



Report of the Cabinet Member for Care Services

Cabinet - 16 February 2023

Annual Review of Charges (Social Services) 2022/23

Purpose:	This report is the latest annual review of social services charges, improvements undertaken in year and a proposed list of charges to apply in 2023/24
Policy Framework:	Part 5 of the Social Services & Wellbeing Act 2014, Swansea Council's charging (social services) policy
Consultation:	Cabinet Members, Corporate Management Team, Legal and Access to Service, Social Services Finance & Charging group
Recommendation(s):	It is recommended that Cabinet: <ol style="list-style-type: none">1) Notes the findings of the annual review of charges report.2) Subject to the approval of the Council Budget for 2023 /24 approves an inflationary increase of 10% to be applied to all social services charges to come into effect on 1st April 2023.3) Subject to recommendation 2, approves the list of social services charges to apply from 1st April 2023, for the year 2023/34 for publication.4) Reinforces the need for the Council's debt policies to be applied.
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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 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. Annual Review of Charges

- 2.1 Swansea Council's sixth annual review of charges is a reflection on how current charges are working, taking into account 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 report in 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 2023/24, alongside the integrated impact assessment.
- 2.3 The full report considers the impacts of the cost-of-living crisis, projected inflation most importantly the impact on citizens carers, and families.

- 2.4 Set alongside this demand for and charging for care and support within the pandemic; how a context of growing demand and rising costs within social care is 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 2023/24.

3. General Issues

3.1 Policy changes.

There are no significant changes proposed to Swansea Council's Charging (social services) policy, though the policy has been reviewed and revised so that the content and links remain up to date. At the time of reporting, no changes to the national charging framework or guidance have been announced by Welsh Government.

3.2 Economic.

The total amount of income generated (£16.5m) from charges for Adult social care is significant, and helps towards a sustainable service model. Overall, the main report shows that the total amount of income generated in year has fallen slightly year as service offers were impacted by the pandemic. The social care market, as all households and businesses, has been seriously impacted by UK inflation on real wages, energy and fuel costs, and price increases.

3.3 Social.

The cost-of-living crisis will be having a disproportionate impact on those people in receipt of social care their carers and families. We have to consider how poverty can impact on the wellbeing and care and support needs of the most vulnerable citizens. Swansea Council is working on a corporate debt recovery policy to ensure that a fair and compassionate approach is taken when working with individuals and families who are in arrears through charges.

- 3.4 Overall Swansea's charging policy falls in line with Welsh Government policy, and the approach taken by other Welsh Local Authorities.

4. Financial Issues

- 4.1 Swansea's Charging (social services) policy 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. 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.

5. Legal Issues

- 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 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.
- 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

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 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account 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 There are no changes proposed to the Council's Charging (social services) policy at this time.
- 6.5 Following public consultation and targeted involvement of those directly impacted a full IIA Report was undertaken (see Appendix B).
- 6.6 An Action Plan has been completed to address any actions identified throughout the assessment that will help monitor and take mitigating action to the proposal once it is implemented, actions are summarised below;
- Finalise and publish financial assessment guidance
 - Implement Swansea Council Tackling Poverty strategy
 - Implement Swansea Council Prevention strategy
 - Finalise Council Debt strategy

- Monitor clients falling below the threshold for the maximum weekly charge based on actuals
- Profile local population subject of non- residential charging for protected characteristics
- Review and update the Councils' process for annual review of social services charges

6.7 It is not anticipated that this proposal will adversely impact people and communities, as there are strong and established processes, set both nationally and locally in place to mitigate such impacts.

Background papers: - None

Appendices:

Appendix A– Annual Review of charges (social services) 2022/23

Appendix 1 (to main report) – List of Charges to apply in 2023/24

Appendix 2 (to main report) – Comparison with other Welsh Local Authorities

Appendix B - Integrated Impact Assessment