

LONDON BOROUGH OF CAMDEN	WARDS: All
REPORT TITLE Camden Support for 'Shared lives' carers (CS/2024/06)	
REPORT OF: Cabinet Member for Finance and Cost of Living Cabinet Member for Health, Wellbeing and Adult Social Care	
FOR SUBMISSION TO Cabinet	DATE: 28 February 2024
STRATEGIC CONTEXT We Make Camden is our joint vision for the borough, developed in partnership with our community. This report aims to implement a change that will help strengthen our ability to ensure our communities support good health, wellbeing and connection for everyone so that they can live well and age well through 'shared lives' placements. Our proposal is to encourage more carers to become main or respite carers to support adults with learning disabilities or autism to live well and do the things they enjoy.	
SUMMARY OF REPORT The proposals contained in this report aim to encourage more main and respite carers to sign up to Camden's 'shared lives' scheme. The scheme provides 'at home' support for some of our most vulnerable residents as well as guidance and friendship helping them to grow and learn new skills to live independently. To achieve this, Cabinet approval is sought to adopt the Shared Lives assistance eligibility policy set out in Appendix A and to approve the amendment of the current section 13a policy regarding discretionary discount classes (Appendix B), to enable the eligible shared lives carers to be exempted from Council Tax. Local Government Act 1972 – Access to Information No documents were used in the preparation of this report which are required to be listed. Contact Officers: Richard Adlem (Shared Lives Manager) and Mark Stewart (Head of Council Tax, Business Rates and Benefits) 4 th Floor, 5 Pancras Square, London, N1C 4AG Email: richard.adlem@camden.gov.uk (020 7974 5273) / mark.stewart@camden.gov.uk Phone: 020 7974 5273 / 020 7974 6502	

RECOMMENDATIONS

The **Cabinet**, having due regard to the obligations set out in section 149 of the Equality Act 2010, and having considered the results of the equalities impact assessment at Appendix C is asked to agree to:

1. Adopt the Shared Lives Camden' policy on eligibility for support towards Council Tax due for both in borough and out of borough placements as set out in appendix A with effect from 1 April 2024.
2. Adopt the revised Council Tax Discretionary Reductions policy as set out in appendix B with effect from 1 April 2024.
3. Delegate decisions on individual applications for a reduction in the amount of Council Tax under Section 13A(1)(C) of the Local Government Finance Act 1992 to the Council Tax and Council Tax Support Service Manager, with reviews (appeals against decisions) being undertaken by the Head of Council Tax, Business Rates and Benefits. This is reflected in the policy at Appendix B.
4. Delegate authority to the Head of Adult Social Care Strategy and Commissioning to make minor changes of clarification and improvement to the Shared Lives Camden Council Tax assistance eligibility policy at Appendix A which do not impact the eligibility or ineligibility criteria of a Shared Lives Camden placement provider.

Agreed by: "Agreed, Jon Rowney Executive Director Corporate Services"

Date: 19 February 2024

1. CONTEXT AND BACKGROUND

- 1.1. The 'shared lives Camden' carer scheme is a critical component of Camden's ambitions to encourage more of our residents to contribute to our 'We make Camden' ambition that our communities support good health, wellbeing and connection for everyone. We acknowledge the vital contribution main carer and respite carers can make day to day for Camden's adults aged 18+, including those with learning disabilities or autism that are placed with them through the shared lives Camden scheme. The support provided by our carers and 'shared lives' service allows them to live well and gain skills that will enable them to live independent lives.
- 1.2. However, we have a shortage of in borough placement opportunities, so the proposals in this report aim to encourage more households to open up their homes and sign up as carers, ideally within Camden. We acknowledge this is not going to be a quick deliverable and even with the incentives set out in this paper we expect slow growth over the coming years. We will look to incentivise out of borough placements signing up to the scheme (excluding those already in receipt of a discretionary Council Tax exemption for 'shared lives' placements from their own local authority).
- 1.3. By implementing this scheme, Camden will align its approach with other London authorities such as Greenwich, Hackney, and Islington. The objective is to encourage more carers to apply to become 'shared lives Camden' carers and retain them long term once they are registered.
- 1.4. Whilst there is a cost to the scheme, either through lost Council Tax income for in borough placements or physical payments for those households taking on Camden placements outside the borough to cover the cost of Council Tax in their host local authority, the alternative cost of placing them in supported living or residential care would cost the Council significantly more and could see these vulnerable residents displaced from local support networks such friends and family.
- 1.5. Existing foster carers frequently switch to 'shared lives' carers once the child reaches 18, continuing the family placement and bond. This is part of the natural shared lives scheme growth. Currently, foster carers in Camden supporting Camden's children can already receive a discretionary exemption for Council Tax (and payments made towards the Council Tax costs where the Children are placed out of borough too). However, this stops once the children turn 18 and provides no incentive for households to keep supporting those children post 18 to ensure longer term stability. The changes proposed in this paper mean that we move to a position where the Council provides the same equitable treatment for Camden's shared lives main and respite carers and foster carers and increases the likelihood of Camden's young residents in care having a long-term stable home even once turning 18 whilst also encouraging households to take in and support vulnerable adults where they are not foster carers.
- 1.6. There is a shortage of available accommodation for people with additional needs within Camden. Placement under our shared lives scheme is more cost effective than alternative placement options and free up placements in supported living /residential settings for those more suited. Shared lives can also offer a more bespoke service for people who are less likely to thrive in generic services as support is largely 1:1 and people placed benefit from a tailored approach.

2. PROPOSAL AND REASONS

- 2.1 It is proposed that in order to encourage more homes to sign up to Camden's shared lives scheme to support our adults with learning disabilities or autism to be placed into their homes, short or long term, that the annual cost of Council Tax for these properties is borne by the Council. For households providing care under our shared lives scheme within Camden this would be achieved through a discretionary Council Tax Reduction. For those taking on Camden shared lives placements outside of the borough, the cash amount of their annual Council Tax would be paid to the carer to cover the cost of their annual Council Tax bill.
- 2.2 The financial impact for this proposal (based on current 2023/24 Council Tax charges and existing households already signed up to the 'shared lives' carer scheme) would equate to just under £30k, of which just over £12k relates to lost income from existing eligible 'in borough' properties that would receive a proposed new discretionary council tax exemption, and c£18k relating to direct payments to existing 'out of borough' eligible care providers towards their Council Tax due there.
- 2.3 Whilst the future cost will likely increase in line with annual Council Tax uplifts, this is significantly less than it would cost to place vulnerable adults in alternative care settings. The cost of the scheme is also anticipated to naturally increase as the 'shared lives' service has set a target to attract at least 20 new homes into the scheme over the next 5 years.
- 2.4 Should all 20 additional homes sign up to be 'shared lives Camden' carers be within Camden alone, using band H (our highest banded property charge), it would cost a further £76k at the point all 20 are on board and prior to any Council Tax rises in the period which would increase the figure further. This figure rises to £83k if all 20 additional homes signing on to become 'shared lives' carers are outside of Camden. However, when compared to the cost of alternative placement schemes, there would still be savings for the Council as a result of implementing this discretionary scheme.
- 2.5 To facilitate the 'in borough' support for this scheme, Cabinet is asked to approve a new class of reduction within our discretionary section 13a policy. As set out in appendix B (and separate 'shared lives Camden' scheme policy in appendix A which sets out eligibility for support for both in borough and out of borough placements):
- **Main Carers** will receive the support once they have provided 8 weeks full time placement through the scheme in each relevant financial year the discount is considered for. The reduction will start 7 days after they have a Camden adult placed in their home, unless they already have a placement 7 days before 1 April 2024 in which case, they will receive the new discretionary discount with effect from 1 April 2024 itself if they have also met the 8 week full time placement requirement. This means that the reduction will be applied retrospectively in all cases and backdated to the relevant qualification date.
 - The reduction will end on the 31 March following the year the main carer ceases to have placements in their property through the Council's shared lives scheme, or another date should the Cabinet decide at any time that this discretionary Council Tax reduction class should end. This will mirror the eligibility for our foster carers exemption to ensure they are aligned.

- **Respite carers** will only be eligible for the discretionary discount after they have provided a minimum of 52 nights care in a financial year but where they do so, the discount will be backdated to the 7th day after they took the first placement in the financial year. This backdating element has been added to ensure fairness as otherwise it could see limited support for key respite carers under the shared lives scheme where they choose to spread the support across the financial year.
- As it is acknowledged that on occasions it might be that the carer was available to provide the 52 nights support for Shared Lives Camden, but Camden did not have sufficient referral numbers to place. The Shared Lives Camden team will hold records and if the provider can demonstrate they had capacity aligned to the nights Camden did not have sufficient referrals the provider will be deemed eligible for the exemption.
- The relief will continue year after year until 31 March following the year the respite carer either ceases to have placement in their property through the Council's shared lives scheme, the year they fail to meet the 52-night minimum placement criteria for the shared lives scheme, or another date if the Cabinet decides this discretionary Council Tax reduction class should end.

2.6 Where a Camden resident takes on placements from other local authorities rather than Camden, they will not be eligible for the discretionary reduction. This mirrors the existing foster carers exemption. It will require the local authority placing their residents in Camden resident homes to consider financial support. Shared Lives carers must be registered with the London Borough of Camden in house Shared lives Camden scheme to be eligible. Shared lives providers from other schemes are not eligible for the exemption.

2.7 Where the 'shared lives' team are placing a resident in a placement within another borough who has signed up to our scheme then, as set out in appendix A, we will pay them the cost of the Council Tax due in that borough if they have not already received either a discretionary Council Tax discount from that borough directly already for the relevant financial year or payment to cover the Council Tax cost from another borough. This is to prevent double payment as this schemes purpose is to encourage new households to sign up by reducing the Council Tax burden for providers, rather than generate additional income streams.

2.8 To mirror the in borough discretionary discounts, any payments relating to their host borough's Council Tax charge will be from the 7th day after they have taken on the resident (main carers) or backdated to the 7th day after which they took on the first Camden resident and have met the minimum 52-night requirement (respite carers) to ensure it mirrors the 'in borough' scheme. As set out in appendix A, to protect the public purse we will seek evidence from them regarding any Council Tax discounts awarded elsewhere or direct payments received (as some may take on residents from other authorities regularly) to prevent duplicate / erroneous payments. This will be both directly from the provider but also checks with the relevant local authority.

2.9 As well as the proposed updated Council Tax Section 13a Discretionary reduction policy, which introduces the new class of Council Tax payers entitled to a discretionary discount, we have also amended wording on pages 4 and 5 to include examples of what the Council deems exceptional personal circumstances to prevent confusion, correct terminology from Council Tax Benefit to Council Tax Support and also update

the determination procedure (including appeals) to align it with changes to the service since the last amendment to the policy.

- 2.10 Shared Lives Camden is a developing and highly flexible service, there is a strong likelihood that day support will be developed over the next financial year. Should this be the case it would mean that there would be another category of 'Camden Shared Lives Carers' that would not be included in the scheme and any proposal to include them would require further amendment to both policies and a further report to Cabinet to consider any proposed recommendations for change.
- 2.11 It is recommended that the Cabinet delegates decisions on any individual applications for discretionary Council Tax reductions to the Council Tax and Council Tax Support service manager with any reviews (appeals against a refusal of a discretionary reduction) are undertaken by the Head of Council Tax, Business Rates and Benefits.
- 2.12 A person who has made an application under s. 13A(1)(c) has a right of appeal to the Valuation Tribunal for England against the billing authority's decision to refuse a reduction or in respect of the amount awarded. The Tribunal's powers on such an appeal are to apply judicial review principles to the billing authority's decision (due process, reasonableness, proportionality, legality etc.); it may not substitute its own view for that of the authority. Where illegality has been found, the matter would normally be remitted to the billing authority to be reconsidered.
- 2.13 This therefore brings appeals under s.13A(1)(c) into line with Valuation Tribunal's practice and procedure generally on Council Tax Reduction Schemes made as a consequence of the replacement of Council Tax Benefit under the Welfare Reform Act 2012 and the Local Government Finance Act 2012.
- 2.14 A delegation is also sought to the Head of Adult Social Care and Strategy to approve minor amendments to the policy at Appendix A that do not affect the eligibility criteria put forward for approval by Cabinet. As this is a new scheme and policy document it may be that as the scheme is applied, the policy document may require minor amendments to provide areas of clarification, for example to the application process, or to make certain wording clearer.

3. OPTIONS APPRAISAL

3.1 The Council could;

- **Option 1** - Decide not to allow discount class reductions at all within our section 13a discretionary reduction policy.

The Council is required to have a section 13a discretionary reduction policy for Council Tax since the Local Government Act 2003. The Council could choose to revoke the various existing classes of reduction in our scheme which would leave us only the ability to consider cases on the grounds of financial hardship or exceptional circumstances – whilst this would meet the Local Government and Social Care Ombudsmen's belief that the Council has a duty to consider anybody for a reduction if they apply (and we would not have overly restrictive criteria or a blanket rejection policy if we removed the financial hardship and exceptional circumstances options too), this would not support the Councils We Make Camden ambitions. It must also be noted that if Camden were to consider this option a 1 financial year notice period must be given so it would need to be done before 31 March 2024 to come into effect from 1 April 2025.

- **Option 2** - Make no change and continue with the current section 13a discretionary reduction policy updated in Appendix B and not allow cash payments either to in borough or out of borough placements.

There is no legal requirement to add new eligible discount class reductions to our discretionary scheme even if Camden feels they may be deserving of a reduction in council tax, particularly if the financial burden would be too onerous. Members could make changes and add more classes at a later date if required. This option would mean existing in borough carers who foster Camden children continue to be exempted only and the disparity with our 'shared lives' carers would continue.

This option would mean no support for Camden Shared Lives carers either in borough or out of borough and therefore not encourage increased take-up of the scheme.

- **Option 3** - Make no changes to the current section 13a discretionary reduction policy updated in Appendix B but offer cash payments to cover the cost of Council Tax to both in borough or out of borough placements.

This alternative to the previous option would mean no exemption for in borough placements and mean that all placements are cash-based payments. Whilst this means both in and out of borough placements are processed in the same way, this option increases the risk of fraud and error through avoidable payments as well as increased transactional costs for payments themselves.

- **Option 4** - Adopt the revised section 13a discretionary reduction policy as recommended in appendix B and not the cash payments for providers 'out of borough' included in appendix A.

As the low number of 'in borough' providers currently demonstrate, Camden may be reliant on encouraging 'out of borough' suppliers to assist us (particularly those in neighbouring borough's like Islington) to meet our ambitions, particularly in the short term. So, whilst the discretionary Council Tax discount will help to encourage more Camden residents to open their homes to the scheme it will not enable Camden to meet its growth targets for this support in the next 5 years quickly enough. It would therefore potentially result in the Council looking at alternative placements which are significantly more expensive than the option to cover the annual Council Tax cost and where they are already receiving the discount from another Council such as Islington (due to placements they may have from them), the Council would have no expenditure as we would not be making a cash payment as the Council Tax costs are already covered.

- **Option 5** - Adopt the revised section 13a discretionary reduction policy as recommended in appendix B and enable 'shared lives' to issue cash payments for providers 'out of borough' included in appendix A.

This is the preferred option as it ensures we can target take up / growth campaigns for 'shared lives' main and respite carers both in borough and out of borough to meet our We Make Camden objectives. This option carries the least risk of fraud and error by minimising cash transactions.

The need to support and encourage more 'shared lives' carers to support some of our most vulnerable residents is a feature at the shared lives regional meetings. Several London authorities are now looking at putting a discretionary Council Tax exemption in place for their carers to make the package more attractive. Acting

now to be ahead of the curve will give Camden the greatest chance of securing excellent 'shared lives' carers through offering an incentive to assist our vulnerable residents before other neighbouring Councils offer similar proposals to attract a limited number of potential candidates. The proposals to support in borough hosts, through the discretionary council tax exemption, and out of borough hosts through cash payments for the cost of their annual Council Tax charge for their local authority is less costly for the borough than alternative placement schemes and aids the ambitions of the key 'We Make Camden' vision.

4. WHAT ARE THE KEY IMPACTS / RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 A key risk is the potential growth in costs should take up exceed the target of 20 new placements over the next 5 years. This will mean income lost from the Council Tax base will increase with each property signed up in borough as well as increased cash payments to 'out of borough' providers both in terms of the volume of cash payments and accounting for annual Council Tax rises in the 'shared lives' carers home borough.
- 4.2 However, as detailed in the report, the cost of the alternative provision of this support is significantly more expensive. If the council had to utilise alternative providers for this provision it could cost anything up to £2m, depending on the shared lives bandings. The speed of achieving these savings/benefits is predicated by the speed at which we can attract households in and out of Camden to sign up to and provide placements under our Shared Lives Camden scheme.
- 4.3 As the Council has to give one year's notice of revoking the discretionary discount, a carer who stops taking Camden placements, meets the 52 night minimum requirement (respite carers only) in year one but does not do so in year two, or is removed from the scheme by Camden for any reason, will receive the discount on their Council Tax for one additional financial year after no longer being eligible.
- 4.4 Due to the low numbers the risk is limited, particularly as some of the suppliers are existing long-term suppliers the 'shared lives' team engage with. This same risk for the existing discretionary reduction classes and, in particular, the Camden foster carers discount we are attempting to align this new discount to so that all our carers in borough and out of borough receive the same support.
- 4.5 There is a risk for the out of borough placements that the host authority could award a similar discretionary discount on their Council Tax and the host look to receive a cash payment for the Council Tax charge from the 'shared lives' scheme. As referenced in appendix B, they would not be eligible for the cash payment in these instances as the cash amount is purely to cover their Council Tax charge. As documented the shared lives team will seek evidence regarding the Council Tax due and engage with local authorities to verify where necessary, particularly if we are aware those authorities (such as Islington) have this discretionary reduction in place already. Should a host receive a payment they should not have, we will invoice them to repay the sum they incorrectly benefitted from so that we are not supporting out of area hosts more than our key / core in borough hosts.

5. CONSULTATION/ENGAGEMENT

- 5.1 There is no legal requirement to consult residents on the proposed additional discretionary reduction class being added to our policy.

- 5.2 The Director of Finance, Executive Director of Adults and Health and the cabinet members for Finance and Cost of Living and Tackling Health Inequalities and Promoting Independence have been consulted and support exempting main and respite carers within Camden's Shared Lives scheme receiving support with Council Tax to encourage a greater take up. The Council asks shared lives carers to make a significant personal choice to support and nurture adults with learning disabilities or autism within their homes to help them lead independent lives.

6. **LEGAL IMPLICATIONS**

- 6.1 Section 13 A of the Local Government Finance Act 1992 gives the Council the power to reduce liability for Council Tax in relation to individual cases or class(es) of cases that it may determine and where national discounts and exemptions cannot be applied. Section 13 A(1)(c) states that the amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day in any case, may be reduced to such extent (or, if the amount has been reduced to any extent required by the authorities Council Tax Reduction Scheme, such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.
- 6.2 The power under subsection Section 13A(1) (c) above includes the power to reduce an amount charged for Council Tax to nil. and may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination. This report introduces a new class, namely a Camden shared lives carer.
- 6.3 The addition of the new class in the scheme does not remove the ability for any individual or organisations apply to the Council under the above provisions for a reduction in Council Tax on the grounds of financial hardship or exceptional personal circumstances on an individual case by case basis. This means the Council continues to demonstrate it is not fettering its discretion by applying a blanket approach or restrictive criteria.
- 6.4 When making their decisions Cabinet Members must take into account the Council's equality duties. In summary, these legal obligations require the Council, when exercising its functions, to have 'due regard' to the need to: eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; to advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and foster good relations between people who share a relevant protected characteristic and those who do not (which involves tackling prejudice and promoting understanding). Under the Duty the relevant statutory protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation. In respect of the first aim, the protected characteristic of marriage and civil partnership is also relevant. In discharging the Duty the Council has also given a public commitment to give due weight to evidence in relation to the Key Local Characteristics relating to the groups of people referred to page 9 of the attached Equalities Impact Assessment (EIA) (given the strong probability that many people within those groups will have protected characteristics). The relevant groups are Foster carers, Looked after children/care leavers, Low-income households, Refugees and asylum seekers, Parents (of any gender, with children aged under 18), People who are homeless, Private rental tenants in deprived areas, Single parent households and Social housing tenants.

7. RESOURCE IMPLICATIONS

- 7.1 The cost of the new discretionary reductions and out of borough provider payments are estimated to be at least £30,500 per annum initially (based on current providers and current Council Tax charges for those providers households) and rising to between £106,500 to £113,700 (depending on in borough or out of borough placements) per annum should the 20 new providers over target be met over the next 5 years.
- 7.2 This figure is subject to any annual Council Tax rises (or reduced charges) by the relevant authority. The cost of the discretionary in borough Council Tax reductions will be met by Camden's General Fund. The payments for out of borough providers Council Tax charges will be met from existing service budgets.
- 7.3 The lost Council Tax income and cost of payments for out of borough providers is expected to be offset by estimated savings as a result of not having to utilise alternative providers for this support for this vulnerable resident cohort. If the council had to use alternative providers for this support this could cost as much as £2m, depending on the shared lives support bandings.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 These proposals have no environmental impact.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If agreed at the Cabinet meeting on 28 February 2024, the new discretionary reductions for in borough placements for 'main carers' will commence from 1 April 2024 (for existing providers) or from 7 days after a new provider signs up and takes on their first placement.
- 9.2 For the respite carers, the additional requirement of having delivered 52 nights of care in the financial year will mean that whilst they will receive the discount either from 1 April 2024 (existing providers) or from 7 days after a new provider signs up and takes on their first placement, the actual award of the relief will be retrospectively applied back to the qualifying date once the shared lives team notify the Council Tax and Council Tax Support manager of them meeting their qualifying criteria.

10. APPENDICES

APPENDIX A – Shared Lives Camden Council Tax assistance eligibility policy
APPENDIX B – Council Tax discretionary reductions policy 2023
APPENDIX C – Equalities Impact Assessment (EIA)

REPORT ENDS