

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 23 May, 2016**

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

### **Community Care Charges for Non-Residential Services 2016/17**

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

1. To seek Cabinet approval for the charges which will be levied in 2016/17 for non-residential community care services which the Council either provides directly or commissions.

#### **Recommendation**

That Cabinet:

1. Approves the charges detailed in this report which will be levied in 2016/17 from 31st May 2016 for non-residential community care services which the Council either provides directly or commissions.

#### **Reason for the Recommendation**

1. To agree revised charges for non-residential community care services for financial year 2016/17 to take effect from the 31st May 2016.

#### **Background**

2. A charging policy for non-residential community care services has been in operation in the Vale of Glamorgan since 1993. It was last reviewed in 2011. In part, this was done to ensure compliance with the Social Care Charges (Wales) Measure 2010, Regulations and Guidance which became effective in April 2011. The Measure gave local authorities in Wales a discretionary power to impose a reasonable charge upon adult recipients of non-residential community care services. Additionally, the Welsh Government was provided with authority to determine the maximum weekly charge any individual service user could be asked to pay, which was initially set at £50.00 per week and has risen incrementally to £60 per week.
3. Following the introduction of the Social Services and Wellbeing (Wales) Act 2014, which came into effect on 6th April 2016, the maximum weekly charge of £60 has been retained. The introduction of the cap on the total weekly charge to service

users severely limits the ability of the Council to recoup its costs but it does ensure that the effect of many price rises for service users is limited.

4. The charging policy applies to all non-residential community care services, either provided directly or commissioned by the Vale of Glamorgan Council. In appropriate circumstances, service users are asked to make a weekly contribution towards the costs of the following services: home care, day services and supported living accommodation. The charge must not be more than it is reasonably practicable for the service-user to pay and, further, the Authority cannot charge more than the actual cost to the Authority of providing or arranging the relevant service. As required by Regulations, no service user is asked to pay more than the maximum total weekly charge of £60.
5. Implementation of the Social Services and Wellbeing (Wales) Act 2014 requires the Authority to review its existing charging policy for non-residential services to ensure its compliance with the Regulations and Charging Code of Practice issues under the Act 2014. This work is presently ongoing and a further report will be presented to Cabinet for approval of any revised policy. Work continues to seek clarity from Welsh Government about some aspects of these regulations.

### Relevant Issues and Options

6. Non-residential community care services are made available currently through a range of providers, including the Council. Those clients who receive their service from the independent sector are charged in accordance with the rate the provider charges the Council. A review of the charges levied in 2011 highlighted that the users of Council-provided services were receiving their services at a subsidised rate. In November 2011, it was agreed by Cabinet (Min. No. C1519) that the Council should move to full cost recovery for these services. Acknowledging that this would have an adverse impact on some service users, the change was to be phased in over a three-year period.
7. A further review of charges in 2015 indicated that in many areas, an element of subsidy remained in place. Unit costs for day services have been recalculated and these are shown in the table below.

<b>Client Group</b>	<b>Current charge per day</b>	<b>Unit cost per day</b>	<b>Places available per week</b>
Older People	£51	£58	125
Learning Disability	£64	£116	155
Physical Disability	£55	£55	125

8. It is proposed that the full unit cost is charged from 31st May 2016. Because of the £60 cap on charges for non-residential services, this change will not have any adverse financial impact upon any current day services users directly. Some Learning Disability day services support small numbers of services users funded by the NHS through Continuing Health Care arrangements, where the LHB is legally responsible for funding all the person's health and social care needs. It is unlawful for the local authority to pay for these cases and so full cost recovery should be sought.

9. There are a small number of relatively low cost services for which the service-user pays for by means of a flat rate charge. These include meals received at home or in day centres and Telecare services. 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 or via the Meals on Wheels service is increased from £4.10 to £4.60 per meal from the 31st May 2016. The charge could be raised to £5.30 to cover the current actual costs. It is however recommended in consideration of the recipients and the Equality Impact Assessment that the price rise should be raised more gradually to help mitigate the financial impact upon individuals.
10. The charge levied for the basic TeleV package is currently £5.10 per week. This service is available to all individuals in the Vale and it provides a relatively low level of support that enables people to remain in the community without the need for additional social care support. It is proposed that the charge for this service should be increased to a weekly rate of £5.15. Additionally, it is proposed that the charge for the TeleV+ service is increased from £8.50 per week to £8.59 from 31st May 2016. Emergency Community Alarm cover for residents in Sheltered Housing (VCAS) operates slightly differently. The VCAS rented cost will increase from £4.12 per week to £4.17 and the VCAS owned cost from £60.98 per year to £70.58 per year.
11. The move towards full cost recovery for in-house service is linked closely with work to ensure that these services are managed and operated as efficiently as possible. The changes for 2016/17 will be implemented from the 31st May following the agreement of Cabinet.

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

12. Social Services continue to work within a very challenging financial climate, with reductions in the overall resources available and increasing demand. The Social Services Budget Programme Board monitors progress against required savings targets and provides regular reports to Scrutiny Committee and Cabinet. As part of the actions identified within the budget programme, the Directorate continues to review the level of income received by services. The increased income likely to be received through the increase in charge for Meals on Wheels would reduce the subsidy for the service by approximately £10k. The actual cost of a meal is dependent upon the numbers required and so the service may not become self-sufficient through price rises alone. Significant price rises are likely to result in reduced uptake of the service and therefore a higher actual cost. The suggested price rise is therefore based upon the information from the impact assessment and previous experience of the effect of price increases on demand.
13. The introduction of the maximum charge by the Welsh Government means that no service user funded by the Council will be required currently to pay more than £60 a week for the non-residential social care services they receive.

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

14. There are growing concerns about the viability of current services, given demographic and cost pressures and the continued delay by central government to establish how social care is to be funded in the longer-term.

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

15. The charging regime for non-residential services was found under section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA), which gave local authorities discretion to charge for non-residential social care services.
16. The Social Care Charges (Wales) Measure 2010 replaced HASSASSA in Wales from 11th April, 2011. Under the Measure, local authorities retain the discretion to charge should they wish but they are required to ensure that they do so in accordance with the requirements of the Social Care Charges (Wales) Measure 2010, Regulations and Statutory Guidance. These provisions have been broadly replicated in the SSWWA 2014 and the Authority is presently reviewing and, where appropriate, revising its policies to ensure compliance with the Act, regulations and Charging Code of Practice.

## **Crime and Disorder Implications**

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

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

18. The charging policy is applied to all client groups that are able to access non-residential community care services. There is an impact for individual groups with protected characteristics and so a full equality impact assessment has been completed. It is attached at [Appendix A](#).
19. The assessment indicates that, as the main users of the Meals on Wheels service, the most significant impact would be for older people. Some adults with disabilities also use this service. The impact relates to the increase in the cost of this service for the recipients. To help mitigate this impact it is therefore suggested that the service does not move to full cost recovery for the meals in one step.
20. In relative terms, the increase in the cost of Telecare is smaller. The increase in the cost of day services will not affect the actual payment for any individual currently. However, the Cardiff and Vale UHB will be asked to fund the actual cost of the service that they purchase, without subsidy from the Council.
21. The agreed savings for Adult Services means that failure to deliver services on budget in one area will require the service to seek additional savings in another. Should savings not be achieved through increased charging to reduce the subsidy of services, then they would need to be found from other areas.

## **Corporate/Service Objectives**

22. Social services meet the following corporate objectives:
  - To have in place clear planning and programme management processes, which are identified in commissioning strategies and annual commissioning plans, and help to ensure an appropriate range of services that deliver equity of access, joined up services and best value from a variety of providers with defined, proportionate budgets directed to meeting service priorities

## **Policy Framework and Budget**

23. This is a matter for Executive decision.

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

24. There are no local consultation issues as a direct result of this report.

## **Relevant Scrutiny Committee**

25. Healthy Living and Social Care

## **Background Papers**

Social Care Charges (Wales) Measure 2010, Regulations and Guidance

Cabinet Report: Community Care Charges for Non-Residential Services, 16th November 2011

Cabinet Report: Community Care Charges for Non-Residential Services, 18th March, 2013

## **Contact Officer**

Lance Carver, Head of Adult Services/ Locality Manager

## **Officers Consulted**

Corporate Management Team

## **Responsible Officer**

Philip Evans, Director of Social Services