Council published an Equality Impact Assessment,

<https://westsussex.moderngov.co.uk/documents/s6213/Appendix%201%20Equality%20Impact%20Report.pdf>

which stated: *'An equality impact report is needed due to the potential financial and emotional impact of the proposal on people who use our services and on their families and carers and because it has the potential to have a disproportionate impact on people with protected characteristics – in particular people with a learning and/or physical disability or mental health issues. It is also required because of the need to ensure any other potential impact is understood and taken into account in terms of how these proposals fit in the wider context.'*

It detailed several actions (shown in *italic*) to reduce the risk of inequality for people who may be affected by the decision.

- *To ensure that the information and advice regarding budgeting and managing money are widely available and easily accessible.*

Our information audit and other evidence shared with us suggests that this has not yet been achieved at a population level.

The publication of the questions and answers from the November 2021 webinar on the process has helped but still has not provided people with all of the information they need to understand the process, according to feedback.



I feel the answers are generally inadequate, and sometimes woefully so
...[questions] have been entirely avoided.



The Council has confirmed its Policy, which was due for review at the end of September 2021 needs to be improved.

https://www.westsussexconnecttosupport.org/Resources/FileStorage/EventAdditionalFieldsFiles/2abdf75-0316-46bf-aab4-a1f600f4882f/41a38f0e-ba18-4764-98b5-a8ffe1c271eb_Charging_policy_v2.8.pdf

The pandemic meant planned changes were deferred. We do not know if this has been explained to people who would have expected a change in payment from April 2020. This could mean people may have wrongly assumed that the letter dated January 2021 did not affect

them as they had not experienced an increase in their contribution from 2020 and that any subsequent increase would be manageable.

- *Information to be made available to all in the wider health and social care system who provide advice and support to people affected. This would include voluntary and community sector organisations and also local social prescribing teams as this would assist GPs in advising patients with associated stress and anxiety.*

This has happened to a small extent through the Healthwatch webinar and follow-up questions and answers, but the lack of transparency continues to mean that support organisations are not meaningfully able to support people.

- *The financial assessment services to ensure the Welfare Benefit Advisers are available to ensure all benefits are maximised.*

The Council has shared that the advisers were needed for other pandemic work, so it is unclear how much support was available from Welfare Benefit Advisers at the time the Council issued letter and when a lot of the assessment work was carried out.

- *The financial assessment service to clarify how Disability Related Expenses (DREs) are allowed, what information is required to support the expenses claimed in advance, (this has an impact on the financial assessment), and how much a customer [the person in receipt of care and support funding] has to contribute to their care.*

Both individuals and the Council have told us that historical Disability Related Expenses (DRE) and care assessment information have been used in the reassessments that have happened since January 2021.

When individuals or families/advocates have queried this, the Council has retrospectively reassessed the DREs. However, this is not happening routinely, with the onus being on those receiving care (or their families/advocates) to rectify rather than the Council.

This has a significant impact on those who had previously been assessed when they received the highest level of care component for Disability Living Allowance (DLA), but who have had their benefits transferred to a Personal Independence Payment (PIP).

- *WSSC to work with local communities to increase access to online information, advice and resources.*

Evidence suggests that the online self-assessment form does not enable people to input their national insurance number (only accepting numeric entry) and therefore people cannot use this format to support the process of financial assessment.

The Council has suggested it is not promoting this resource currently, yet this remains on the website¹ (the Council’s shop window) and accessible.

- *WSSC to approach local businesses in relation to their social responsibility ethos to strengthen/increase opportunities for people of working age with disabilities to move into employment.*

The latest Council Performance Report (page 24) shows only 0.4% against a low target of 3.6% of adults with a learning disability in paid employment.

<https://www.westsussex.gov.uk/social-care-and-health/social-care-support/adults/paying-for-social-care-support/financial-assessment/>

39	The percentage of adults with a learning disability in paid employment	3.6%	Dec-20	Mar-21	Jun-21	Performance for quarter 1 should be in the region 0.9%. The employment market for people with a learning disability has been impacted by Covid. Whilst there are some sectors beginning to offer opportunities (hospitality and cleaning) our supported employment service expects the impact will continue until Spring 2022.	Commissioners are working with supported employment provider to develop ideas and what further support is needed to re-launch the service post Covid, new ideas to support people to gain work experience, build confidence and to consider employment in order to increase paid work outcomes.	G
			Reporting Frequency: Quarterly	1.8%	2.1%			

3. Since April 2021 Healthwatch has received a steady stream of enquiries from individuals and carers, as well as feedback from community groups, regarding unexpected invoices back-dating an additional charge to January 2021. Others told us they just noticed a reduction in the amount of direct payment paid into their account without explanatory communication.

People told us they did not receive information as to why an invoice had been sent. In many cases, people stated they had no written information about how the amount had been calculated.

We have had examples shared where this has been sent as late as November 2021, with the amount being backdated 10 months.

People have told us that they simply do not have the money to pay the invoices or for care from their direct payments. Some people have borrowed money and are extremely anxious about how they will pay it back. One person used their rent money, putting their housing at risk.

It is clear people do not have the money, not through irresponsibility, but because their needs and expenses will have increased through the effects of the pandemic. As a result, peoples' expectation would be to pay less of a contribution not more. Furthermore, the delays between the January letter and any further information mean many people would have worked on the basis that there was no change in their contribution and therefore not budgeted for an increase.

4. The Council has explained that historical information has been used to reassess people. Of particular concern, is for people who have changed benefits from DLA to PIP.

Under the DLA rule the night-care element must be 'disregarded' as income but as the PIP does not have this specific detailed; all benefits get taken as income. Using historical assessments may mean that needs and expenses have not been appropriately identified, resulting in people suffering financial hardship.

The Council's **current process means that it is up to people to come forward and complain about the assessment retrospectively.**

Peoples' ability to challenge such decisions is often compromised by the demands from extra caring, changes in behaviour (through enforced isolation) and for some, lower income. We believe the Council has a responsibility to ensure it has appropriate systems in place to make sure the right information is used, and that people have access to an appropriate assessment before an increased charge is applied.

5. Vulnerable people have been asked to contribute to care that has ceased, either because of shielding under the extremely vulnerable measures or through a lack of available support arising from the pandemic. People feel this is unfair, particular given the impact isolation will have had on them and those that care for them.