

MEETING	Care Scrutiny Committee
DATE	26/09/2024
TITLE	Charging for Care Policy
REASON FOR SCRUTINY	Forward scrutiny – Committee comments needed on proposed changes before going out for consultation and submission to Cabinet
AUTHOR	Alun Gwilym Williams
CABINET MEMBER	Dilwyn Morgan

1. Why does it need to be scrutinized?

It is intended to modify the charge for care policy to give the Council the right to charge fees for certain care and support services where no fee has historically been charged.

The recommendation to modify the policy needs to be scrutinised and the recommendation to go out and consult on the matter, before the comments of the scrutineers are submitted to cabinet to reach a decision on the matter.

2. What exactly needs to be scrutinised?

The recommendation to modify the charge for care policy.

3. Summary and Key Issues

There are three elements where the policy needs to be developed/modified :

3.1 Modify the policy to add specific services that have historically been free of charge:

- **Daycare:** Charge a fee for attending daycare provided at specific centres/locations outside the home. A decision on the fee level will be needed here, more information in part 4.
- **Mental Health Support Services:** Charging for Mental Health support services (Excluding services covered by part 117 of the Mental Health Act 1993)
- **Dementia Support Services:** Charging for support services in the community.

3.2 Modify the wording and make the clause on un-paid carers clearer.

An unpaid carer is defined as;

"someone who cares or intends to provide unpaid care to an adult due to physical or mental illness, age, disability, substance dependence or caring for a disabled child"
(Carers Trust, 2024)

In relation to unpaid carers, the Social Services and Well-being (Wales) Act 2014 states;

"When a local authority meets the needs of an adult carer by arranging or providing them with support directly, or provides direct payments to enable him or her to access this support, it has discretion to charge the adult carer a fee for this support".

Although it has the discretion to do so, the Council has not been charging a fee for direct care for unpaid carers, and the recommendation is that this policy continues. There are a number of reasons for this, but mainly, unpaid carers provide valuable care and support to individuals who take pressure off statutory services, and the Council needs to continue to support unpaid carers to fulfil this valuable role. In deciding if a fee is charged for a service, these are the principles which will be followed;

- The council will not charge for services that directly support unpaid carers (a service that is in the name of the carer).
- If there is a care and support plan in the name of the carer, then we do not charge them for the support here i.e. a service that directly benefits the unpaid carer where there is no element of care/responsibility for the person who needs care.
- A recommendation that there should be a charge (dependent on financial assessment) for any service where there is an element of direct or indirect care for the individual receiving support e.g. personal care, keeping company or supervision. This service would be part of the care and support plan of the person being looked after rather than the unpaid carer.
- The usual exceptions set out in part 4 below would apply.

3.3 Act on fees already within the policy, where the Council has not historically been charging:

- The main example is deferred payments. A deferred payment is an arrangement whereby an individual enters a residential or nursing home, but they do not sell their home, and therefore the cost of a person's care goes against their property, and when the property is sold, the Council is reimbursed the care fees that have accrued up to that point. Current policy states that the Council is entitled to charge a fee for the administration of the payment, legal work and valuation of the property during the establishment of the agreement. Further fees can be charged during the life of the agreement if a property requires further valuation pricing for example.
- The current policy states that annual interest can also be charged to the debt by deferred payment, but previously this has not been implemented due to the complex nature of the work.
- When the new policy is in effect these are intended to be charged for and we will develop a correct system for charging the right amount and keeping track of individuals debts.

4. Background / Context

- **Legislative context:**

The code of practice (part 4 and 5) of the Social Services and Well-being (Wales) Act 2014 states ;

"When a local authority provides or arranges care and support to meet a person's needs, or support to meet a carer's needs, under sections 35 to 45 of the (Meeting needs) Act it has discretion to charge a fee for this, unless a particular person is required not to be charged a fee or not to charge a fee for a particular type of care and support under regulations".

The code of practice also includes a list of protected services that must be provided free of charge.

They are:

- Transport to a day service where the transport is provided as part of meeting a person's needs.
- Aftercare services provided under Section 117 of the Mental Health Act 1983 (provided jointly with the Health Board).
- Services provided to victims of Jacob's Creutzfeldt Disease .

- Care and support provided as re-enablement arranged under Part 2 (General Functions) or Part 4 (meeting the needs) of the Act, or a re-enablement arranged as direct payments under sections 50 or 52 (direct payments) of the Act, to a person for up to 6 weeks to enable them to maintain or regain their ability to live independently at home*.
- Independent professional advocacy where a local authority has arranged to provide this in accordance with the code of practice on advocacy under Part 10 (Complaints, Representatives and Advocacy Services) of the Act.

**In Gwynedd only care packages specifically designated as 're-enablement' will be exempt for up to 6 weeks. A fee will be payable for long-term routine home care from day one.*

The code of practice clearly sets out some principles that local authorities must adhere to when developing their charging policies. The principles here are very relevant in conjecture to modifying the policy. Mainly:

Local authorities must:

- Ensure that people are not charged a fee in excess of what is reasonably feasible for them to pay and a fee must not be charged that is in excess of the cost that the authority has paid for the provision.
- be consistent, to eliminate variations in how people are financially assessed and charged fees;
- be clear and transparent, so that people know the amount they will be charged;
- promote well-being outcomes, social inclusion and support the vision of independence, voice and control;
- helping carers to look after their own health and well-being, and to care in an effective and safe way;
- be person-centred, reflecting the range of care and caring situations and the range of options available to help meet people's well-being needs and outcomes;
- apply fees equally so that those with similar care and support needs will be treated in the same way and minimise discrepancies between charging for different types of care and support;
- encourage and enable those who wish to remain in employment, education or training or undertake employment, education or training, or plan for the costs of meeting their future needs, to do so;
- be sustainable for local authorities in the long term.

- **Fiscal position of the field, estimated cost of implementing any changes, funding sources etc.:**

With the current turbulent financial situation, it is inevitable to consider charging fees for those services where there is discretion for the Council to render. The budget available to maintain care services is decreasing, but the need for care is increasing due to the demographics of our county. Gwynedd's population is ageing and living longer with ill-health and/or disabilities ([Bevan Commission](#), 2024) which is putting increasing pressure on care services. The 'Llechen Lân' (Clean Slate) project seeks to come to grips with a change in practice so that we are in a better place to respond to the increase in demand, but adapting the charging policy to maximise contributions to our services is an important consideration. These changes have already been successfully made by some other councils, see below for an examples.

It is difficult to put a figure on how much money the above changes would generate, as changing the policy would only give the Council the right to charge a fee. Everyone receiving care and support would be entitled to an assessment of their financial situation before having to contribute, and a maximum of £100 per week has been set by the Welsh Government (there has been a consultation to raise this amount to £125 per week, but no decision so far).

An example of a fee that would contribute materially would be daycare. If the Council decided to charge a 'flat' fee of £5 a day (for example) to everyone attending a day service, without a financial assessment, it is estimated that this would result in an income of around £150,000 a year. As can be seen from the table below, the majority of other Northern counties charge much higher fees. This can be done but everyone would need a financial assessment, so that the only ones contributing at all would be those individuals who have the means to do so.

Sîr	Daycare fee (for a day)
Conwy	£22.36
Flint	£51.68
Denbighshire	£62
Wrexham	£25
Anglesey	£0
Average	£40.26

- **Risks - what are the risks and what can be done to mitigate them:**

1. There is a risk that the policy will not be implemented consistently, or interpreted differently if unclear. This risk can be overcome with staff training and clear guidance. Training for social workers who can advise individuals on what is available to them, and also training for the staff carrying out financial assessments, to ensure everyone is assessed consistently.

2. There is a risk that higher fees will affect the financial situation of Gwynedd's vulnerable adults. Everyone who contributes to care or support has the right to an assessment of their financial situation. This assessment is in place to ensure that everyone has an adequate income to live on after paying for the service. In addition, the Council has income and welfare officers who work with individuals to ensure they receive the benefits they are eligible for if the financial assessment shows they need to contribute to their care.
3. There is a risk that higher fees may deter people from trying to seek help and support when they need it. To try to overcome this risk, in cases of safeguarding Gwynedd Council's professionals have the discretion to exclude people from the policy for a certain period of time, this will then be reviewed regularly.
4. Similar to the above risk, there is a possibility that individuals will choose not to receive/attend services (for example a day service) that are preventative in nature, and as a result they will need more expensive, statutory services (for example home care) sooner. To mitigate this risk, promoting preventive services, Dewis Cymru etc. will be a priority.
5. Dementia support workers employed by the Health Board in the community offer free support, and collaboration and reconciliation across health and care in dementia and unpaid carers is required by the act. There is therefore a risk, charging for similar support would be confusing, and this will need to be communicated clearly and efficiently.

- **Good practice in the field:**

The table below summarises the position of other counties that have responded to our request for information (the only services included are those services under debate) :

County	Charges for services below:
Rhondda Cynon Taf	Daycare, Mental Health Support Services
Bridgend	Daycare, Mental Health Support Services
Flint	Daycare
Monmouth	Daycare, Mental Health Support Services
Torfaen	Daycare, Mental Health Support Services
Powys	Daycare, Mental Health Support Services
Carmarthen	Daycare, Mental Health Support Services

- **Priorities for the future:**

In the near future, the Welsh Government is considering raising the weekly maximum charge for non-residential care from £100 to £125. If this change is approved by the Welsh Government then Gwynedd Council will implement this change. The update to the charging policy in Gwynedd covers this change, as the policy states that our policy will reflect any changes the Welsh Government implements. Gwynedd Council will increase the maximum weekly pay in line and change the Welsh Government to the future, if there is no opposing decision.

Find out more about the Welsh Government's proposed changes here: [Written Statement: Charging Fees for Non-Residential Care and Support: maximum weekly fee \(19 February 2024\) | HELM. WALES](#)

5. Consultation

The code of practice clearly states (part 4.2);

"When authorities formulate new policies, or substantially amend existing policies, they must consult with those affected locally and consider their views before deciding on what policy, or what amendments to their policy, they should implement or implement".

The proposed next step is therefore to go out and consult on the change to the policy, specifically with those affected and their families/carers, but with the wider public as well.

6. Well-being of Future Generations (Wales) Act 2015

- **Have you included residents / service users? If not, when and how do you plan to consult them?**

See point 5 above.

- **Have you considered working together?**

We collaborate and contribute financially towards community hubs, third sector organisations etc. to run some services on our behalf. These include financial contributions to open hubs in all wellbeing areas of Gwynedd, and payments to third sector organisations 'Carers Outreach' and 'Action for Children' for supporting their work with unpaid carers.

We work with the Advice Bureau (Citizens Advice) to offer a service to individuals to understand which benefits are available to them, and we also have our internal income

and welfare officers who do this work with anyone who receives care and support services and through assessment have been told they need to contribute.

- **What has been done or will be done to prevent problems arising or worsening in the future?**

If our work is done correctly everyone who applies for an assessment will receive a financial assessment, so that only individuals who can afford to pay a fee will pay. Individuals can request a re-assessment at any time.

These changes are being made to help social services stay sustainable for future generations. The way we currently operate is not sustainable for the future and changes need to be made before the impact is seen on services.

- **How have you considered the long term and what will people's needs be in years to come?**

Over the past year a project team has been looking into what the care needs of Gwynedd individuals will be over the next twenty years. Roughly according to the Census, there has been a growth in the over-65 population of 7.8% in Gwynedd between 2011 and 2021. This was an increase from 25,140 to 27,273. A population prediction suggests that the number of people over 65 will continue to increase over the next twenty years to 32,452 in 2043. While there are some things that can't be predicted for, of course, such as disease cures or pandemics, the Bevan Commission advises that "the average age at which major illnesses are predicted to develop is 70 years. With the increase in life expectancy, years spent with illness will also increase."

Demographic prediction suggests a significant increase of 57% in the demand for social care by 2043. This would be in addition to the 11% of individuals assessed for care who were waiting for provision at the time of the research in Gwynedd.

These figures suggest that charging for services is just one small step in the full picture. The full 'Llechen Lân' report (where the above information has been taken) makes further suggestions on how the department can plan and change to help protect social care for people in the years ahead. Some of these changes include; strength-based working, integrating multidisciplinary services, increasing support for unpaid carers, innovating the use of direct payments, adopting Technology and robotic Enabled Care, ensuring accessible information and advice is available, investing in extra care housing, developing a Care Academy, ensuring cross-authority collaboration, collaboration with the third sector, and reinvigorating outcome-based commissioning.

- **To ensure integration, have you considered the potential impact on other public bodies?**

In some extreme cases individuals may avoid seeking social care services because they are concerned about the cost. This can lead to increasing pressure on the NHS with more individuals seeking hospital support. To make sure this doesn't happen, in cases of safeguarding professionals have the discretion to exclude people from the policy for a certain period of time.

7. Impact on Equality Characteristics, Welsh and Socio-Economic Duty

Changes to the policy are designed to ensure that all individuals are treated equally. In the past groups such as unpaid carers were underrepresented in the policy. Each person is offered a means test to make sure contributions are based on equity and income. This aims to ensure that everyone has access to the same cost of living, and to ensure that socio-economic status does not affect quality of care.

The financial assessments are offered in Welsh proactively but available bilingually, and a copy of the Charging Policy with any additional relevant documentation is available bilingually.

8. Next Steps

After discussing and gaining the Committee's views today the proposed changes to the charging policy for care will form part of a consultation with those adults affected, and the wider public. Following the receipt of results and feedback from the consultation, the changes to the policy will go to Cabinet.

Relevant links:

Additional Questions:



Attachment 1 -
Additional Questions.

Current Adult Care Charging Policy:



Adults Care Charging
Policy_.docx

Adult Services Costs 24-25:



Talu am
Wasanaethau Gofal D

Carers Needs Assessment Booklet:



Asesiad-Anghenion-
Gofalwyr.pdf

Part 4 and 5 code of practice (Charging Fees and Financial Assessments):



parts-4-and-5-code-
of-practice-april-2023