



Cyngor **Abertawe**
Swansea Council

Appendix A

**Charging Policy -
Social Care, Support
Services, and Other Services
provided by Swansea Council
Social Services**

April 2025

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0. Introduction

- 1.1. Unlike NHS Healthcare, local authority care and support services are not generally free of charge. People have traditionally had to pay something towards the cost of their care if they can afford to do so.
- 1.2. **The Social Services and Wellbeing (Wales) Act 2014** continues this principle and enables local authorities to decide whether or not to charge people for care and support services that are arranged and funded by them.
- 1.3. In common with the vast majority of, if not all, councils, Swansea Council has decided to charge for care. This is because the income received from care charges is critical to the Council being able to reach its statutory funding commitments and set a balanced budget. Without that income, it would not be possible to provide social care, so in reality Swansea Council has no practical option other than to charge for social care services. The income raised will help to protect, maintain, develop, and extend care and support services in the right form to meet the needs of vulnerable adults in our area.

1. Summary

- 1.1. Swansea Council has decided that where it is permitted to do so, its Social Services Directorate will charge for social care and support services. This will be done in accordance with the Social Services and Well-being (Wales) Act 2014 (SSWB Act), accompanying Regulations and Code of Practice, any contribution limits set by the Welsh Government, and in general practice on a fair and equitable basis.
- 1.2. The actual cost of providing the various Social Care services will be calculated every year in the period preceding the Council's annual budget setting using the information available at that time. That calculation will be used to determine the full charge for each service type and that will be published annually.
- 1.3. The Council is required to have regard to the needs of all the taxpayers/citizens of Swansea and must ensure charges that are set are not negligent in respect of potential income to the authority.
- 1.4. Service users who decide they do not wish the Council to undertake a financial assessment of their ability to pay their full charge, will be required to pay the full charge for their care, subject to any contribution limits set by the Welsh Government. The same will apply to anyone who refuses to provide the Council with the information needed to make such a financial assessment.
- 1.5. Service users who ask for a financial assessment of their ability to pay social care

charges to be made, and who provide the necessary information to the Council, will have their contribution towards those charges calculated according to the relevant legislation/guidance and also subject to any contribution limits set by Welsh Government.

- 1.6. There are provisions within the SSWB Act which permit LAs some discretion in respect of social care charges and various elements of the financial assessment. Details of the authority's decisions regarding these areas are given in Appendix 4 of this report.
- 1.7. The Social Care Directorate provides other services which might not traditionally be considered a Social Care provision, but which currently fall within their responsibility (for example lifelong learning services and outdoor learning centres). Where it is permitted to do so, the Social Services Directorate will charge for such services, subject to any relevant legislation and under the general principle of full cost recovery. Details of these charges are given. Details of the charges will be published annually in the Council's annual Review of Social Service Charges report.
- 1.8. The Council will always seek to collect service users' full contribution towards the cost of their care as this income is needed to fund the provision of care within the Swansea area.

2. The Statutory basis for charging for social care and support services

- 1.1. **The Social Services and Well-Being (Wales) Act 2014** ("the Act") provides the legal framework for charging for care and support services. Section 59 of the Act enables the local authority to charge an individual in receipt of care and support services. Sections 50 and 63 place a duty on the local authority to undertake an assessment of an individual's financial resources to determine the amount they will be required to pay towards the costs of the care and support services they receive.
- 1.2. The **Care and Support (Financial Assessment) (Wales) Regulations (as amended)**, the **Care and Support (Charging)(Wales) Regulations 2015 (as amended)** and the **Welsh Government Code of Practice Part 4 and 5 Code of Practice (Charging and Financial Assessment)** issued under Section 145 of the Act set out the details regarding charging for care and support services.

2. Policy statement in respect of charging for social care and support services

1.1. Swansea Council will charge for social care services and will do so in accordance with the Social Services and Well-being (Wales) Act 2014 (SSWB Act), accompanying Regulations and Code of Practice and any contribution limits set by the Welsh Government.

1.2. Under the SSWB Act, a local authority can only charge:

- up to the cost of providing the service
- what the person can afford (as determined by the financial assessment process)

1.1. Swansea Council will not charge for services where it is:

- Not permitted to do so by regulations or advised not to do so by the Welsh Government code of practice OR
- Where it has chosen to exercise its discretionary powers not to do so after taking into account corporate strategic priorities and population wellbeing outcomes OR
- Where a service is provided under a specific grant which wholly covers the cost of that service.

5.4 Swansea Council reserves the right to make changes to its charging arrangements outside or other than those stated in this policy should circumstances arise that are outside of its control that require it to do so. For example, if national government (UK or Welsh Government) amends the financial arrangements for social care, employer taxation or other regulatory legislation (for example material increases to the national living wage) placing additional financial, regulatory, procedural or other burdens on the Local Authority that need to be funded.

2. Services for which there is a charge

2.1. Swansea Council has decided to charge for the following services from April 2025, whether they are provided in-house or by the private sector:

2.2. General charges:

- Residential care
- Domiciliary care and support (including extra care services)
- Day services
- Telecare – where it is part of a person’s assessed needs
- Direct payments/citizen-directed support/support budgets
- Shared Lives
- Supported Living
- Set up and administration costs of Deferred Payment Schemes
- Respite at home

1.1. Charges for services that are not part of a person’s assessed needs:

- Meals received during the course of attendance at a day centre or in Extra Care Housing settings
- Lifeline / Community Alarms

1.2. Client Property and Finance Unit charges.

2. Services not charged for

2.1. The following services are currently not charged for:

- Carers' services
- Child and family services
- Provision of information and advice
- Reablement services that are time-limited
- Work opportunities
- The administration cost of arranging services on behalf of those self-funding their care and support
- Education activity

1.1. Legislation currently prevents charges being introduced for:

- Care and support provided as Reablement to an individual (normally up to 6 weeks) to enable them to maintain or regain their ability to live independently at home, the provision of transport to attend a day service where the transport is provided by, or arranged by, a local authority and where attendance at the day service and transportation to it are included in the individual's managed care and support plan.
- The provision of assessment of needs, care planning, care plans and provision of statements of charges must not be charged for, since these processes do not constitute the provision of care and support. This includes the provision of information and advice
- For undertaking a review of a charging decision where required to do so.
- Care and support to a child or for support to a child who is a carer, nor for direct payments to secure such support.
- Transport to a day service where the transport is provided as part of meeting an individual's needs.
- Independent professional advocacy, where a local authority has arranged for the provision of this in accordance with the code of practice on advocacy under Part 10 (Complaints, Representatives and Advocacy Services) of the Act where an individual can only overcome the barrier(s) to participate fully in the assessment, care and support planning, review and safeguarding processes, with assistance

from an appropriate individual and no such individual was available.

- Sensory services

3. How much will the full charge for social care services be?

- 1.1. Swansea Council's approach to charging is that it should support corporate strategic priorities, and be sustainable in the longer term, and charging arrangements should be applied equally and fairly.
- 1.2. For example, all clients, with broadly the same assessed need for care and support, are treated equally, and therefore the same gross charges should apply.
- 1.3. The amount to be paid in the end would be subject to a financial assessment which will reflect people's individual ability to pay.
- 1.4. The Council can only charge up to the cost of providing the service so the actual cost of providing a service will be determined each year and a decision will then be made on the full charge to be levied taking that cost and the above requirements into account.

4. Annual review of social care charges

- 1.1. Decisions to charge or not to charge under the authority's discretionary powers and the amount to be charged will be reviewed annually when setting the budget for the next financial year, or more regularly if required. This will be done within corporate governance arrangements. These revised charges will, in normal circumstances, be applied from the start of the next financial year but where it is considered necessary and appropriate a different commencement date may be selected.
- 1.2. Details of the reviewed charges will be published annually in the Council's annual Review of Social Service Charges report.

5. In-year changes to existing or new social care charges

- 1.1. There may be circumstances when a change to the existing charge or the imposition of a new charge needs to take place during a financial year.
- 1.2. Any such changes to charges will be subject to the normal processes of business case review, public consultation where appropriate, and an integrated impact assessment as required.
- 1.3. That process will include a decision on the effective date of the new charge, the

amount to be charged and all other relevant matters.

11. How much will a person have to contribute towards the full charge for their care?

- 1.1. Legislation and guidance including the **Care and Support (Financial Assessment)(Wales) Regulations, the Care and Support (Charging)(Wales) Regulations 2015** and the **Welsh Government Code of Practice Part 4 and 5 Code of Practice (Charging and Financial Assessment)** issued under **Section 145 of the Act** set out the provisions regarding the assessment of a client's contribution towards the cost of their social care and support services.
- 1.2. If an individual or carer does not wish to have a financial assessment or refuses to cooperate with the financial assessment process, they will be assumed to have the means to pay for the full cost of their care in the case of residential care or up to the maximum weekly amount set by Welsh Government for other care and support services.
- 1.3. If the Council has reason to believe that the individual may have tried to deliberately avoid paying for care and support through not fully disclosing details of their personal and financial circumstances or through depriving themselves of assets, either capital or income, the authority will seek to recover those costs.
 - Where the Council is satisfied that an individual has transferred capital or a capital asset to a third party, or otherwise disposes of a capital asset to avoid or reduce paying charges, their contribution towards care charges will be assessed as if they still hold that capital.
 - Where the Council determines that an individual has transferred the asset to a third party to avoid charges in whole or part, the third party may be deemed liable to pay to the Local Authority the difference between what it would have charged and what it actually charges the individual receiving care and support services, taking into account the value of the asset.
- 1.4. For people who have provided the information necessary to enable the Council to carry out a financial assessment of their ability to pay care charges, the assessment will calculate the most an individual will be asked to pay towards their care charges.
- 1.5. For Respite Residential Services where the planned stay is for no more than 8 weeks, the charge will be further subject to a maximum weekly charge set by the Welsh Government as set out in The Care and Support (Charging) Wales Regulations 2015.
- 1.6. In the case of non-residential care and support services the charge will also be subject to a maximum weekly charge set by the Welsh Government as set out in The Care and

Support (Charging) Wales Regulations 2015. However, an individual will only pay for the actual services they receive which may cost less than their assessed maximum weekly charge.

- 1.7. Flat rate charges may be charged separately and may not be subject to the maximum weekly charge for care and support as set by the Welsh Government.

1. Debt

- 1.1. Invoices which are not paid will be considered as a debt and will be pursued by the Council. This may lead to recovery action through the Courts if payment is not made. Court action will be an avenue of last resort used when the debtor has failed to engage positively with the authority in respect of arranging payment.
- 1.2. A Deferred Payment will be offered where appropriate. In cases where a Deferred Payment has been refused or the individual is ineligible, the Local Authority has the power under Section 71 of the Act to create a charge over the individual's interest in land to secure payment due for care and support services where payment has not been made.

13. Additional costs (third-party top-ups)

- 1.1. Some care homes charge higher fees than the standard fees paid by the Authority. If the care and support services required can be provided by care homes which accept the standard fees, then the Authority will only pay an amount to match those fees.
- 1.2. However, a person may choose a care home that charges more than the Local Authority would usually expect to pay for the provision of the accommodation of that type, for that individual.
- 1.3. Where the individual has chosen a care home that is more expensive, an agreement will need to be made as to how the difference in cost will be met. This additional cost is the difference between the amount of the Local Authority's standard fees and the actual cost of the individual's chosen care home.
- 1.4. The individual will have to identify a third party (not the person receiving care) who is able to pay the additional cost of the chosen accommodation for the full duration of their stay. The Authority may assess the ability of that third party to meet the additional cost for the duration of the arrangement. In some cases, the individual may be permitted to meet the additional cost themselves.
- 1.5. If the financial or personal circumstances of the third party change to the point that they cannot continue to meet the additional costs, the person receiving care may need to move to alternative accommodation where no top-up fees are payable.

12. Service Users' Payments towards social care charges

- 1.1. Liability for charges for social care services usually starts from the first day that care and support are provided.
- 1.2. However, a payment of the service user's contribution towards those charges will not be required until a notification from the Authority has been issued detailing the contribution to be made and the start date from when that contribution must be paid as this could be some weeks before the date the notification could be issued.

13. Re-assessment and methods of appeal

13.1. When might a new financial assessment be needed?

- 1.1.1. Periodically, a new financial assessment will be necessary to ensure the services users assessed contribution towards their care costs is accurate and up to date. For example, when an individual's income or capital has changed, their personal circumstances have changed or where there has been a change to their Care and Support plan.
- 1.1.2. It is possible that after the financial review/reassessment there may, or may not, be a change in the amount a customer is required to contribute. The individual will be notified in writing of the outcome of the assessment.

1.1. Request for a review of the result of a financial assessment

- 1.1.1. If an individual does not agree with the outcome of a financial assessment, the charges applied or the contribution they have to pay, they can request a review. The request for review can be made any time after the Local Authority has made its decision and this has been communicated to the individual. The individual must state all the reason(s) why they are requesting a review, and this should be done in writing to ensure the Council has all the necessary information to undertake the review.
- 1.1.2. A representative can act on behalf of the individual to request a review.
 - 1.1.1. To ask for a review of the outcome, the individual or their representative should contact the Council's Social Care Income and Finance Team who will:
 - Check that the financial information used in the calculation is correct.
 - Look at any new information provided by the individual.

- Check that the assessed contribution has been calculated correctly.
- Decide whether the decision was fair and correct.

The individual will be notified of the outcome of the review in writing.

1.1.1. Where the Council has decided that an individual has transferred assets to another person (the liable transferee) in order to reduce their charge or contribution, the 'liable transferee', may request a review of the decision to charge them using the process detailed above.

1.2. Appeals against the outcome of a financial assessment

1.1.1. Where an individual remains in disagreement with the outcome of the review they may make a formal complaint to the Council through its formal complaints procedure.

1.1.2. The individual will be notified in writing of the outcome of the complaint. An individual can only make a complaint where they consider the Council has not made a properly considered decision in determining its review, for example:

- Not following the charging policy for care and support services (this policy)
- Not following the Social Services and Well-being (Wales) Act 2014.
- Not properly considering relevant information.

14. Fraud

1.1. Swansea Council is required by law to protect the public funds it administers. Adult social care fraud is thought to be one of the highest-risk areas of fraud, costing councils across the UK an estimated £13.7 million a year – with the average case worth £29k.

1.2. Examples of adult social care fraud include:

- Exaggerating a disability or illness to receive more support
- Not declaring, or under-declaring income, benefits, savings, or capital in financial assessments
- Financial abuse of a vulnerable person including theft of their income/capital assets
- Using direct payments for non-care related expenditure
- Care providers claiming for hours of care which haven't been provided

1.1. The Council will undertake cross-checks with data it already holds and also with other organisations such as the Department for Work and Pensions (DWP) to detect and prevent social care fraud.

1.2. Where appropriate, it will prosecute anyone it considers guilty of such crimes to the full extent of the law.

1.3. It may also share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect other fraudulent acts.

15. Services provided by the Social Care Directorate outside of the provision of the Social Services and Wellbeing Act

15.1. Statutory basis for charging for services outside the SSWB Act

- 1.1.1. The Local Government Act 2003 includes a general power for Best Value Authorities in both England and in Wales to charge for discretionary services. Authorities have a duty to ensure that, taking one year with another, the income from charges does not exceed the costs of provision. Authorities must also already have the power to provide the service. This includes discretionary services provided under well-being powers in the Local Government Act 2000.
- 1.1.2. The Social Care Directorate provides other services which might not traditionally be considered a Social Care provision, but which currently fall within their responsibility. Where it is permitted to do so, the Social Services Directorate will charge for such services, subject to any relevant legislation.
- 1.1.3. Services outside the SSWB Act for which there is a charge:
- Lifelong learning services
 - Outdoor learning centres and activities
 - Passport to Leisure

15.2. How much will the charge for these services be?

- 1.1.1. The actual cost of providing the various social care services will be calculated every year in the period preceding the Council's annual budget setting using the information available at that time. That calculation will be used to determine the full charge for each service type which will be published annually.
- 1.1.2. Depending on the nature of the service, other considerations may also be made to determine the final charge which may include commercial viability and market forces where appropriate.
- 1.1.3. Managers are expected to review fees and charges on an annual basis as part of the budget process with an assumption all increase in line with inflation.
- 1.1.4. Please see Appendix 3 to this report for details of the charges to be made. Details of the charges will be published annually in the Council's annual Review of Social Service Charges report.

15.3. Annual review of charges for services outside the SSWB Act

- 1.1.1. Decisions to charge or not to charge under the authority's discretionary powers and the amount to be charged will be reviewed annually when setting the budget for the next financial year, or more regularly if required. This will be done within corporate governance arrangements. These revised charges will, in normal circumstances, be applied from the start of the next financial year but where it is considered necessary and appropriate a different commencement date may be selected.
- 1.1.2. Details of the reviewed charges will be published in the annual review of the charging policy.
- 1.1.3. Details of the charges for these services will be published annually in the Council's annual Review of Social Service Charges report.

15.4. In-year changes to existing or new charges for services outside the SSWB Act

- 1.1.1. There may be circumstances when a change to the existing charge or the imposition of a new charge needs to take place during a financial year. Any such changes to charges will be subject to the normal processes of business case review, public consultation where appropriate, and an integrated impact assessment as required.
- 1.1.2. That process will include a decision on the effective date of the new charge, the amount to be charged and all other relevant matters.
- 1.1.3. Please see Appendix 3 to this report for details of the charges to be made for these services. Details of the charges will be published annually in the Council's annual Review of Social Service Charges report.

18. Appendix 1 – Relevant guidance and documentation

- **The Social Services and Well-being (Wales) Act 2014**
www.legislation.gov.uk/anaw/2014/4/contents
- **Regulations**
<https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/sswbact-regulations>
- **The Social Services and Well-being (Wales) Act 2014:part 4 and 5 code of practice**
www.gov.wales/code-practice-charging-social-care-services
- **Welsh Government guidance on charging for Social Care**
www.gov.wales/charging-social-care

1. Appendix 2 – Disability related expenditure (Social Care and Support Services)

1.1. Discretionary disregard of additional disability-related expenses

The Council has the discretion to disregard additional disability-related expenses in certain circumstances. When to use that discretion will be a matter determined by the Head of Service or their nominated representative.

1.1. Residential Care Services

The Council has the discretion to disregard additional expenses over those disregarded as standard and which are reasonably incurred by residents for disability-related items not provided by the care home or by the Health Board or are for expenses related to the property they own.

1.1. Non-Residential Care Services

The Council has the discretion to disregard additional expenses over those disregarded as standard and which are reasonably incurred by residents for disability-related items that are related to needs identified in a person's care and support plan that will help them to live independently, where these are not covered by the allowances automatically included in the financial assessment.

15.5. What are Disability-Related Expenditure costs?

1.1.1. Usually these costs fall into one of these three categories:

- **Specialised items and services:** Items to help with disabilities such as wheelchairs or electric recliner chairs.
- **Increased use of non-specialised items and services:** disabled people may have to use things more, such as transport or heating.
- **Higher cost non-specialised items and services:** a person may have to use things that cost more than the average, such as home delivery.

1.1.2. Discretionary allowances for disability-related expenditure will only be made where those costs are:

- Met entirely by the person being financially assessed.
- Specifically relate to the disability in question.
- Exceed what a non-disabled person would reasonably be expected to spend.

1.1.1. There would be an expectation that the person had carried out a reasonable amount of research to find the best price before incurring any expense as anyone

would do when making a significant purchase.

1.1.1. Applicants may be asked to provide further information in support of their request such as supporting evidence to prove that the additional expense has been incurred and evidence that the cost is related to their disability. That evidence may be requested periodically to ensure the financial assessment remains up to date.

1.1.2. When considering if the additional expense declared can be taken into account, the Council will consider various issues including the following. This list is not intended to be exhaustive, or prescriptive, it is just intended to illustrate the issues that the Council will consider.

- Has the expense been incurred by the person being financially assessed?
- Is the person receiving a disability-related benefit?
- Can the item be reasonably considered a disability-related expense in respect of a need identified by the person's care assessment?
- Does the expense specifically relate to the disability in question?
- Is the expense being regularly incurred?
- Does the expense exceed what a non-disabled person would reasonably be expected to spend?
- Is a reasonable alternative available at a lesser cost?
- Will the item/service in question help the person to live independently?
- Is the item being provided for in another way or could it be provided for in another way - for example through benefits, a grant or the NHS?
- Can the person, and should the person, be carrying out the task themselves - for example, gardening might be beneficial to their physical and/or mental health?

1.1.1. Swansea Council will include the payment of Lifeline as an additional disability-related expenditure when calculating a person's contribution towards the cost of their social care, where a person is making such payments. This is because Lifeline performs a critical function by enabling people to live independently within their own homes.

15.6. What costs would not usually be considered a disability-related expense?

This list is not exhaustive or prescriptive:

- Cost of private healthcare (e.g. BUPA subscription)
- Hairdressing (including styling, colouring, cutting, and others). Hair washing only would be part of the Care and Support Plan
- Cost of private dental care

- Standard costs of daily living (e.g. food, TV licence, cinema tickets, pub, phone line, gym, etc.)
- Funeral Plans
- Personal Trainer
- Dietary requirements which are not medically necessary (e.g. fizzy drinks and treats etc.)
- Personal Care - To be included in the Care and Support Plan
- Elective Private Respite Care / Holidays - To be included in the Care and Support Plan
- Transfer from and to medical appointments
- Transfer from and to places identified to meet eligible needs (e.g. Day Centres) - To be included in the Care and Support Plan
- Legal Costs incurred by adults to uphold any legal rights
- Physiotherapy, Hydrotherapy, and other alternative therapies - if these are health needs the NHS will fund these
- Gardening (including landscaping, flower beds, etc.) - unless limited to reasonable costs of basic garden maintenance and if necessitated by the individual's disability – e.g. front and back entrance to ensure safe access or unless there is a specific requirement in the person's tenancy agreement.
- Medical / Dental Expenses not related to disability
- Mobile Phone Rental
- Deputyship Costs (charged by Swansea Deputyship Team or any other professional)
- Private Home Care / Cleaner

1.2. How would the cost of a disability-related expense be calculated?

How to calculate the cost of each item/service depends on what it is. The Council will accept a reasonable estimate when an exact calculation is not possible. These are some examples:

- Equipment/aids: take the item's cost and divide it by its predicted lifespan. This will give its cost over time. For example, if a special mattress was bought due to medical needs that cost £480 and it was expected to last two years: $£480 \div 24 = £20$ per month
- For regular payments for services such as care, and wheelchair insurance, invoices/bills should be available.

- Extra utility costs: the actual cost minus the average for a household of a similar size can be used

Decisions on whether other additional reasonable disability-related expenses can be taken into account in a person's financial assessment will be made by the Head of Adult Services or their nominated representative.

2. Appendix 3 – Income Buffers

15.7. Minimum Income Amounts for Non-Residential care financial assessments (otherwise known as “Buffers”)

- 1.1.3. When calculating a person’s charge, a local authority must ensure an individual is left with a net weekly income that is not below the Minimum Income Amount.
- 1.1.4. Where the individual is in receipt of Income Support, Universal Credit, Employment and Support Allowance or Pension Credit (guaranteed), the MIA is an amount of not less than 35% of the maximum standard entitlement of that benefit (the “buffer”) plus at least a further 10% of that amount to compensate for disability-related expenditure.
- 1.1.5. Where an individual is not in receipt of a relevant benefit, the starting point of the calculation is an amount which the local authority reasonably assesses would be a person’s basic entitlement to benefits, having regard to their age, circumstances and level of disability (the estimated basic entitlement).
- 1.1.6. Basic entitlement to what benefit is not specified in the regulations and it is also not clarified in the code of practice. Swansea Council has therefore made the reasonable decision that:
- For pensioners – basic entitlement is a single person’s entitlement to guarantee credit (but the amount included for severe disability)
 - For non-pensioners – basic entitlement is a single person’s entitlement to Income Support (including the enhanced disability premium)
- 1.1.7. The Severe Disability premium is paid to help recipients pay for their care and support where certain qualifying conditions are met. It is therefore reasonable to expect them to use it for that purpose. It is taken into account as income for the same reason.
- 1.1.8. The Minimum Income Amount (or buffer) is confirmed on the notification letter sent to the individual as the “Further Allowances”.
- 1.1.9. The Benefit Allowances are based on the breakdown of a person’s entitlement to state benefits which will have been confirmed with the Department for Work and Pensions.
- 1.1.10. Where the individual is not in receipt of any state benefits for income (such as Universal Credit, Employment and Support Allowance or Pension Credit) then the basic allowance Minimum Income Amount will be used.
- 1.1.11. The amount of the MIA being received may differ depending on the age of the citizen in line with the regulations prescribed for the benefit being received. The

age range will increase in line with the Government's planned increases to the State Retirement Age.

- 1.1.12. The Council will use its discretion to increase the basic allowance of the MIA by a weekly amount, to match the level of the enhanced disability premium, for people satisfying the criteria detailed in Appendix 4 of this document.
- 1.1.13. The income buffer amounts will be reviewed every year and included in the Council's annual review of Social Service charges.

7. Appendix 4 – Decisions in respect of discretionary provisions within the Social Services and Well-being (Wales) Act 2014 and subsidiary legislation

15.8. Charging for social care and support services

Swansea Council has determined to charge for social care and support services under Section 59 of the SSWB Act 2014.

2. Increases in the Basic Minimum Income Amount [MIA] (As part of a review of the Council's procedures to determine if there were any issues arising from the "Norfolk" case, it was identified that a number of citizens only have the lowest "basic" MIA used in their financial assessment as a consequence of being unable to access certain disability benefits. These primarily include:

- Young adults who remain in full-time education past the age of 18.
- Working-age adults in the assessment phase or Universal Credit - once they have been assessed they may or may not become entitled to those disability benefits as determined by the DWP. However, based on anecdotal evidence, normally they would be entitled to those additional allowances once assessed.
- Working-age adults who are not entitled to means-tested disability benefits for financial reasons e.g. due to the income of their partner.

1.1.1. The reality for most of these clients is that as their income increases, their contribution may actually reduce because the extra income awarded is a disability allowance and entitlement to that allowance increases their MIA. Consequently, those citizens whose final entitlement to disability-related benefits has not yet been determined or who are unable to access income-related disability benefits at a higher rate for financial reasons, have to pay more towards the cost of their social care. This can either be permanently or until the DWP assessment process is completed.

1.1.2. In order to take steps to rectify what could be perceived as inequality and unfairness, the basic allowance of the MIA will be increased by a weekly amount, to match the level of the enhanced disability premium, for people satisfying the criteria detailed below. This amount will be reviewed every year to keep it in line with any increases in that premium implemented by the DWP.

1.1.3. The person must be entitled only to the basic MIA amount in their financial assessment and must be entitled to high-rate DLA Care or PIP Daily Living

Component Enhanced Rate and:

- a) The person must be a young adult who has remained in full-time education past the age of 18 or
- b) The person must be a working-age adult who is not entitled to a means-tested disability benefits for financial reasons e.g. due to the income of their partner, their own capital etc. or
- c) The person must be of working age and in the assessment phase of ESA or Universal Credit.

18.1.1. In respect of people in group c), if, at the end of the assessment phase, the DWP decides they are not entitled to ESA or UC for anything other than financial reasons, a referral would be made to the Council's Welfare Rights Team to consider whether an appeal should be made against the DWP's decision or if other income maximisation advice is appropriate. This will be done before the additional MIA is removed from the financial assessment.

15.9. General discretion to vary financial assessments in extreme circumstances

18.1.2. The Authority has the authority to vary the 'normal' terms of a financial assessment in extreme circumstances to recognise the exceptional needs of a care recipient where they exist. Doing so could either decrease or increase, the care recipients assessed contribution towards the cost of their care.

18.1.3. There may be financial implications to making discretionary adjustments to the 'standard' financial assessment as the financial burden of reducing a care recipient's contribution will be a loss of income which would have to be met through an increase in the general level of Council Tax for Swansea taxpayers.

18.1.4. However, any decision made will be without reference to any budgetary considerations notwithstanding the fact that any awards must be balanced against the needs of local taxpayers who will ultimately pay for a reduction in the authority's income.

18.1.5. As a consequence of this the Council will only consider using its powers to reduce the contribution a care recipient would make under the terms of a 'standard' financial assessment below that level in exceptional circumstances. Also, there must be clear evidence that an individual has exceptional circumstances which are not caused by negligence or inaction on their part.

The care recipient must have made all reasonable efforts to deal with those circumstances before applying for discretionary relief including maximising their financial resources or using their existing financial resources to meet the cost.

- 18.1.6. Each case will be determined on its own merits based on the supporting information/evidence provided to the authority. Decisions on whether to vary the terms of any financial assessment will be made by the Head of Service or their nominated representative.