



Report of the Cabinet Member for Care Services and Director of Social Services

Adult Services Scrutiny Performance Panel – 20 March 2024

BRIEFING ON ANNUAL REVIEW OF CHARGES (SOCIAL SERVICES) 2023/24

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| Purpose | To provide a briefing requested by the Board about the latest annual review of social services charging |
| Content | This covering report provides detail on the annual review of social services charges 2023/24, a summary of related work undertaken in year, and the list of charges (social services) to apply in 2024/25, as recently agreed by Cabinet. |
| Councillors are being asked to | <ul style="list-style-type: none"> - Give their views, - Consider the report as part of their scrutiny function |
| Lead Councillor(s) | Cllr. Louise Gibbard, Cabinet Member for Care Services |
| Lead Officer(s) | David Howes, Director of Social Services |
| Report Author | Simon Jones, Social Services Strategic Performance & Improvement Officer |
| Legal Officer | Debbie Smith |
| Finance Officer | Chris Davies |
| Access to Services Officer | Rhian Millar |

1. Background

- 1.1 Swansea Council's Charging (social services) policy sets out the arrangements for charging citizens for costs incurred when providing care and support services. The List of Charges, appended to the policy, details what services are chargeable and the level of charge for the year ahead.

- 1.2 Swansea's Charging (Social Services) policy aims to ensure that charging, where it occurs, is consistent fair, transparent and applied equally; that the charges are set out and published in a way that can be clearly understood. The policy also ensures individuals who are asked to pay a charge will only be required to pay what they can afford; this is ensured through the offer of a financial assessment.

- 1.3 Social Services and Well-being (Wales) Act 2014 (The Act) came into effect in April 2016 setting out the statutory requirements placed on each Local Authority, to publish their discretionary charges for social services.
- 1.4 In working a sustainable approach to social care, Welsh Local Authorities have some discretion in how charges for residential and non-residential and community-based social services can be applied. Under the Social Services and Well-being (Wales) Act 2014, a local authority can only charge:
- up to the cost of providing the service.
 - what the person can afford to pay for an assessed for service

2. Briefing/Main Body of Report

- 2.1 Swansea Council's seventh annual review of charges is a reflection on how current charges are working, considering the following:
- Statutory considerations- any changes to national policy.
 - How Current charging policy is working in practice.
 - Improvements made this year and changes planned.
 - Opportunities for any new charges.
 - What people are telling us.
 - How Swansea's list of charges compares to other Welsh Local Authorities.
 - Integrated Impact assessment.
- 2.2 The attached main report Appendix 'A' provides the detail on the annual review of charging in social services. It shows the methodology used, summarises the findings, in proposing a revised List of Charges to apply in 2024/25, alongside the integrated impact assessment.
- 2.3 The full report considers the impact of the cost-of-living crisis, projected social care inflation, and most importantly the impact on citizens, carers, and families.
- 2.4 Set alongside this impact is the context of increasing demand for social care and support, rising costs associated with social care (wages, energy, fuel/ transport, food and supplies) affecting the workforce and supply chain, all of which are impacting on the levels of income generated in the period. This report also provides Cabinet with an opportunity to consider the annual review, the charging policy, and to agree on the list of charges for social services to apply in 2024/25.

3. Conclusions/Key Points Summary

- 3.1 Cabinet accepted the findings of the annual review of changes, and the proposals that there are no **new** service charges to apply in 2024/25, and to the following recommendations:

- an inflationary increase of 6% to be applied to all social services charges to come into effect on 1st April 2024.
- the list of social services charges to apply from 1st April 2024, for the year 2024/25.
- permission to Adult Services for further work to be undertaken in 2024/25 on additional lifeline charging, to covering installation and replacement costs.
- revised List of social services charges 2024/25 (Main Report Appendix 1) to be published.

4. Additional

4.1 Welsh Government has recently launched a consultation: [*Raising the weekly maximum charge for adult non-residential care and support*](#)

The consultation specifically seeks views on a proposed increase to the non-residential maximum weekly charge, currently set at £100 by Welsh Government. Also, that proposed change would ensure only individuals who have the financial means to pay an increased maximum weekly charge would do so, as currently applies.

5. Legal implications

5.1 The legal framework for setting charges for social services is set out in Appendix A, the review report.

5.2 A local authority must publish information about its charging arrangements and general fee levels for statutory and discretionary care and support services.

5.3 Local authorities are empowered (but not obliged) to charge for the care and support they provide or arrange to be provided to meet a person's needs. The charge can only relate to the cost that the local authority incurs in meeting the needs to which the charge applies.

5.4 The charge imposed must be no more than is 'reasonably practicable for the person to pay'. The Care and Support (Charging) (Wales) Regulations 2015 and Part 4 and 5 Code of Practice (Charging and Financial Assessment) set out the provisions relevant to charging and financial assessment.

5.5 The current regulations stipulate that the maximum charge for non-residential care and support is currently £100.00 per week. The capital limit for the purposes of residential care is presently £50,000 and the capital limit for the purposes of non-residential care charges is £24,000. These limits may change for the next financial year following the Welsh Government consultation (section 4.1).

5.6 The Care and Support (Financial Assessment) (Wales) Regulations 2015 makes provision about the way in which a local authority must

carry out a reasonable financial assessment of a person's financial resources.

5.7 There are no additional legal implications.

5. Finance Implications

5.1 Swansea's Charging (social services) policy applies the corporate principle of full cost recovery. Charges can only recover some or all of the costs of services from citizens, as there is a national framework of caps and thresholds set. Any decision to, or not to, charge for services, or to subsidise the costs of services should be based on detailed cost and demand analysis, encouraging fair access, and this annual review helps to support this process.

4.2 Income generation can reduce the costs of services to Council taxpayers or to provide care and support to more people in need. Overall, this work contributes towards Swansea Council's Corporate Plan strategic objective to safeguard our most vulnerable citizens.

4.3 Finance Officers have been fully involved in the work of the Social Services Finance & Charging group and the review process. The proposals set out by the review report support the Council's Medium Term Financial Plan objectives and assumes that any additional general fund income generated through the changes to charges proposed within this report will help to meet additional cost pressures within the service.

4.4 There are no additional financial implications.

6. Integrated Assessment Implications

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 6.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 6.3 The Integrated Impact Assessment (IIA) process ensures the Council has paid due regard to the above. It also considers other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 6.4 The IAA screening (Main Report: Appendix 3) reflects that no changes proposed to the Council's Charging (social services) policy at this time.
- 6.5 The covering report and main annual review report, including the appended List of Charges (social services) for 2023/24, were presented to the Cabinet meeting held on 15th February 2024:

Glossary of terms:

IIA – Integrated Impact Assessments are a legal requirement within both the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being and Future Generation Act 2015 Welsh Language (Wales) Measure. The legal obligations put a specific requirement on the Local Authority to undertake integrated impact assessments (IIA) as a way of examining whether a new or existing function, service, policy, procedure, strategy, plan or project affects any person or group of persons adversely.

'The Act' – Social Services & Wellbeing (Wales) Act 2014 provides the statutory, legal framework for local authority social services functions.

Background papers: *None*

Appendices:

Appendix A– Annual Review of Charges (Social Services) 2023/24

- Appendix 1 (to main report) – List of Charges to apply in 2024/25
- Appendix 2 (to main report) – Comparison table- other Welsh LAs
- Appendix 3 (to main report) – Integrated Impact Assessment Screening