

## Report of the Cabinet Member for Care, Health & Ageing Well

Special Cabinet – 9 January 2020

### Annual Review of Charging (Social Services) 2019/20 (Charges to apply in 2020/21 – Commencing 1 April)

<b>Purpose:</b>	This report introduces a full report on the annual review of Swansea Council's charges (social services), which provides citizens with transparency on how the Council exercises discretionary powers on the setting of charges, within the Welsh Government's statutory framework on charging for social services, agreed as part of managed care and support.
<b>Policy Framework:</b>	The Director of Social Services' Annual Review of Charging (Social Services (2019/20) is a report on the implementation of the 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: <ul style="list-style-type: none"><li>• Social Services Finance &amp; Charging group</li></ul>
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1) Cabinet accept the findings of the annual review of charges, and that there are no new service charges (social services) to apply in 2020/21.</li><li>2) To agree that an inflationary increase of 5% is applied to all social services charges.</li><li>3) To agree to apply the increase in home care charge, as previously agreed by Council, with effect from 1st April 2020, for the year 2020/21.</li><li>4) Cabinet to approve the list of social services charges to apply from 1st April 2020, for the year 2020/21.</li></ol>
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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. The Act was intended to be 'cost neutral' when implemented, and Parts 4 and 5 regulations and codes of practice set out the common national framework for local authority public charging in respect of their care and support services. The national guidance includes a set 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 and to ensure greater clarity and transparency within these arrangements.

The latest statutory requirements are summarised in main Annual Review report (**Appendix 1**):

- 1.3. In working towards sustainable approach to social care, Welsh Local Authorities are given some discretion in how charges 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
- 1.4. Swansea's approach, as set out in the charging policy, is aimed at minimising the impact of charging upon care and support recipients with low financial means, whilst ensuring, where appropriate, they can make a fair and reasonable financial contribution towards the costs of care and support to ensure its continued provision.
- 1.5. 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.
- 1.6. The charging policy was last reviewed and 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.
- 1.7. The Director of Social Services is providing this report as the annual review of charges (social services), under Part 5 of the Social Services and Well-being (Wales) Act. This report provides a summary of the main findings, with a set of recommendations.
- 1.8. The full report of the *Annual review of charges -social services 2019/20* is appended to this report (**Appendix 1**). 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 2020/21.

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

- 2.1. This third annual review of charges report (**Appendix 1**) 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 The main report (**Appendix 1: Director of Social Services Annual Review of charges (social services) report 2019/20**) summarises the work undertaken by the Finance and Charging group, in looking at process improvements, and considering options for new charges.

## **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 last year when new services, such as day services and respite at home were being introduced as new charges, as well as above inflationary increases in hourly charges for domiciliary care.
- 4.3 The Director of Social Services' report on the annual review of charges (social services) 2019/20, and the recommendations within the report, are to apply an inflationary increase to the list of charges from April 2020, 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. The income generated can reduce the costs of services to Council taxpayers, and can also be used 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 needs to be based on analysis and fair access, and this annual review helps to support this process.

- 5.2 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.

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.

- 6.3 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.

- 6.4 The regulations stipulate that the maximum charge for non-residential care and support is currently £90.00 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.

- 6.4 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) – 2019-2020