

**Written statement of a key decision
Leader of the Council (Section 9E)**

Title	Care and Support Charging Policy
Decision maker	Leader of the Council (Section 9E) Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	31 March 2022
Report exemption class	Open
Reason for being a key decision	<p>This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.</p> <p>This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.</p>
A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
General exception or special urgency (as defined in the constitution)	No
Purpose	To approve changes to the care and support charging policy.
Decision	That: <ol style="list-style-type: none"> a) The response to the recommendations of the adults and wellbeing scrutiny committee at appendix 9 be approved; and b) The recommendations 1- 4 in this report be approved and incorporated into the care and support charging policy; and c) The policy changes take effect on 11 April 2022.

Reason for the decision	As set out in the report. Documents relating to this decision are available at http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?IId=50040540
Options considered	<ol style="list-style-type: none"> 1. Continue with the current policy. This could leave the majority of service users with insufficient disposable income for living costs, it fails to address inequitable application of discretionary income disregards and the complex approach to charging for short stays in a care home. 2. Allow an additional percentage of disposable income to be retained. This is rejected on the basis that the policy provides a minimum income guarantee (MIG) that is above the levels set in the care and support (assessment of resources) regulations 2014 and currently published by the Department for Health and Social Care (DHSC). It also ensures that after paying for care people are left with sufficient income to meet any household expenses (such as council tax and rent) and disability related expenses, and provides an income guarantee that is 25% above the income guarantee in Department for Work and Pensions income related benefits. If 90% of disposable income was included in the financial means-test in addition to the proposed MIG, this would benefit all charge payers but cost the council an additional £498,000 per annum. 3. Apply an income disregard to all enhanced disability benefits, equivalent to the disregarded amount for Disability Living Allowance and Attendance Allowance benefits (currently £29.60 a week, increasing to £30.55 from 11 April 2022). This would ensure that the treatment of income from disability benefits is equitable, but will result in a loss of budgeted income circa £661,000 based on the current cohort of service users.
Declarations of interest (see below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	6 April 2022

Councillor:	Date 31 March 2022
Leader of the Council (Councillor David Hitchiner)	

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.