

Councillor Peter Black
Convenor
Adult Services Scrutiny Panel

BY EMAIL

Please ask for: Councillor Mark Child
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Our Ref: MC/CM
Your Ref:
Date: 2nd March 2020

Dear Councillor Black

Thank you for your letter following the Panel meeting on 28th January 2020.

Further to the specific queries, raised in your letter, I can respond as follows.

In relation to the current position on Local Area Coordination, Adult Services is in the process of pulling together the full picture in terms of current and future coverage and as soon as I have this, I will ensure that this is shared with you. I can also confirm that a briefing on Liberty Protection Safeguards (the successor to DoLS) will be shared with the Panel in due course.

With respect to the point raised surrounding the process for recovering debt, I have sort clarification from the Finance department who have provided the following very detailed explanation.

The overarching principle under which we recover care charges owed to the Council is that if a person fails to pay what they owe, the cost of their care falls on the Council Tax payers of Swansea. The contribution of all service users is determined by a financial assessment under Welsh Government legislation, so they have the resources to pay what they are asked to pay. Some people decline the offer of a financial assessment and are therefore required to pay the maximum amount. The implications of not having a financial assessment are explained on our financial assessment form. When recovering social care charges on behalf of the Council, the entire client base is most likely going to be considered vulnerable which will limit the action we can take, even when substantial debts accrue. Our approach is slightly different, depending on the type of charge that has been applied.

Non-Residential care

We pay the care providers the gross cost of the service users' care and then recover the service users' contribution from the service user. A financial assessment determines a service user's contribution towards the cost of their care up to the maximum contribution set by Welsh Government. Currently this is £90 per week in 2019/20 rising to £ 100 per week in 2020/21. The actual cost of care can be much higher than this. Invoices are

issued covering 4 weeks' worth of care, usually 6 weeks after the period ends to allow time for care providers to provide us with the details of the care provided in that month.

Once an invoice has been issued, automatic reminders are sent by our Social Care Income and Finance Team (SCIFT) if payment is not received. These are sent:

- Reminder 1 - 14 days after the invoice.
- Reminder 2 - 28 days after the invoice.
- Final letter before case is passed to our Debt Recovery Team (DRT) - 42 days after the invoice.

The case is then passed to the DRT.

Residential care - Swansea council care homes

Invoices are issued in arrears covering a month's worth of care within 2 weeks after the month ends. Once an invoice has been issued, if payment is not received automatic reminders are sent by our Social Care Income and Finance Team (SCIFT). These are sent :

- Reminder 1 - 14 days after the invoice.
- Reminder 2 - 28 days after the invoice.
- Reminder 3 - 42 days after the invoice.

The case is then passed to the DRT.

Residential care – private care providers only

If a service user resides in a privately operated care home, the care provider is paid net of the service user's contribution. It is the provider's responsibility to collect the amount the service user is assessed as having to pay so that the full cost of the placement is met overall. However, if the client fails to make the necessary payments to the care home, the Council may be required to take on the liability for the charges and pay the care home. The money paid to the care home is then recovered directly from the service user.

You will note that prior to the debt being passed from SCIFT to the DRT, for both residential and non-residential care charges we send more reminders than would perhaps usually be issued when recovering a debt owed to the Council. This is due to the nature of our client base and we consider it good practice to do so. Also, our Finance team will engage clients who contact us to deal with a variety of issues related to care, payments for care and income maximisation, during this period.

We usually send around 1,100 invoices every month. In January:

- 90 of those were sent a first reminder (only 8% were not paid by the deadline date)
- 30 were sent a second reminder (approximately 3% of the original batch issued)
- 11 were sent the final letter before the case was passed to DRT (1% of the original batch issued).

Debt Recovery Team

Once the Debt Recovery Team take over the recovery process, an initial letter is sent to the individual to demonstrate that change of responsibility and to provide another opportunity to make contact with us. There will be a period over which we encourage service users to contact us or we try to make contact with them ourselves and negotiate

repayment. During this period, we continue to allow opportunities to discuss the charge, arrange repayment or to raise any queries. The DRT would send more bespoke letters to clients who have not paid their contribution with the content appropriate to the circumstances of the case. They will also try to speak to the service user / their representative by telephone where appropriate/possible or to contact them by e-mail. However, eventually if a reasonable, mutually acceptable payment agreement cannot be made and where there is a large debt, the case may be submitted to court so that a County Court Judgement (CCJ) can be obtained. This is done only with the approval of Social Services and Legal Services and in a very small number of cases.

We have also set up an escalation process so if we have a service user who has not engaged with us and we feel the situation could be improved by involvement from Social Services, the DRT leader will contact a Principal Officer in Social Services who can ensure that the necessary resources are allocated to try and resolve the situation. This would include situations where we believe a safeguarding issue may exist. A common example of this is where a client is being charged the maximum amount as they have declined to declare their financial circumstances and a social worker might be able to persuade them to do so. If that route cannot resolve the matter and further involvement is needed, there is a final escalation to the Revenues and Benefits Manager and the deputy to the Head of Adult Services in Social Services. Their involvement is intended to cut through any bureaucratic issues that may be causing problems.

If a service user owns a property, the SCIFT team/DRT may request a legal charge be placed on that property to safeguard the debt owed to the Authority. This is done without Court action as it is a power given in the relevant regulations.

No debts owed by services users have been passed to bailiffs. This would be unlikely due to the nature of the client base although it remains an option once a CCJ is granted. No residential care debts owed by service users have been submitted to court as yet, although it remains an option should an appropriate case arise. An example of this might be if there was a self-funding service user, with significant capital, living in residential care. If they failed to pay their care home fees, the authority might be forced to take on the liability for those fees and recharge the client. If they did not pay those recharged fees, court action might be appropriate.

What are described here are the standard processes followed. Our customers present us with many and varied issues and we take a flexible approach to collect the income owed to the authority. For example, in extreme cases, our officers will make regular personal contact with habitual non-payers to chase for payment, sometimes assisted by officers from social services. This is not sustainable for large numbers of cases but as a one-off measure, it can be beneficial.

All of the letters have been updated and softened following feedback from Social Services. Copies of these letters can be provided to the Panel if it would be helpful.

I am aware that the Head of Adult Services has already replied separately on the issue of recording of carers' assessment, but I can confirm that the reason why carers decline an assessment will be built into the design of the WCCIS.

I trust this answers all of the queries the Panel raised in the letter.

I also wanted to take this opportunity to respond to the matter raised at the Panel meeting on 19th November 2019 as outlined in the Convenor's letter dated 9th December 2019, and the brief given by Tony Beddow on improving our understanding *of the agreed range of adult care services and of the performance and budgeting data.*

I have asked the Director of Social Services to speak with relevant Welsh Government officials about the work they are seeking to undertake on this matter and whether and how Swansea Council may become involved, subject to the necessary resources being made available.

Yours sincerely



Y Cynghorydd/Councillor Mark Child
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