



## Report of the Cabinet Member for Adult Social Care & Community Health Services

Cabinet – 18 March 2021

### Annual Review of Charges (Social Services) 2020/21

### (List of Charges to apply in 2021/22 - Commencing 1 April 2021)

<b>Purpose:</b>	To review Swansea Council's Charging Policy (Social Services).
<b>Policy Framework:</b>	Council's Charging Policy (Social Services): <a href="#">Swansea Staffnet - Charging Policy (Social Services)</a>
<b>Consultation:</b>	This report was prepared after consultation with: Social Services Finance & Charging Group, Legal, Finance and Access to Services
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet accepts the findings of the annual review of changes, and that no new service charges will be applied in 2021/22;  2) Cabinet agrees that an inflationary increase of 1.75% is applied to all social services charges to come into effect on 1st April, 2021/22;  3) Cabinet agrees charges for community alarm services remain the same, and are to be considered as part of a corporate commissioning review;  4) Cabinet approves the list of social services charges to apply from 1st April 2021, for the year 2021/22;  5) The new List of charges 2021/22 (Appendix A), once agreed, is appended to the Council's Charging Policy (Social Services).
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## **1. Introduction and Background**

- 1.1. The Social Services and Well-being (Wales) Act 2014 (The Act) came into effect in April 2016, and set out a statutory requirement for each Local Authority to publish their charges for social services.
- 1.2. Section 61 of the 2014 Act provides for regulations to be made, which set out the details of how charging arrangements are to operate in connection with the exercise of a discretionary power to impose a charge under section 59 of the 2014 Act.
- 1.3. The updated national regulations and guidance, referenced in the full report (Appended) provides citizens with a number of national thresholds for charging, which are also reviewed annually by Welsh Government. Among the key drivers behind this national framework is to have one set of financial assessment and charging arrangements for residential and non- residential social care, and to ensure greater clarity and transparency within these arrangements.
- 1.4. The Act was intended to be 'cost neutral' for Councils when implemented, and regulations and Parts 4 and 5 of the Codes of Practice set out a common national framework for charging for care and support services.
- 1.5. 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
- 1.6. Swansea's implementation of the national framework is set out in our charging policy, seeking to minimise the negative impact of charging upon care and support recipients with low financial means, their families and carers, and yet ensuring, where appropriate, they can make a fair and reasonable financial contribution towards the costs of care and support to ensure its continued provision.
- 1.7. Swansea Council's Charging Policy (social services) was approved by Cabinet in April 2016. A Social Services Finance and Charging group has been established, chaired by the Director of Social Services, and tasked with supporting the implementation of this policy. One of the key functions of the group is to apply best practice approaches in carrying out a thorough annual review of all social services charges.
- 1.8. The charging policy was last revised in March 2018, and a full EIA was completed to address some significant changes proposed, and implemented this year, such as the introduction for charges for day services.

- 1.9. The Director of Social Services presents this report as the annual review of charges (social services), under Part 5 of the Social Services and Well-being (Wales) Act. The full report of the *Annual review of charges -social services 2020/21* is appended to this report (**Appendix A**). This report provides Cabinet with an opportunity to consider the annual review, the charging policy and the list of charges for social services to apply in 2021/22.

## **2. Annual Review of Charges**

- 2.1. This fourth annual review of charges report (**Appendix A**) provides a clear analysis of how current charges are working, by considering the following:
- Statutory considerations- any changes to national policy
  - Current charging policy- how it is working in practice
  - How Swansea's list of charges compares to other Welsh Local Authorities
  - What people are telling us
  - Equalities Impact
- 2.2. There is some consideration of the likely impact of Covid, in particular on charging for social care in the current crisis, within the context of growing demand and rising costs of social care and the possible reduction of income generated in the short to medium term.

## **3. Other Issues**

- 3.1. None

## **4. Equality and Engagement Implications**

- 4.1. The Council is subject to the Public Sector Equality Duty (Wales) 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.
- 4.2. Our Equality Impact Assessment process ensures that we have paid due regard to the above. An Equalities Impact Assessment (EIA) screening form has been completed; with the agreed outcome, a full EIA assessment was not required at this stage. A full EIA was undertaken in 2019, when new charges were introduced.
- 4.3. The Director of Social Services' report on the annual review of charges (social services) 2020-21, and the recommendations within the report, are to apply an inflationary increase to the list of charges from April 2021, and the EIA

screening has determined that this does not have a significant impact upon equality issues, or the local population with protected characteristics.

## **5. Financial Implications**

- 5.1. Charging policy (social services) applies the corporate principle of full cost recovery. In reality, 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.
- 5.2. Income generation can reduce the costs of services to Council taxpayers, and can also work to achieve Swansea Council's Corporate Plan strategic objective to safeguard our most vulnerable citizens. A decision to charge for or to subsidise the costs of services should be based on detailed analysis, encouraging fair access, and this annual review helps to support this process.
- 5.3. The proposals also 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.

## **6. Legal Implications**

- 6.1. The legal framework for setting charges for social services is set out in the full Report.
- 6.2. A local authority must publish information about its charging procedure and general fee levels for particular services.
- 6.3. 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.
- 6.4. 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.
- 6.5. The 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 as the Welsh Government sets the level of the maximum charge and capital limit each year.
- 6.6. The Care and Support (Financial Assessment) (Wales) Regulations 2015 make provision about the way in which a local authority must carry out a financial assessment of a person's financial resources.

**Background Papers:** None

**Appendices:**

Appendix A - Annual Review of Swansea Council Charging Policy (Social Services)  
– 2020-2021