

## **The Vale of Glamorgan Council**

**Cabinet Meeting: 20 March, 2017.**

### **Report of the Cabinet Member for Housing and Social Care & Health**

#### **Charging for Care and Support Services under the Social Services and Well-being (Wales) Act 2014**

##### **Purpose of the Report**

1. To advise Cabinet members of the changes to the Council's charging policy for care and support services required under Social Services and Well-being (Wales) Act 2014.  
To seek endorsement of the amended charging policy; and  
To agree the proposed charges for care and support services for 2017/18.

##### **Recommendations**

It is recommended that Cabinet:

1. Notes the changes to the current charging policy for care and support services required to ensure compliance with the Social Services and Well-being (Wales) Act 2014.
2. Approves the new charging policy for care and support services, to be implemented from 1st April 2017.
3. Agrees the proposed 2017/18 charges for care and support services outlined within the report.

##### **Reasons for the Recommendations**

1. To ensure that Cabinet members are informed about the need for changes to the charging policy as a consequence of the Social Services and Well-being (Wales) Act 2014.
2. To ensure that the Vale of Glamorgan Council is compliant with the requirements for charging under the Social Services and Well-being (Wales) Act 2014.
3. To agree the proposed charges for care and support services.

## Background

2. The Social Services and Well-being (Wales) Act 2014 introduced some changes to the way in which local authorities carry out financial assessments for those in need of care and support services. The proposed charging policy set out in [Appendix 1](#) is designed to operationalise the legislative framework outlined within the Act. The changes apply to both residential and non-residential services.
3. The principles which underpin the charging and financial assessment framework are set out in the statutory guidance as follows:
  - a. ensure that people are not charged more than it is reasonably practicable for them to pay;
  - b. not charge people more than the cost to the authority of providing or arranging the care and support they are receiving (or which they are to obtain themselves through direct payments);
  - c. be consistent, to remove variation in the way people are financially assessed;
  - d. be clear and transparent, so people know what they will be charged;
  - e. promote well-being outcomes, social inclusion and support the vision of independence, voice and control;
  - f. support carers to look after their own health and well-being, and to care effectively and safely;
  - g. be person-focused, reflecting the variety of care and caring situations and the variety of options available to help meet people's needs and well-being outcomes;
  - h. apply charging equally so those with similar needs for care and support are treated the same and minimise anomalies between charging for different types of care and support;
  - i. encourage and enable those who wish to stay in or take up employment, education or training, or plan for the future costs of meeting their needs, to do so; and
  - j. be sustainable for local authorities in the long-term.
4. A Regional Task and Finish Group for the Vale of Glamorgan and Cardiff Councils have been working for eighteen months to develop the proposed charging policy. Each Council will have separate sign off processes and it may mean some local changes. The Task and Finish Group has considered a series of case studies so that the two local authorities can ensure consistent decision-making across the region, wherever this is appropriate. Officers have also worked closely with other Local Authorities to secure a common understanding of the new legislative framework and its implications. During this transitional year, officers have sought to ensure that citizens have not been affected adversely while the charging policy was being developed.

## Relevant Issues and Options

5. An overarching principle of the Act is that people who are asked to pay a charge must only be required to pay what they can afford. Local authorities may now exercise discretion about whether or not to charge for care in a care home, for carers and for domiciliary care.

It is recommended that this Council continues to charge where a person receives care in a care home and also where a person receives care at home, in line with the current charging policy.

However, if the council decides to charge for the care a person receives care in a care home and also where a person receives care at home (domiciliary care), in line with the current charging policy.

6. Although local authorities have discretion to charge for the provision of services to carers, the proposed policy does not seek to introduce such charges. This is intended to recognise the important role that carers have in supporting citizens who need social care.
7. The new charging policy will apply to those adults (persons aged 18 years and over) who receive care and support provided and/or arranged by the Authority to meet a person's eligible needs. The Regulations prohibit charges being made for the provision of care and support to a child or their carer. However, if the Council decides to charge for the care a person receives, it must undertake a financial assessment to ensure that any charge made is reasonable compared to the individual's financial means. It must not:
  - charge for information and advice about the care and support that can be provided and must not charge for undertaking financial assessments;
  - take into account any money earned by a person;
  - charge more than the cost incurred in providing or arranging the care and support.
8. There are differences in the assessment and charging for non-residential care and for residential care.

#### **Care at home ('domiciliary care')**

9. In setting charges for non-residential care, we must allow an individual to keep a minimum amount (calculated in accordance with the regulations for the individual). This is known as the 'minimum income amount' and it is calculated with reference to social security benefit levels, depending on a person's circumstances (see 'Basic Income Support/Pension Credit levels (2017/18) as set out at [Appendix 3](#) pages 31 - 33 of the Charging Policy attached).
10. Once the minimum income amount has been calculated, the person may be charged against their remaining income. There is a limit on how much a person can be charged, known as the 'maximum charge'. Currently, this is £60 per week but Welsh Government has increased it to £70 per week with effect from 10th April 2017. Where a person is assessed as having sufficient weekly income, they will be charged the maximum charge. This is the maximum amount a person will be required to pay for their care, including where the actual cost of the care to the Authority is more than the maximum charge of £70 per week.
11. In addition, where a person has savings and investments above the capital limit, the person will have to pay the actual cost of their care, subject to the maximum charge of £70 per week. The 'capital limit' is £24,000 in relation to charging for non-residential care.

#### **Care in a care setting**

12. In relation to residential care, there is a capital limit of £24,000 and, where a resident has capital over this amount, they will be required to meet the cost of their care home

placement in full. The capital limit in relation to charging for residential care will change to £30,000 with effect from 10th April 2017.

13. An individual with capital at, or below, the limit will have the cost of their residential care paid for by the Council and only contribute to the cost of their care from their eligible income, such as pensions or welfare benefits.
14. The Council must allow a person to keep part of their weekly income to spend as they wish on personal items. This is known as the 'Minimum Income Amount' and is currently set at £26.50 per week; it will increase to £27.50 per week with effect from 10th April 2017.
15. Previously, the Council has charged for the following services:
  - i) Telecare services;
  - ii) Day Centre;
  - iii) Meals on Wheels & Meals in the day services.

This amended charging policy does not change this position.

16. It is proposed that the charges for telecare services are increased by 1% for the 2017/18 financial year as follows (all charges are weekly, unless stated otherwise);

	2016/17	2017/18
VCAS Rental & Monitoring	£4.17	£4.21
VCAS Monitoring only	£70.58pa	£71.29pa
TELE V Rental & Monitoring	£5.15	£5.20
TELE V Installation (one off)	£59.50	£59.50
TELE V + Rental	£8.59	£8.68

17. It is proposed that the charge for telecare services is increased annually at a rate of 1%, unless further reports are submitted to Cabinet for consideration.
18. It is proposed that the costs of the internal day services are amended as follows, in line with their current unit cost:

Client Group	2016/17	2017/18
Older People	£58	£60
Physical Disability	£55	£57
Learning Disability	£116	£102

19. The effect of the maximum weekly charge of £70 per week (2017/18), these increases should not have any adverse financial impact directly upon any current day service users. It is proposed that the charge for day services defaults to a 1% annual increase (rounded up to the nearest pound), unless further reports are submitted to Cabinet for consideration.
20. There are a small number of relatively low cost services for which the service-user pays by means of a flat rate charge, including meals received at day centres. Service users are charged in addition to and separately from any charges that may be levied for other services. In keeping with the decision to move to full cost recovery for services, it is proposed that the flat charge for the meals provided at day

services settings is increased from £4.60 to £4.75 per meal. Again, it is proposed that meal prices rise annually by 1% unless further reports are submitted to Council.

21. The Equality Impact Assessment for the increase in charges is attached at [Appendix 2](#).

### **Resource Implications (Financial and Employment)**

22. There are no further financial implications arising from this report, as it seeks permission to implement a charging policy which is compliant with legislation and has been substantially in operation since April 2016.
23. Officers have monitored the financial implications of the new requirements relating to the Act and have identified these through the budget setting process and submission of cost pressures. It is estimated that income may increase by up to £250,000 as a result of the increase in the charging cap outlined in paragraph 10.

### **Sustainability and Climate Change Implications**

24. There are no sustainability or climate change implications in relation to this report.

### **Legal Implications (to include Human Rights Implications)**

25. There are no direct legal implications arising from the recommendations in this report.
26. The Social Services and Well-being (Wales) Act 2014 (s61) provides for regulations to set out the details of how charging arrangements are to operate after 6th April, 2016. The Local Authority must follow the regulations when undertaking financial assessments and determining any charges (Guidance paragraph 5.1) and when exercising its other functions in relating to charging.
27. The relevant 'Charging Regulations' are:
  - The Care and Support (Financial Assessment) (Wales) Regulations 2015;
  - The Care and Support (Charging) (Wales) Regulations 2015;
  - The Care and Support (Choice of Accommodation) (Wales) Regulations 2015;
  - The Care and Support (Deferred Payment) (Wales) Regulations 2015;
  - The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015.

A link to all the Regulations is available at: <http://www.ccwales.org.uk/regulations-and-codes/>.

28. A Code of Practice (Part 4/5 Charging and Financial Assessment), referred to as 'Guidance', also supports the Regulations.

A link to the Code of Practice is found at <http://www.ccwales.org.uk/codes-of-practice-and-statutory-guidance/>

29. Legal services staff have been involved throughout in helping to develop the policy. They also attended workshops with staff from across the Vale of Glamorgan and Cardiff Councils to advise on requirements under the Act. Legal services will be involved again should there be any further consideration of those areas where the Local Authority has discretion to charge, expressed as 'may' or 'should/should not' within the Guidance; such matters may be subject to formal, public consultation.

## **Crime and Disorder Implications**

30. There are no crime and disorder implications as a direct result of this report.

## **Equal Opportunities Implications (to include Welsh Language issues)**

31. An Equality Impact Assessment (EIA) has been completed in relation to the proposed changes in charges for specific care and support services.

32. An Equality Impact Assessment has not been completed in relation to the proposed charging policy because no discretionary aspects have been included at this stage. All changes relate to the need to be legally compliant and hence the Welsh Government's EIA for implementation of the Act covers this aspect. Should the Council wish to use its discretion and consider charging for other care and support services, then consultation and an Equality Impact Assessment will be completed at that time.

## **Corporate/Service Objectives**

33. The work outlined in this report addresses the following corporate objectives outlined in the Corporate Plan 2016-2020. Key objectives of the Council set out in the Corporate Plan 2016-20 and addressed by this report are:

- Wellbeing Outcome 4: An Active and Healthy Vale- Objective 8 Safeguarding those who are vulnerable and promoting independent living

## **Policy Framework and Budget**

34. This is a matter for Executive decision by Cabinet.

## **Consultation (including Ward Member Consultation)**

35. There are no matters in this report which relate to an individual ward.

## **Relevant Scrutiny Committee**

36. Healthy Living and Social Care

## **Background Papers**

Social Services and Well-being (Wales) Act, Code of Practice Parts 4/5: Charging and Financial Assessment

## **Contact Officer**

Suzanne Clifton, Interim Head of Business Management and Innovation.

## **Officers Consulted**

Carys Lord, Head of Finance/Section 151 Officer

Lance Carver, Head of Adult Services

Carolyn Goodall, Legal Services

## **Responsible Officer**

Philip Evans, Director of Social Services