



CYNGOR GWYNEDD – Report to Cyngor Gwynedd Cabinet

Item title: Ensuring consistency of fees for adult care in Gwynedd
Cabinet Member: Dilwyn Morgan
Relevant Officer: Alun Gwilym Williams / Mari Wynne Jones
Meeting date: 11/11/2025

1. THE DECISION SOUGHT:

- 1.1 To adopt a revised Charging Policy for care in accordance with the recommendations in this report.

2. THE REASON FOR THE NEED FOR A DECISION:

- 2.1 On the 15/10/24, the Llechen Lân report was presented to Cabinet, highlighting the financial and demographic challenges facing social services in Gwynedd over the coming years. To ensure sustainability for the future, it's essential to look at how much care is being provided and in what way. In addition, in order to ensure sustainability the Council needs to charge a fee for services where it has the right to do so.

3. INTRODUCTION

3.1 Background

- 3.1.1 In accordance with the Social Services and Well-being (Wales) Act 2014 (the Act), the Council already charges a fee for most care and/or support services by following the current charging policy. To ensure consistency and fairness across services and to maintain sustainable services into the future, the report recommends updating the policy. The proposed changes will mean that some individuals who have historically been receiving services for free will pay a fee in future, but the following principles will continue to protect Gwynedd's most vulnerable residents:

- Everyone in receipt of care and/or support services is entitled to a financial assessment to determine whether or not they have the means to contribute to their care/support.
- The Council has a duty to ensure that a person paying for care has a minimum income to enable them to pay rent, bills, food and other living costs before starting to pay for care. This minimum income varies depending on the individual's situation, benefits etc.
- No one will pay more than £100 a week for a non-residential care service (any care or support provided outside a registered residential or nursing home).
- The Council's Income and Welfare Team supports people through the process of receiving a financial assessment, and also offers support to ensure that individuals receive the benefits to which they are entitled if they have to pay for care and/or support.

- 3.1.2 The current Charging Policy has been in place in Gwynedd since 2017, see Appendix 3. The policy was created following the passing of the Act to:

- confirm Cyngor Gwynedd's intention to charge for residential/nursing care and certain non-residential services
- confirm that Cyngor Gwynedd incorporates the requirements of the Act's regulations and code of practice into the policy

3.2 The Act's Code of Practice

3.2.1 Councils have the right to charge for care and support services, but must act in accordance with Parts 4 and 5 of the code of practice (Charging and Financial Assessments):

"Save for the requirements of the Act, the Regulations and this code, where a local authority decides to use its discretion to charge for care and support it provides or arranges the design and content of its policy for that charging is a matter for that authority. In line with the requirements of the Act, the Regulations and this code, authorities need to decide which care and support, if any, they will make a charge for, the nature and level of any charges to be made and how these charges will be applied to particular care and support recipients."

3.2.2 The recommended modifications to the policy do not affect fees for residential services provided in residential/nursing homes, only non-residential services.

3.2.3 There are some situations (below), where the Act clearly states that the local authority can not charge for care and support services, and Gwynedd's policy will continue to comply with these regulations:

- care and support provided to those with Creutzfeldt-Jacob Disease;
- aftercare services/support provided under section 117 of the Mental Health Act 1983
- needs assessments, care planning, care plan making etc.
- transport to a day service where transport is provided as part of meeting a person's needs;
- independent professional advocacy where a local authority has arranged to provide this in accordance with the code of practice on advocacy under Part 10 of the Act.
- care and support provided as reablement arranged under Part 2 (General Functions) or Part 4 (Meeting Needs) of the Act, or reablement 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.

3.2.4 In addition, there are some services for which Gwynedd Council has the discretion to charge but have historically been provided free of charge:

- Day care provided in specific centres/locations outside the home (although individuals contribute to their food provision).
- Mental Health Support Services in the community (excluding services under part 117 of the Mental Health Act 1993)
- Dementia Support Services in the community.

3.2.5 One part of the recommendation is to give the Adult Department the right to charge for these services, subject to a financial assessment.

3.3 Unpaid carers

3.3.1 The second part of the recommendation is to adjust the wording and make the clause on unpaid carers within the charging policy clearer.

3.3.2 An unpaid carer is defined as:

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

3.3.3 In relation to unpaid carers, the Act states:

"Where a local authority provides or arranges care and support to meet a carer's needs, or provides direct payments to enable them to obtain support, it has discretion to charge for this".

3.3.4 Although it has the discretion to do so, the Council has not been charging a fee for direct care for unpaid carers and it is recommended that this policy continues. There are a number of reasons why, but mostly, we know that unpaid carers provide valuable care and support to individuals and that this takes significant pressure off care and support services. The Council needs to continue to support unpaid carers to fulfil this valuable role. The principles that the Council will follow in deciding whether a fee will be charged for a service are as follows:

1. The council will not charge for direct services to support unpaid carers (i.e. a service that is in the name of the carer where there is no element of care/responsibility for the person in need of care).
2. Any service where there is an element of care for the person receiving support should be charged e.g. personal care, companionship service or supervision. This service would be part of the care and support plan of the person in need of care and they would be responsible for the fee, rather than the unpaid carer. Of course, how much an individual contributes will depend on a financial assessment.
3. The usual exceptions cited from the code of practice in part 3.2 above would apply.

3.4 Employment and training support

3.4.1 In the Learning Disabilities service in particular, but within other services as well, emphasis is placed on trying to support individuals into employment or training opportunities where the individual is keen to do so. This is often a substitute for support in a traditional day centre. This again takes pressure off traditional care and support services, as well as contributing to the local economy and all the other benefits that come hand in hand. It is recommended not to charge for the service/support to help individuals into employment/training.

4. RATIONALE AND JUSTIFICATION FOR RECOMMENDING THE DECISION

4.1 Financial impact

4.1.1 In the current financial situation, it is unavoidable to consider charging for services where the Council has discretion to do so. There is pressure on the budget available to sustain care services, but the need for care is increasing. There is increasing pressure on care services as Gwynedd's population ages and lives longer with illness and/or disabilities (Bevan Commission, 2024).

4.1.2 The Llechen Lân report has highlighted the need to address the challenge facing us with a change in practice and a shift away from traditional services towards strength-based services, but adapting the charging policy to maximise contributions to our services is an important consideration hand in hand. The proposed changes are already being successfully implemented by some councils, for example 4 out of the 6 Councils in North Wales already charge for day services.

4.1.3 It is difficult to give a precise figure on how much income the changes would generate as everyone is eligible for a financial assessment, but it is expected that it would be around an additional £100,000 a year. Everyone in care and support would have the right to an assessment of their financial situation before having to contribute, with a maximum of £100 per week set by the Welsh Government.

4.2 Consistency

4.2.1 The code of practice also sets out the following principles that should be at the core of care charging policies:

- be consistent, to remove variation in the way people are financially assessed and charged;
- 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;
- 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;
- be sustainable for local authorities in the long-term.

4.2.2 The proposed changes will enable consistent charging for care and support services, wherever and to whomever it is given. The changes will also encourage and enable individuals, where it's an option, to access training, education, employment etc rather than promoting the traditional model of a single site care/support service.

5. ANY CONSULTATIONS CARRIED OUT PRIOR TO THE RECOMMENDATION OF THE DECISION

5.1.1 The act's code of practice states ;

"Where authorities design new policies, or significantly amend existing policies, they must consult those affected locally and take their views into account before deciding upon what policy, or what amendments to their policy, they should operate."

5.1.2 A consultation took place between 14/11/2024 and 23/12/2024. 73 responses were received and the results of the consultation can be found in full in appendix 1. To summarise:

- Overall, around half of respondents were not confident that they had an understanding of the policy and what services are currently attracting a fee, particularly from the perspective of unpaid carers.
- A strong view was highlighted that direct services to unpaid carers should remain free, but that the policy is unclear as it stands.
- 71% felt that there should be no charge for mental health support services. Comments included that charging would put more stress on individuals with mental health needs.
- 7 out of 66 responses specifically stated that day services should remain free.

5.2 Equality Act 2010

5.2.1 The Council is subject to public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics and having due regard to the socio economic duty under Section 1 of the Act. An equalities

impact assessment has been prepared and is appended at Appendix 2. The Cabinet will need to have regard to its findings when coming to a decision. E.g The assessment does not identify any particular negative impacts stemming from the decision. As there is a proactive effort to ensure that all individuals receive a financial assessment so that anyone who cannot afford to pay does not have to do so, the assessment does not identify any negative impact on individuals with equality characteristics. Rather, it recognises that ensuring consistency of fees promotes equal opportunity in terms of access to care and support across the board.

5.3 Well-being of Future Generations (Wales) Act 2015

5.3.1 The Well-Being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales. The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible. The recommendations have been prepared having regard to these requirements and in accordance with the 5 ways of working.

6. NEXT STEPS AND TIMETABLE

6.1 It is recommended to update Cyngor Gwynedd's charging policy for care, and for the new policy to be implemented immediately (Appendix 4). It is recommended that we work with affected individuals over the coming months so that everyone has received support and a financial assessment by the next financial year commencing on 1/4/26. Here's a summary of the updates:

- Continue to provide direct services to unpaid carers free of charge, despite the Council having discretion to charge a fee.
- Clearly explain which services for carers will be free, and which services will be charged.
- Give the Adults Department the right within the policy to charge for 'traditional' day services at a particular site, which have historically been free. These fees will be determined annually like all other fees. For information, the cost of 1:1 support in a day service would be £24.21 per hour for 2025/26, and the cost of support in a group would be £10.90 per hour. A fee of up to a maximum of £100 per week is expected to be charged for this service, based on a financial assessment of each individual's situation. We will ensure support for individuals who are most affected by the increase in order to protect their access to the services that benefit them.
- Give the Adult Department the right to charge a fee of up to a maximum of £100 per week for all support services, including mental health support services (but excluding services provided under Section 117 of the Mental Health Act). This will ensure consistency across all services.
- Not charging for services to support individuals into employment and/or training.

6.2 It is emphasised that if the decision is made to update the charging policy, the following principles will continue to protect Gwynedd's vulnerable individuals:

- Everyone who receives care and/or support services will be eligible for a financial assessment. This assessment will consider the individual's assets and income level, and determine a contribution that is affordable for the individual. Individuals have the right to refuse the financial assessment, but will pay for the full cost of their care if they do so, up to a maximum of £100 per week.

- If the assessment shows that an individual has to contribute, support will be available from the Council to ensure that they receive the benefits they are eligible for.
- If the financial assessment shows that the individual does not have the financial means to contribute to the care, they will receive the service free of charge. This will be reassessed if the individual's situation changes.
- A maximum contribution is set by the Welsh Government of £100 per week. No one will contribute more than £100 a week for their non-residential care package.

6.3 In practice, the above principles should mean that no one will contribute more than they can afford for care and/or support. If anyone disagrees with the financial assessment, it's possible to appeal, and the information on how to do this is made clear to individuals as they go through the Financial assessment.

7. VIEWS OF THE STATUTORY OFFICERS

3.1 Chief Finance Officer

I welcome the update to this policy which harmonises fees for adult social care in Gwynedd. As the report notes, the financial position of adult care services is facing ongoing pressures, as has been highlighted with the Llechen Lân work. The updating of the Charging Policy is a key part of the governance of the service, and its contents will be considered when moving forward with the budgeting arrangements.

3.2 Monitoring Officer

The report is based on a consultation process and consideration of the requirements regarding care fees. An impact assessment was provided along with a summary of the overall statutory context. I have no further comments to make in relation to propriety

Attachment List:

Appendix 1 - Report outlining consultation responses

Appendix 2 - Equality Impact Assessment

Appendix 3 - Current Care Charging Policy

Appendix 4 – Revised Care Charging Policy