



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

Cabinet – 17 February 2022

Annual Review of Charges (Social Services) 2021/22

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 2022/23
Policy Framework:	Swansea Council's charging (social services) policy
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that Cabinet: 1) Accepts the findings of the annual review of charges report 2) Agrees an inflationary increase of 3% to be applied to all social services charges to come into effect on 1st April 2022 3) Approves the list of social services charges to apply from 1st April 2022, for the year 2022/23 for publication
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1. Background

- 1.1 Swansea Council's Charging (social services) 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 fifth 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. 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 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 main report of the Annual review of charges -social services 2021/22 is appended to this report (**Appendix A.**).
- 2.3 The full report considers the impacts of Covid, in particular on citizens and families, alongside the 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 2022/23.

3. **General Issues**

- 3.1 **Income in year** – Welsh Government provided a loss of income scheme for the 2020/21 financial year, and this has continued for the first half of 2021/22 as a Social Care Recovery grant. This has provided the Council

with a level of protection from loss of income specifically attributable to the pandemic. It is clear the pandemic will continue to impact on income generating from clients and partner organisations in 2022/23, with safe distancing requiring necessary reductions in service capacity, and in some cases service closures. The current context makes it hard to predict what social services related income is achievable in 2022/23.

3.2 Inflation It is expected that inflation next year will be above 4% for a time, though the impact on households, as food, heating, travel costs are increasing, may be felt more deeply. The costs of providing social care services are subject to general inflationary pressures, as well as sector specific in terms of the living wage, training and professional development and market forces.

3.3 Poverty Whether any changes to social services charging adds to the debt burden carers is an important consideration when looking at imposing charges for the care and support received by our most vulnerable citizens, and in support of their carers.

4. Integrated Impact Assessment

4.1.1 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 Acts
- 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

4.1.2 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'.

4.1.3 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.

- 4.2 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required. Please refer to the IIA screening form in Appendix 3 of main report.
- 4.3 The IIA screening found that the reviews proposals have a largely neutral impact on the Protected Characteristics as identified under the Equality Act 2010, and those experiencing socio-economic disadvantage. Any negative impact on Swansea citizens and carers is mitigated by a legal framework for charging as set out in the Social Services and Wellbeing (Wales) Act 2015 and its supporting Regulations, which help to ensure that only those with the means are charged for non-residential care.
- 4.5 The annual review and IIA process takes into account the United Nation Convention on the Rights of the Child (UNCRC) which Council has embedded into the Authority's Policy Framework.
- 4.6 The current policy complies with the Welsh Language Standards and provides for opportunities for people to use the Welsh language and for treating the Welsh language, no less favourably than English.

5. Legal Implications

- 5.1 The legal framework for setting charges for social services is set out in the full 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. Financial Implications

6.1 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. 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.

6.2 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.

6.3 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.

6.4 There are no additional financial implications.

Background papers:

None

Appendices:

Appendix A. Annual review of charges (social services) 2021/22 (main report)