

REPORT TO THE CABINET

Tuesday 15/03/2016

Cabinet Member: Councillor William Gareth Roberts

Subject: The effect of the Social Services and Wellbeing (Wales) Act 2014 on the Adult Services Charging Policy.

Contact officer: Meilys H. Smith, Senior Business Manager, Adult, Health and Wellbeing Department.

The decision sought

1. Confirm that Gwynedd Council will exercise the discretion given to it by the Social Services and Wellbeing (Wales) Act 2014, to charge for Adult Care Services from the 6/04/2016.
 2. Adopt the new Adult Services Charging Policy, effective from 6/04/2016.
 3. Approve the care services fees for 2016/17.
 4. Give the Adult, Health and Wellbeing Department permission to begin a consultation in May 2016 on the changes required to the charging policy.
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Views of the local member.

Not a local matter

1. Introduction

- 1.1 On 6 April 2016 the framework for financial assessment and charging under the Social Services and Wellbeing (Wales) Act 2014 will come into force. This framework will apply from that date and as a result Local Authorities will need to decide to use their discretion, or not, under the Act to charge for care services. It will replace the existing framework that Authorities use and make the decision to charge for care services a matter of discretion for Local Authorities.
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The Adult Services recommend that the Council agrees to use the discretion allowed by the Act, and continue to charge for residential and non-residential services in accordance with the arrangements that are already in place.

- 1.2 A new charging policy has been written to incorporate the present charging arrangements into the Act's new statutory framework. The Adult Services recommend that the Council adopts this new policy so that the present charging arrangements can continue beyond 6 April 2016.

See the new Charging Policy in Appendix A

- 1.3 The Adult Services has identified the need to make changes to the Charging Policy. The lack of time available to consult on any changes before the 6/04/2016 means that it is necessary to continue with the present arrangements beyond the 6/04/2016. This will give the Adult Services an opportunity to undertake a formal consultation process over the next few months with a view to making the necessary changes that are needed to update the charging policy and allow the Service to raise additional income and reconcile sections of the policy with the policies of other North Wales Authorities.

2. Reasons for recommending the decision

- 2.1 Charging for residential and non-residential services is an essential source of income for Adult Services that is equivalent to approximately £10 million each year. If the Council does not exercise its discretion to charge for services, and does not adopt the charging policy then the Adult services will have no right to continue collecting this income beyond 6 April 2016.

As a result of adopting this policy, there will be no operational changes to the way that charging and financial assessments are conducted. There will be no effect on the service user.

- 2.2 In accordance with the annual requirement to review standard charges for service users of residential and non-residential care the following changes are recommended for 2016/17.

- 2.3 Residential/ Nursing Care

The table below shows the changes that are recommended to the residential and nursing fees. The changes reflect exactly the changes that are intended to the standard fees that are paid to the providers. Note that there is no change to the standard charge for Gwynedd Council Care Homes. No justification can be derived from cost of running this service that would justify an increase to the standard fee.

Not increasing the fees for service users in Private/ Independent care homes would result in a difference between the fee that is paid to the providers and the fee that is charged to the service users. Over time this would result in a substantial loss of income for Adult Services.

<u>Tabl Ffioedd Gwasanaethau Preswyl a Nyrsio – Residential & Nursing Care Fees Table 2016/17</u>	
Ffi Safonol Cartrefi Preswyl Cyngor Gwynedd <i>Standard Fee Gwynedd Council Care Homes</i>	£581.28 yr wythnos/ per week Dim newid/ <i>no change</i>
<u>Cartrefi Gofal Preifat ac Anibynnol/ Private and Independent Sector Care Homes</u>	
Categori gofal/ Category of Care	
Preswyl (yn cynnwys dibyniaeth uchel) <i>Residential (including high dependency)</i>	Cynnydd o/ <i>an increase from</i> £465.90 i/ to £483.46 yr wythnos/ <i>per week</i>
Preswyl – dementia/EMI <i>Residential – dementia/EMI</i>	Cynnydd o/ <i>an increase from</i> £509.72 i/ to £532.07 yr wythnos/ <i>per week</i>
Nyrsio <i>Nursing</i>	Cynnydd o/ <i>an increase from</i> £523.83 i/ to £546.27* yr wythnos/ <i>per week</i>
Nyrsio – dementia/EMI <i>Nursing – dementia/EMI</i>	Cynnydd o/ <i>an increase from</i> £549.00 i/ to £573.58* yr wythnos/ <i>per week</i>
* Dim yn cynnwys cyfraniad y Bwrdd Iechyd/ <i>Not including the Health Board Contribution.</i>	

2.4 The table below lists the non-residential fees that are proposed for 2016/17. There is no change from the fees that were in effect in 2015/16.

At the time of presenting this report the fees payable to the suppliers of non-residential care services had not been set for 2016/17. As a consequence it is not possible to propose any change to the fees charged to the service users.

As it is the intention of the Adult Services to review the Charging Policy again early in the new financial year (May 2016). It is intended that the non-residential care fees will be reviewed again at this time to reflect any changes in the fees paid to the suppliers.

<u>Tabl Ffioedd Gwasanaethau Dibreswyl- 2016/17</u>	
<u>Non Residential Fees Table- 2016/17</u>	
Math o Wasanaeth/ Type of Service	2016/17
Gofal Cartref/ <i>Home Care</i>	£14.35* yr awr/ <i>per hour</i>
Gofal Cartref- Oriau Nos/ <i>Home Care- Night Time Hours</i>	£14.35* yr awr/ <i>per hour</i>
Llety gyda Chymorth/ <i>Assisted Living Accommodation</i>	£14.35* yr awr/ <i>per hour</i>
Taliadau Uniongyrchol/ <i>Direct Payments</i>	£11.35 yr awr/ <i>per hour</i>
Teleofal Pecyn Sylfaenol/ <i>Telecare Basic Package</i>	£3.30 yr wythnos/ <i>per week</i>
Cynllun Lleoli Oedolion/ <i>Adult Placement Scheme</i>	Dim- Yn cael ei adolygu <i>No charge- Review in progress</i>
Cynhaliaeth mewn Gofal Dydd/ <i>Sustenance at Day Care Centres</i>	£4.20 y dydd/ <i>per day</i>
<ul style="list-style-type: none"> • * Mewn amgylchiadau prin bydd y Cyngor yn gallu negodi contractau rhatach gyda darparwyr gofal. Os bydd cost y gofal yn rhatach na £14.35 yr awr bydd y defnyddiwr gwasanaeth yn talu'r raddfa ratach. • * <i>In some rare circumstances the Council may be able to negotiate cheaper contracts with care providers. If the cost of the care is cheaper than £14.35 per hour the service user will be charged at the cheaper rate.</i> 	

2.5 Permission is requested to consult on changes to the charging policy given the opportunity presented to Adult Services to make changes following the arrival of the Social Services Act. A number of matters in the previous policy have needed changing for some time, some of which are connected with savings plans* that have already been agreed by the Cabinet. Other matters need changing from the viewpoint of simplifying the policy and reconciling arrangements that are operational with other Local Authorities in North Wales. Some of the changes are listed below:

- Adopt the minimum requirements of the Welsh Governments regulations in relation to 'minimum income amounts' for non-residential care, rather than continue with the present Gwynedd Council policy of allowing a higher disregard for service users under pension age*.
- Charge interest on all deferred charges contracts in accordance with the new rights given by the Act.
- Remove the right of service users in residential care homes to not pay for their care during 'holiday' absences.

In addition, although that it will not lead to a need to change the policy, we will consult on the intention to charge a flat rate fee on all recipients of Telecare services.

3. Relevant Considerations

The requirement to conduct an equality impact assessment has been recognized and an assessment has been completed. See Annex B.

The findings of the assessment concluded that there would be no impact on service users in relation to the adoption of the new policy from 6/04/2016. However, it is the intention of Adult Services to complete a full equality assessment before consulting on the proposed changes to the charging policy in May.

4. Next Steps and Timetable

- April 2016- Finish identifying all the changes to the charging policy that are required.
- May 2016- Consult on the changes.
- July 2016- Present the new policy to the Cabinet for approval.
- August- Implement the amended policy.

Views of the statutory officers

The Chief Executive:

Clearly, the change in the legislative context means that now the Council has more discretion. However, as the report notes, the charging arrangements provide a vital source of income to the Adult Services. In the current financial context, it would be disastrous for the delivery of services if Adult Services had to manage without the income.

Clearly, as the report states, further consultation is needed about this decision and the required changes to the policy.

The Monitoring Officer:

The report specifically identifies the need for the Council to act on this basis to protect our ability to raise fees in response to a situation where new legislation comes into force. This is recognized in the report and the intention to do further work to establish a long-term plan. There is also a direct link between this report and the setting of the independent and private care home fee levels so it is important to ensure this will be undertaken in the proper order. I will provide further guidance at the meeting.

The Head of Finance:

The report discusses fees payable to the Council by users of residential and non-residential services. The policy will be reviewed in early 2016-17. A separate Decision Sheet will discuss the fees payable by the Council for care providers. I confirm that the calculation of residential and nursing care fees are logical and appropriate budgetary provision is in place for payment to providers.

Appendices

Appendix A- Charging Policy for Adult Care and Support Services



Charging Policy Adult
Care

Appendix B- Equality Impact Assessment



Annex B- Equality
Impact Assessment