

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 30 March 2020

DATE DECISION PUBLISHED 30 March 2020

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution 6 April 2020

Cabinet Member: Councillor Dafydd Meurig, Cabinet Member for Adults, Health and Welfare

SUBJECT

Standard Fees for Care and Adult Support Services

DECISION

In line with the Fees Table below, to approve the changes to the standard fees payable by recipients of Residential/Nursing and Non-residential services from 6/04/2020.

REASON WHY THE DECISION IS NEEDED

Please see attached report

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None


ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report

CABINET MEMBER'S DECISION NOTICE
Officer Report

PWNC/SUBJECT: Standard Fees for Care and Adult Support Services

Name and Title of Cabinet Member	Dafydd Meurig Cabinet Member for Adults, Health and Welfare
Name and Title of Author	Rhion Glyn Senior Business Manager (Temporary)
Date of Decision	30.03.2020
Signature of Cabinet Member	

RECOMMENDATION

In line with the Fees Table below, to approve the changes to the standard fees payable by recipients of Residential/Nursing and Non-residential services from 6/04/2020.

REASONS FOR THE DECISION

Background

In accordance with the Financial Procedure Rules, every Chief Officer is required to review all fees charged by their service in accordance with the Council's Fees and Charges Policy. All Chief Officers must present recommendations for changing fee levels, or recommend not to change such charges in line with inflation on an annual basis.

Under section 59 of the Social Services and Well-being (Wales) Act 2014, a local authority is entitled to charge a fee for care and support services. The provisions note that local authorities must:

- *ensure that people **are not** charged more than is reasonably practical for them to pay and **must not** charge a fee that is greater than the cost to the authority of providing or arranging the care and support they receive or that they arrange themselves through direct payments.*

On 17 January 2017 Gwynedd Council's 'Charging Policy for Adult Care and Support Services' was approved by the Cabinet. The policy confirms that the Council will charge a fee for residential/nursing and non-residential services, and then specifies how the Council will do this.

In order to meet the requirements of the Social Services and Well-being (Wales) Act 2014, the Council ensures that people **are not** charged more than is reasonably practical for them to pay by extending the offer for everyone to complete a financial means assessment. Based on the result of the means assessment, the person's contribution towards the cost of their service will be determined. Every means assessment is conducted in accordance with section 63 of the Care and Support (Charging) (Wales) Regulations 2015.

The unit cost of the service provided can vary greatly. The Council has different commissioning arrangements for all kinds of services. A rough explanation of the various arrangements follows, but it should be noted that the prices paid for services commissioned in the independent sector are driven by commercial decisions. Similarly, the actual costs of running the internal services form the basis of the fees charged for internal services.

In order to set the fee payable by the person receiving the service, the unit cost being paid to the providers is transferred without any reduction. This is an important principle that is applied with all types of services where this is a practical process to follow. In doing so, the Council ensures compliance with the requirements of the act, namely that people who have the financial means to pay in full for their services pay fully, up to the statutory limits set by the Welsh Government. People requiring assistance to pay for their services will receive support based on the results of their financial means assessment. Usually, this will mean that a person pays the full fee (unit cost) until they reach a weekly maximum which is determined by their financial means assessment. The Council then pays the remainder of the weekly cost in these cases.

Explanation / Reasons for the New Fees

Fees for Residential Services - Gwynedd Council Homes

The standard fee proposed for Gwynedd Council Homes is a direct reflection of the total cost to the Council of providing the service. Over the past few years the Council has made additional investment in its residential homes. This investment was in response to the need to increase staffing levels and to extend the intensive care provision (EMI) in a number of the homes throughout the County. Employment costs have also risen during this time.

The actual weekly cost of the provision has risen from £690.97 in 2019/20 to £733.67 in 2020/21. The reasons for the increase in the cost for 2020/21 are the further investment made in respect of intensive care provision, and the increase in employment costs. It should be noted that only those who have the financial means to pay in full will be doing so – with most people paying a reduced fee based on an assessment of their financial situation.

As a background, this fee increased in 2018/19 from £581.28 to £622.37, and then to

£690.97 in 2019/20. Prior to this there had been no change to the fee in the preceding five years, having stood at £581.28 since 2011.

Residential and Nursing Services Fees - Homes in the Independent Sector

The increase in the fees payable by the service users reflects the agreed increase to the fees being paid to the care providers in the independent sector.

The standard fees that are paid to the independent sector providers have been set by following a methodology agreed between the providers and the Local Authorities in North Wales. Based on the regional methodology, and local revisions to particular elements of it, a proposed version of the standard fees for Gwynedd providers in 2020/21 was presented in December. A specified period was set for consulting on the proposed standard fees with the providers, and we can give assurance that the comments received as part of the consultation will have received full consideration before setting the fees. But at the same time, we should also highlight the fact that during the past year, we have experienced more and more of the County's independent providers rejecting the standard fees, claiming that the standard fees no longer reflect the actual cost of providing the care. This means that we have a number of providers across the County setting higher, alternative fees. With supply being short in the face of high demand, we are increasingly having to commission more placements at higher fees, which means having to transfer these higher fees to the people receiving the care when the financial assessment confirms that they can afford to pay fully for their care.

Other circumstances can also arise regularly where fees that differ to the standard fees are paid. This could be because e.g. the service user's needs are more profound or that the placement is out-of-county. In all such cases, the service user is responsible for paying the full cost of their residential/nursing care. Every service user will be offered a financial means assessment to determine their contribution in accordance with the Council's charging policy.

A full list of the new standard fees that have been set can be found in the table at the end of the decision notice. In order to ensure that the people who have the means to pay fully for their services actually do pay in full, we will need to approve that the fee being paid by the recipients of the service is set at the same level.

Fees for Non-residential Services

Maximum Weekly Charge

It should be noted that the Welsh Government has permitted Local Authorities to increase the maximum weekly charge for non-residential services from £90 to £100 a week from 6/04/2020. In accordance with Gwynedd Council's Charging Policy, the maximum weekly charge in Gwynedd will follow the recommendation by the Welsh Government and will increase to £100 a week from 6/04/2020.

Home Care / Home Care – Night Time Hours / Assisted Living Accommodation:

A range of varying hourly fees are paid to providers in the independent sector which are based on the North Wales regional tendering process. It is not practical for the Council to charge a fee to the recipient based on which provider is providing their care. As a result, a single standard hourly fee is set across Gwynedd. The fee is set based on the fee being paid to the cheapest provider, with an extra 5% added to cover to the costs associated with providing the care.

From 6/04/2020 the standard fee will increase from £17.56 per hour to £18.40 per hour.

Every service user will be offered a financial means assessment to determine their contribution in accordance with the Council's charging policy.

Direct Payments

The hourly rate paid as Direct Payment is being increased from £12.62 to £13.24 per hour in line with inflation. The service user's contribution towards the cost of their care is also being increased to £13.24 per hour to reflect this increase. Every service user will be offered a financial means assessment to determine their contribution in accordance with the Council's charging policy.

Telecare

The weekly fee for a basic Telecare package has increased during the past year from £3.30 to £4.50. The weekly fee was increased to ensure that the service is maintained on a cost-neutral basis. The service's running costs were reviewed recently and we can confirm that inflation needs to be added to this weekly amount if we are to continue maintaining the service as cost-neutral. It is therefore proposed that the weekly fee increases in line with inflation from £4.50 to £4.60.

Shared Lives Scheme

The fees in 2019/20 were:

- Band 1 - £300 a week
- Band 2 - £390 a week
- Band 3 - £480 a week

The same fees are also charged to the people receiving a service through the Scheme.

Following a review in the context of inflation, the following fees are payable to the providers from 6/04/2020.

- Band 1- £306 a week
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- Band 2 - £398 a week
 - Band 3 - £490 a week

For consistency, it is recommended that the same increases are applied to the fees payable by the recipients of the service.

Every service user will be offered a financial means assessment to determine their contribution in accordance with the Council's charging policy.

Food and Refreshment in Day Care

Due to inflation in food costs it is recommended that the fee for refreshment in day care centres be increased from £4.50 to £4.60 a day.

The fee for refreshment in day care centres is treated as a 'Fixed Fee' and consequently, the person choosing to have food and refreshment at a day care centre is not entitled to request a financial means assessment before paying. This means that everyone who chooses to have refreshment in day care has to pay.

Assessment of Impact

An Equality Assessment has been carried out in respect of this decision, see 'Appendix A'. The result of the assessment has been taken into account in weighing up the decision. It was identified that the decision would impact on older people and people with disabilities. However, every service user will continue to receive an assessment of their financial means before paying. This means that no service users will have to pay more than what they can afford. The purpose of the decision to increase the standard fees for the services is to reflect the increased inflation occurring in the actual cost of purchasing the provision. No changes are proposed to the constitution or principles of the charging policy.

We can also refer to our duties under the Well-being of Future Generations (Wales) Act 2015. This decision offers a solution which is sustainable and has been developed in line with these requirements.

It should be noted that the 2014 Act also states that the fees set in relation to the relevant Services must not be higher than the actual cost of arranging/providing the service. We can confirm that this is the case.

Decision

To approve the fees listed in the tables below as the fees that are payable by the recipients of these services (subject to a financial means assessment where appropriate) for 2020/21, to commence on 6 April 2020.

<u>Tabl Ffioedd Gwasanaethau Preswyl a Nyrsio – Residential & Nursing</u> <u>Care Fees Table</u>		
	2019/20	2020/21
Ffi Safonol Cartrefi Preswyl Cyngor Gwynedd <i>Standard Fee Gwynedd Council Care Homes</i>	£690.97 yr wythnos/ <i>per week</i>	£733.67 yr wythnos/ <i>per week</i>
<u>Cartrefi Gofal Preifat ac Anibynnol/ Private and Independent Sector Care Homes</u>		
Categori gofal/ Category of Care	2019/20	2020/21
Preswyl (yn cynnwys dibyniaeth uchel) <i>Residential (including high dependency)</i>	£544.16 yr wythnos/ <i>per week</i>	£566.30 yr wythnos/ <i>per week</i>
Preswyl – dementia/EMI <i>Residential – dementia/EMI</i>	£605.74 yr wythnos/ <i>per week</i>	£629.33 yr wythnos/ <i>per week</i>
Nyrsio <i>Nursing</i>	£628.46* yr wythnos/ <i>per week</i>	£660.79* yr wythnos/ <i>per week</i>
Nyrsio – dementia/EMI <i>Nursing – dementia/EMI</i>	£662.53* yr wythnos/ <i>per week</i>	£697.07* yr wythnos/ <i>per week</i>
<p>* Does not include the Health Board's contribution towards the fee, but for the first time this year it includes a £7.27 increase in the nursing care element following the Supreme Court's ruling.</p>		

Tabl Ffioedd Gwasanaethau Dibreswyl – Non Residential Fees Table		
Math o Wasanaeth/ Type of Service	2018/19	2019/20
Gofal Cartref/ Home Care	£17.56 yr awr/per hour	£18.40 yr awr/per hour
Gofal Cartref – Oriau Nos/ Home Care- Night Time Hours	£17.56 yr awr/per hour	£18.40 yr awr/per hour
Llety gyda Chymorth/ Assisted Living Accommodation	£17.56 yr awr/per hour	£18.40 yr awr/per hour
Taliadau Uniongyrchol/ Direct Payments	£12.62 yr awr/per hour	£13.24 yr awr/per hour
Teleofal Pecyn Sylfaenol/ Telecare Basic Package	£4.50 yr wythnos/ per week	£4.60 yr wythnos/ per week
Cynllun Cysylltu Bywydau/Shared Lives Scheme		
Band 1/ Band 1	£300.00 yr wythnos/ per week	£306.00 yr wythnos/ per week
Band 2/ Band 2	£390.00 yr wythnos/ per week	£398.00 yr wythnos/ per week
Band 3/ Band 3	£480.00 yr wythnos/ per week	£490.00 yr wythnos/ per week
Lluniaeth mewn Gofal Dydd/ Food and Refreshment at Day Care Centres	£4.50 y dydd/per day	£4.60 y dydd/per day

Manylion Ariannol Eraill/ Other Financial Details		
	2019/20	2020/21
Terfyn Cyfalaf/ Capital Limit		
Gofal Preswyl a Nyrsio/ Residential and Nursing	£50,000.00	£50,000.00
Gofal Dibreswyl/ Non-Residential Care	£24,000.00	£24,000.00
Isafswm Incwm Preswyl a Nyrsio/ Residential & Nursing Minimum Income Amount	£28.50	£32.00
Diystyriaeth Credyd Cynilion/ Savings Credit Disregard	£5.75 yr wythnos sengl/ per week single £8.60 yr wythnos cwpl/ per week couple	£5.75 yr wythnos sengl/ per week single £8.60 yr wythnos cwpl/ per week couple
Uchafswm Ffi Wythnosol – Gwasanaethau Dibreswyl/ Maximum Weekly Charge – Non-Residential Services	£90.00 yr wythnos/per week	£100.00 yr wythnos/per week
Taliadau Gohiriedig/ Deferred Charges		
	2018/19	2019/20
Cyfradd Llog (newidiol)/ Interest Rate (variable)	0.15% uwchlaw cyfradd 'giltiau'r farchnad'/ above the 'market gilts' rate	0.15% uwchlaw cyfradd 'giltiau'r farchnad'/ above the 'market gilts' rate
Ffioedd Cyfreithiol/ Legal Fees	£175.00	£175.00
➤ Ffi Archwiliad Teitl Cofrestrfa Dir/ Land Registry Title Search Fee	£3.00	£3.00
➤ Ffi Cais Arwystl Cofrestr Tir/ Land Registry Charge Application Fee	£20.00 (Dros y We/ Online) Neu/ Or £40.00 (Post/ Post)	£20.00 (Dros y We/ Online) Neu/ Or £40.00 (Post/ Post)
Ffi Prisiad Eiddo/ Property Valuation Fees	£150.00	£150.00
Ffi Weinyddol/ Administrative charge	£51.00	£51.00

RELEVANT CONSIDERATIONS

Choosing not to transfer the true cost of these services onto those recipients who have been assessed as having the financial means to pay in full for their care means that the Council would lose collectable money. This then creates a financial deficit in the Adults Department's budgets.

VIEWS OF STATUTORY OFFICERS

1. Monitoring Officer:-

No observations to add in relation to propriety.

2. Chief Finance Officer:-

The leaflet explains that the 2014 Act allows the local authority to charge a person for providing or arranging care and support, but that this charge cannot exceed the cost to the local authority of meeting the needs. The leaflet sets out - by the type of residential / non-residential care - the relationship between the new fees recommended and what will be paid to providers in 2020/21.

I am satisfied that the package as a whole for 2020/21 is likely to generate sufficient income to meet the income requirements of the relevant services, after adding inflation and after considering the increased costs due to increased demand for intensive care. Therefore, I support the Cabinet Member's decision to approve the fees and charges for residential and non-residential care.

VIEW OF LOCAL MEMBER

Not a local matter

FULL EQUALITY IMPACT ASSESSMENT

1) AUTHOR(S) OF ASSESSMENT

Aled Davies, Head of Adults, Health and Well-being Department

2) PARTNERS

Who are your partners when commencing or changing the policy / plan / practice? They will need to be included when undertaking this assessment.

- Stakeholders
- Councils across North Wales
- Service Users, including Prospective Users
- Service User Representatives
- Carers
- Elected Members

3) ASSESSMENT START DATE

5 March 2020

4) ASSESSMENT END DATE

20 March 2020

5) AIMS AND OBJECTIVES OF THE POLICY / PLAN / PRACTICE

Note why the policy / plan / practice is needed. Note what the Authority aims to achieve through it

The Social Services and Well-being Act (Wales) 2014 provides an option for Gwynedd Council to exercise discretion when charging a fee for care services provided. On 17/01/2017, an amended charging policy for residential and non-residential care services was approved by Gwynedd Council's Cabinet.

No changes to the charging policy are being proposed in the Cabinet Member's Decision Notice. In the notice, the Cabinet Member is exercising his duty to review the service's fees annually. The amendments to the fees reflect changes in the actual cost of providing the services to the Council.

6) PARTICIPATION AND CONSULTATION

Have you undertaken engagement regarding the change in the policy / plan / practice? What was the outcome? Please note that it is a statutory requirement to engage with people who will be affected.

A consultation was held during 2016 in relation to the changes to the charging policy approved by the Council's Cabinet on 17/01/2017. As no changes to this policy are being proposed, no consultation has been held as part of the equality impact assessment.

In accordance with Financial Procedure Rules, all Chief Officers are required to review all fees charged by their service in line with the Council's Fees and Prices Policy. Every Chief Officer should present recommendations to change fee levels, or recommend not to change such payments in line with inflation on an annual basis.

7) THE AVAILABLE EVIDENCE

The evidence can be based on local, regional or national data, for example, it can be a national report, data on the use made of the service, or regional equality statistics.

Act:

The Council acts within the guidelines set in the Social Services and Well-being Act (Wales) 2014. The Act allows the Council to exercise discretion to charge a fee for care services. When local authorities decide to charge a fee, they must do so in accordance with the regulations and code of practice noted in the Act.

Regulations:

The regulations in relation to financial assessment and charging a fee are:

- The Care and Support (Choice of Accommodation) (Wales) Regulations 2015.
- The Care and Support (Charging) (Wales) Regulations 2015.
- The Care and Support (Financial Assessments) (Wales) Regulations 2015.
- The Care and Support (Deferred Payments) (Wales) Regulations 2015.
- The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015.

Code of Practice:

The code of practice in relation to financial assessment and charging a fee is:

- Part 4 & 5 Code of Practice (Financial Assessments and Charging)

Service Users:

- There are approximately 620 residential and nursing service users of which a high percentage are older people and people with learning disabilities and a lower percentage have a mental health illness.
- There are approximately 2,200 non-residential service users. Older people and disabled people make-up the highest percentage of non-residential service users.

Consultation:

No consultation has been held for the reasons outlined previously.

8) GAPS IN EVIDENCE

Note any gaps in the evidence and explain how these will be filled.

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9) RELEVANCE AND IMPACT

The relevance of the policy/service/function to the general equality duties and to each of the equality groups (protected characteristics) should be outlined. The actual or likely impact should be clearly noted. It is possible that not all duties or characteristics will be of relevance or will be impacted.

9a)

General Duties of the Equality Act	Relevance	The actual or likely impact
Abolishing illegal discrimination, harassment and victimisation	None	As the Council operates in accordance with Legislation which allows the Council to use its discretion to charge fees for care services, it does not discriminate
Promoting equal opportunities	None	Not relevant
Fostering good relationships	None	Not relevant

9b)

Characteristics	Relevance	The actual or likely impact
Race	None	Not relevant to this characteristic. Prepared to provide in different languages.
Disability	Negative	The fees under consideration are payable by service users who have disabilities. However, in accordance with the Council's charging policy, every service user is entitled to receive an assessment of his/her financial means before making any payment. This means that their ability to pay is assessed in accordance with the policy and consequently, no one pays more than what they are able to afford.
Gender	None	Not relevant to this characteristic.
Gender reassignment	None	Not relevant to this characteristic.
Sexual orientation	None	Not relevant to this characteristic.
Religion or belief	None	Not relevant to this characteristic.
The Welsh language	None	No impact, everything would be available bilingually.
Age	Negative	The changes would have an effect on service users of all ages, but the highest percentage of users are older people. However, in accordance with the Council's charging policy, every service user is entitled to receive an assessment of his/her financial means before making any payment. This means that their ability to pay is assessed in accordance with the policy and consequently, no one pays more than what they are able to afford.

Pregnancy and maternity	None	No impact.
Marriage and civil partnership	None	No impact

10) ADDRESSING THE IMPACT

a)	<p>Note any possible impact in terms of equality (i.e. a summary of the above)</p> <p>Disabled people and older people make up the majority of care service users and, as such, these are the groups most likely to be affected by the proposed changes. However, it must be confirmed that every service user is entitled to receive an assessment of his/her financial means before making any payment. This means that their ability to pay is assessed in accordance with the policy and consequently, no one pays more than what they are able to afford.</p>
b)	<p>What steps can be taken to reduce or improve these impacts?</p> <p>The guidance set by the Government, which has been adopted in the Council's Charging Policy, ensures that the financial means of each service user is assessed before he/she is required to contribute towards the cost of their care. This ensures that the charging system is as fair as possible and ensures that it does not have a substantial detrimental impact on any individual or group. The Council could choose not to use the discretion to charge/increase contributions but this would likely lead to cuts in some front line care services. This could have an impact on the Council's ability to provide some services and, as such, could be more detrimental to some service users.</p>
c)	<p>Is there a need to reconsider the plan?</p> <p>The decision to increase fees is based on an increase in the actual cost of the provision. There is no need to reconsider the decision.</p>

11) MONITORING AND REVIEWING ARRANGEMENTS

Which steps will you take to review the policy / plan / procedure once it has been adopted? Although the above assessment identifies the possible impact, it must be remembered that the full effect will not be seen until the policy etc. is implemented.

A further assessment will be held if proposals to amend the policy are submitted in future.

12) DECISION

To amend the fees for residential and non-residential care services in accordance with the Cabinet Member's decision notice.