

# Background



We have **charging policy**. This says how we work out how much people have to pay for their care.



We can decide what is in our **charging policy**.



The policy must follow Government rules.



In 2018 we had a consultation and asked people what they thought about our idea to change our **charging policy**.



In January 2019 the Council decided to make two changes to our **charging policy**.



These changes happened in February 2019.



In September 2020 someone who was unhappy about the change took the Council to court.



In December 2020 the case was heard at the High Court and the judge made a decision.



The judge said that our **charging policy** discriminated against severely disabled people.



This went against article 14 of the European Convention of Human Rights. This means it wasn't fair.



The judge said that we didn't mean to be unfair and couldn't have known that our policy was going to be unfair.



We have decided to accept the decision and not to challenge it.

# What the council is going to do



We are going to say sorry to everyone that has been affected.



We are going to change our **charging policy** for the people the judge said were affected.



In the short term we are going to set the Minimum Income Guarantee (MIG) at £165.



We are also going to stop asking people who get the 'enhanced rate' of daily living PIP to use it to help pay for their care.



This will make things fairer for some very vulnerable people on high benefits who can't work.



This will affect about 3200 people.



We will backdate the money for them to July 2019.



We will put the money back into people's care accounts and let them know it has been done as soon as we can.



We need to do more work before we can say what our **charging policy** will be in the long term. We will engage and consult with people who are affected when we work our new **charging policy**.



We will bring a report back to Cabinet to say what our long term **charging policy** will be.