

# Document Pack



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**MONDAY, 24 SEPTEMBER 2018**

## **TO: THE EXECUTIVE BOARD MEMBER FOR SOCIAL CARE & HEALTH**

**I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR SOCIAL CARE & HEALTH WHICH WILL BE HELD IN THE OFFICE OF THE DIRECTOR OF COMMUNITY SERVICES, COUNTY HALL, CARMARTHEN, AT 9.00 AM, ON MONDAY, 1ST OCTOBER, 2018 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.**

*Mark James* CBE

**CHIEF EXECUTIVE**



**PLEASE RECYCLE**

<b>Democratic Officer:</b>	<b>Martin S. Davies</b>
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<b>Ref:</b>	<b>AD016-001</b>

# A G E N D A

- |  |        |
|--|--------|
| 1. DECLARATIONS OF PERSONAL INTEREST.  |        |
| 2. DECISION RECORD - 19TH JULY, 2018.  | 3 - 4  |
| 3. NON-RESIDENTIAL CHARGING 2019-2022. | 5 - 24 |

*Note:- The press and public are not be entitled to attend the meeting. The decision record will be published normally within 3 working days.*

## EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR SOCIAL CARE & HEALTH

**19 JULY 2018**

**PRESENT: Councillor:** J. Tremlett (Executive Board Member).

**The following officers were in attendance:**

R. Page, Business Support Manager;  
J. Owen, Democratic Services Officer.

**Executive Board Members Office, County Hall, Carmarthen – 10:00am - 10:10am**

### **1. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

### **2. DECISION RECORD - 26<sup>TH</sup> APRIL, 2018**

**RESOLVED** that the decisions record of the meeting held on the 26<sup>th</sup> April 2018 be signed as a correct record.

### **3. RELEASING SERVICE USERS FUNDS WITHOUT THE NEED FOR GRANT OF PROBATE**

The Executive Board Member considered a report detailing the proposal to increase the limit for release of sums to family members without the need for Grant of Probate from £5,000 to £20,000.

The Business Support Manager highlighted that the threshold within the statute were last increased in 1984 (by the Administration of Estates (Small Payments) (Increase of Limit) Order 1984), and that an increase now would be reflective of inflation and current levels set by financial institutions.

It was reported that whilst in the majority of cases, the sums held would be less than the current £5000 threshold with no issues, however, over recent years it had been established that there had been a significant increase in cases where larger sums of money held by the Authority. This increase placed additional pressure on the Business Support Unit from families who sought to release the monies without the requirement for probate.

The Business Support Manager explained that due to the financial risk attached to the Authority with regard to the distribution of funds over the £5000 small payments limit without the family first obtaining probate, it was necessary to ensure that the signatures of those family members concerned on a form of indemnity were obtained. This process minimised the financial risk to the Authority, particularly should a more entitled family member arise at a later stage. It was also acknowledged that should the threshold be increased in such circumstances, the quantum of risk would also increase.

The Executive Board Member considered the form of indemnity appended to the report. The Business Support Manager explained that the form had been reviewed and redrafted by the legal services section in order to safeguard the Authority's position and was intended to be used for any distribution of funds over the £5000 statutory threshold, which would strengthen the Authority's position should such a claim be made.

**RESOLVED:**

- 3.1 that the proposal to increase the limit for release of sums to family members without the need for Grant of Probate from £5,000 to £20,000 be approved;**
- 3.2 that the revised form of indemnity be approved and adopted.**

\_\_\_\_\_  
**EXECUTIVE BOARD MEMBER**

\_\_\_\_\_  
**DATE**

## EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR SOCIAL CARE AND HEALTH

1<sup>ST</sup> OCTOBER, 2018

<b>Executive Board Member:</b>	<b>Portfolio:</b>
<b>Cllr. J. Tremlett</b>	<b>Social Care &amp; Health</b>

### NON-RESIDENTIAL CHARGING 2019-2022

#### Recommendations / key decisions required:

That Carmarthenshire increases its Non-Residential charges for hourly charged services from £10.80 to £14.00 (29.63%) and Day Care and Adult Placement charges from £10.55 to £13.70 (29.86%).

#### Reasons:

- In order to gain full cost recovery for 2019-20, and to align rates with other local authorities in Wales and in particular to move closer to regional Local Authorities.
- To achieve a balanced budget for 2019-20, and to futureproof the charge increases in line with future rises to the Non Residential "Cap".

Directorate Communities Name of Head of Service: Jake Morgan Report Author: Rhys Page	Designation Director of Community Services  Business Support Manager	Tel No. 01267 224698 / 01267 228768 E Mail Address: <a href="mailto:jakemorgan@carmarthenshire.gov.uk">jakemorgan@carmarthenshire.gov.uk</a>  <a href="mailto:rjpage@carmarthenshire.gov.uk">rjpage@carmarthenshire.gov.uk</a>
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**Declaration of Personal Interest (if any): None**

**Dispensation Granted to Make Decision (if any):N/A**

## DECISION MADE:

Signed: \_\_\_\_\_

DATE: \_\_\_\_\_

EXECUTIVE BOARD MEMBER

**The following section will be completed by the Democratic Services Officer in attendance at the meeting**

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not</b> adopted:	

**EXECUTIVE SUMMARY**  
**EXECUTIVE BOARD MEMBER DECISION MEETING FOR**  
**SOCIAL CARE & HEALTH**  
**1<sup>ST</sup> OCTOBER, 2018**

**NON-RESIDENTIAL CHARGING 2019-2022**

**Introduction**

- 1.1 Carmarthenshire County Council charge for a range of non-residential services, and has a charging policy which currently includes a “Cap” (A maximum anyone can pay towards their service(s)) which is set at the value as announced by Welsh Government from time to time.
- 1.2 In 2017 Welsh Government announced that it intended to increase its “Cap”, which at that time was £60 per week, up to £100 per week by 2021 (see appendix 1).
- 1.3 This significant increase to the “Cap” over a short period of time has potential to effect income to the extent that the authority may not maximise income if it does not consider how it will increase individual charges for services to keep pace with the increase(s) in the “Cap”.
- 1.4 Legislation allows a lower “Cap” to be approved, but does not allow a higher “Cap” than the one announced by Welsh Government.
- 1.5 The corporate Income and Charging policy recently approved, sets out requirements for departments to achieve full cost recovery unless there are legal, strategic or contractual reasons for not doing so.
- 1.6 This report looks at the potential impact, and effect of changes to the “Cap” and how charges may need to change to continue to maximise income from non-residential care services.

## Background

- 2.1 There has been different guidance and legislation in place governing charges for Non-residential services since 2002. From the start there was a move away from flat rate charges to charges linked to the quantity of service(s) received. A “Cap” on the amount anyone could pay towards their care, and a financial assessment (Means Test) was also introduced at that time as a way of supporting the concept of fairer charging, and ensuring that charges were affordable.
- 2.2 In 2010 the Welsh Government introduced the Social Care Charges (Wales) Measure. Prior to the introduction of the measure Carmarthenshire had a “Cap” of £96 a week, but this legislation introduced a statutory national “Cap” for Wales of £50 a week. Local Authorities could set their “Cap” below this figure, however Carmarthenshire decided to apply the “Cap” as announced by Welsh Government each year, and included this in its charging policy.
- 2.3 In 2016-17 the “Cap” was £60, and in January 2017 the Welsh Government made a commitment to increase the “Cap” to £100 by 2021 (see appendix 1). To achieve this, the “Cap” has increased by £10 per year over the last 2 years, and for 2018-19 the “Cap” is currently £80.
- 2.4 In order for Welsh Government to fulfil its commitment, it will need to continue to increase the “Cap” by £10 a year for the next 2 years.
- 2.5 In 2017 the Authority introduced a corporate charging policy which applies to all departments and services. One of the principles within this policy is to maximise income and to work towards full cost recovery when setting charges. It is important to note that for Social Care services the recipient of the service is entitled to a Financial Assessment to determine how much they can afford to pay. It is therefore important to understand the relationship between the ability to pay, the charge for the service, the type and quantity of service provided and the “Cap”, it is this relationship that will determine the level of income even if individual charges are set at full cost recovery. Currently the scale of charges for 2018-19, in most cases is significantly less than the cost of provision, however increasing charges would not necessarily increase income for this year because the amount anyone can pay is controlled by the current “Cap” and Financial Assessment.
- 2.6 The Social Services and Well-being (Wales) Act 2014 is the current legislation which covers charging for services, and for the most part the charging rules have been inherited from previous legislation and continue to include a financial assessment and a “Cap”.

## Impact

- 3.1 Carmarthenshire charges service users for a range on non-residential social services and each year as part of the budget setting process it reviews these charges. Historically Carmarthenshire has increased its charges for services based on inflation and budget expectations with only a few exceptions, and appendix 2 shows the current service charges for 2018-19.
- 3.2 All service users are offered a Financial Assessment (Means Test), and the outcome of this assessment protects those who cannot afford to pay. For those who are wealthier in society it is the “Cap” which limits the amount that the service user is required to pay, but it is also this group that would generate the most income for the department because the size of the package would usually mean that they would pay in full up to the “Cap”.
- 3.3 Up until 2018-19 the impact of the “Cap” has meant that those service users who have the financial means have seen the biggest increase in their charge each year, because their weekly service charge will have been increased in line with the increase of the “Cap”. This happens because their weekly service charge (Number of units of different services X charge per unit of service) has always been greater than or equal to the “Cap”.
- 3.4 The problem arises because the weekly “Cap” has increased, and will continue to increase at a much higher percentage than the authority has previously increased its service charges for individual services. For example the authority increased the individual charges for services between 2017-18 and 2018-19 by 2.3%, whereas the “Cap” set by Welsh Government increased by 14.29%. If this pattern continues inevitably some service users who would normally pay in full up to the “Cap” will be required to pay a lesser figure and hence the authority would not maximise its income, and as the hourly charge is set at less than full cost recovery these service users would be subsidised more than they need be.
- 3.5 The impact based on the assumption of increasing service charges by 2.5% per annum for the next 2 years and increases to the “Cap” by £10 per week can be seen in Appendix 3. The table shows that by 2019-2020 the level of income will be £21k per annum less than it could have been if service charges were set to maximise income. This figure would increase to £48k in 2020-21.
- 3.6 If Welsh Government continues to increase the “Cap” beyond the current published commitment by a further £10 into year 3 (2021-2022), then the annual figure rises to £88k per annum. Cumulatively the figure after 3 years would amount to £157k.

- 3.7 To illustrate how income changes, some examples have been included in appendix 4. These show if charges increased by 5%, 7.5% or 10% per year, how the cumulative figure would change over the period.
- 3.8 In order for the authority to maximise income it will need to increase charges by 40% over 2 years or 55% over 3 years if the weekly “Cap” continues to rise at £10 per week per annum.
- 3.9 The impact of the changes to the “Cap” by Welsh Government will be felt greater by this authority than its neighbouring authorities, because its charges for services are much lower than its neighbours. As seen from Appendix 2 the authority currently charges £10.80 per hour for home care, this is the lowest in Wales, whereas our regional partners Ceredigion charges significantly higher at £17.60 and Pembrokeshire charges £16.00 per hour. The highest charge that has been found is Powys at £20.50 per hour, which will be very close to full cost recovery, but given the “Cap” levels it is felt that a rise to this level is not required at this time. Please see Appendix 2a for comparative rates with other local authorities who had responded to the request for information on social care charges.
- 3.10 The other local authorities within the region are Ceredigion and Pembrokeshire and their charges are significantly higher at £17.60 and £16.00 respectively and looking at other nearby authorities it would indicate that Carmarthenshire also charges far less than Swansea at £15.00, Neath Port Talbot at £15.00, Bridgend at £18.64 and Powys at £20.50.

## Conclusion

- 4.1 The figures shown in this report for the next 2 years are based on existing Welsh Government announcements, however there is no indication as to what will happen beyond 2020-21, therefore the figures for 2021-2022 (year 3) are provided to illustrate what could potentially occur.
- 4.2 It is important to recognise that as long as there is an increasing “Cap”, and that the “Cap” increases at a higher % than individual charges set by this authority, then the department will not be able to maximise income.
- 4.3 The problem will be further compounded if Welsh Government continues to increase the level of the “Cap” by similar amounts beyond 2020-21 or quickens the pace of change and/or indeed aspires to have a “Cap” that is much higher.

- 4.4 It is important to be aware that Welsh Government, in setting annual resource allocations to local authorities, will not necessarily compensate this authority because its charges are low. It is therefore not appropriate to assume that any gap in income which appear by keeping charges low will automatically be filled by Welsh Government funding.
- 4.5 The department has an opportunity to review the way it increases service charges at this current time, which will enable it to limit the impact of changes to the “Cap” in the future. Increasing service charges above inflation, in some cases significantly, will potentially have political implications as well as potential opposition from service users and families, however as already stated this authority’s service charges are significantly below that of neighbouring authorities.

### **Recommendation**

- 5.1 That Carmarthenshire increase its Non-Residential charges for hourly charged services from £10.80 to £14.00 (29.63%) and Day Care and Adult Placement charges from £10.55 to £13.70 (29.86%) in order to gain full cost recovery for 2019-20, and to align rates with other local authorities in wales and in particular to move closer to regional Local Authorities.

DETAILED REPORT ATTACHED ?	<p><b>NO – (Attached –</b></p> <ul style="list-style-type: none"> <li>• <b>Appendix 1 – Written Statement – Additional Funding for Social Care</b></li> <li>• <b>Appendix 2 – Summary of Charges</b></li> <li>• <b>Appendix 2a – Table of Non Residential Hourly Rates Charged by Local Authorities</b></li> <li>• <b>Appendix 3 – Projected income over the next 3 years based on inflation only</b></li> <li>• <b>Appendix 4 – Table of Options to reduce loss of income</b></li> </ul>
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## IMPLICATIONS

<p><b>I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :</b></p> <p><b>Signed: Jake Morgan Director of Community Services</b></p>						
Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>
<p><b>1. Policy, Crime &amp; Disorder and Equalities</b></p> <p>This would be following the approved Corporate Income and Charging policy adopted by Carmarthenshire.</p>						
<p><b>3. Finance</b></p> <p>The additional income for 2019-2020 will be £21k if service charges were set to maximise income. The authority will see additional income based in future years of up to £48k in 2020-21 and £88k in 2021-2022 if the “Cap” continues to increase by £10 per annum beyond 2021. This would mean a potential increase in income of £157k over 3 years.</p> <p>These assumptions have been factored in to the savings/income needed to create a balanced budget in future years.</p>						

## CONSULTATIONS

<p><b>I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below</b></p> <p><b>Signed: Jake Morgan Director of Community Services</b></p>
<p><b>1. Scrutiny Committee – N/A</b></p> <p><b>2. Local Member(s) - N/A</b></p> <p><b>3. Community / Town Council – N/A</b></p> <p><b>4. Relevant Partners - N/A</b></p> <p><b>5. Staff Side Representatives and other Organisations - N/A</b></p>

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

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# Written Statement - Additional Funding for Social Care

Last updated 05 January 2017

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## Rebecca Evans Minister for Social Services and Public Health

The Welsh Government has prioritised social care as a sector of national strategic importance. It is therefore important that we continue to invest in social care to ensure the delivery of high-quality care and support to people across Wales.

Recent reports by the UK Homecare Association, Care and Social Services Inspectorate Wales and the Wales Audit Office have supported greater investment in social care.

The Welsh Government has been working with the social care sector. We have heard and understood the concerns raised about financial pressures and their impact. Whilst an uplift in pay for low-wage workers is to be welcomed, we recognise that the financial pressures facing the sector have been accentuated by the implementation of the UK Government's so-called national living wage in what has traditionally been a low-wage sector.

Our analysis of the costs of the national living wage suggests the impact on the social care sector was between £14m and £23m in 2016-17.

The 2017-18 Budget includes an additional £25m for social services, to be provided through the revenue support grant for local government. This extra support has been recognised by local government and will help respond to pressures.

Today, I am confirming that a further £10m of recurrent funding will be made available to help manage the impact of the national living wage.

## About

► Cabinet, Cabinet Secretaries  
and Ministers

► Statements

► 2018

► 2017

► 2016

► Previous administration

This additional £10m will initially be in the form of a specific grant as we establish a tripartite agreement between the Welsh Government, local government and social care employers. The Welsh Government will provide additional funding; local authorities will invest in care provision and employers will create a more stable and valued workforce, reducing the prevalence and impact of workforce turnover while improving the quality of care delivered.

This agreement will commit all parties to arrangements to support the costs associated with the national living wage and will help to create a more stable social care workforce, including the delivery of our specific commitment for a fully registered social care workforce by 2022.

Alongside this new investment in social care, I have been considering the level of the maximum weekly charge for non-residential care. Currently, the income raised from people who pay the maximum charge contributes more than £25m a year towards the cost of this care. This money plays an important role in both the amount of and quality of non-residential care which local authorities provide.

The Welsh Government introduced the maximum charge in 2011 to address the wide variations in charges which local authorities made for similar non-residential care. This has provided consistency in charging across Wales for homecare and other non-residential care.

Information from local authorities has shown that two-thirds of people receive their care either free or at a charge up to the maximum, depending upon their level of income. The third of people who pay the maximum charge have relatively high levels of income or high levels of capital. The maximum weekly charge achieves the goal of consistency in charging across Wales but it does so by disproportionately limiting charge income from those who are best placed to meet the cost of their care.

I am convinced of the need to retain the maximum charge to ensure consistency. However, the current level of £60 per week has been in place for almost two years and the time is right to raise the maximum level. This will take into account the disproportionate impact but also, more importantly, the need to invest in the care sector.

After careful consideration, based on feedback from stakeholders, I have decided the maximum charge will be uplifted to £70 per week from April 2017. This will raise more than £4m a year in additional income for local authorities to help address financial pressures in social care and ensure the availability and quality of care. I see this as complementary to the additional £10m funding we are providing for social care to meet the challenges of the national minimum wage, and the additional £25m announced in the 2017-18 Budget.

The sustainability of the social care sector is being further supported by the Intermediate Care Fund, which commenced in 2014-15 and which in 2017-18 will receive £60m of funding to continue the integration of health and social care.

There will be further engagement with stakeholders to determine the best approach to changes in the level of the maximum for non-residential care in future years. This will be part of a longer-term arrangement whereby the maximum will rise to £100 per week by 2021.

A consultation about the changes to the regulations needed to introduce an increased maximum charge from April and to uplift the capital limit used in charging for residential care to £30,000 is ongoing and will run until 25 January.

**SUMMARY OF CHARGES**

	2017/2018 Old Rate (£)	2018/2019 New Rate (£)	Increase	With Effect From
Laundry				
Cost Per Person to max 1 Load	£2.35	£2.40	2.13%	9 <sup>th</sup> April 2018
Community meals including day care				
Cost Per Meal	£4.30	£4.70	9.30%	9 <sup>th</sup> April 2018
Transport				
Day Care Transport Charge (per return journey)	Free	Free	N/A	N/A
Respite care Charge to Clients				
Adults with learning difficulties (per week)	Full Cost of Placement		Various Dependant on Supplier Costs	9 <sup>th</sup> April 2018
All other adults <u>except</u> those receiving Higher Rate Attendance Allowance/Higher Rate Disability Living Allowance (per week)				
All other adults receiving Higher Rate Attendance Allowance/Higher Rate Disability Living Allowance (per week)				
Home Care Charges				
Maximum Charge (per week)	£70.00	£80.00	14.29%	9 <sup>th</sup> April 2018
Home Care Charge (per hour)	£10.55	£10.80	2.37%	9 <sup>th</sup> April 2018
Day Care – All Adults (per session)	£10.30	£10.55	2.43%	9 <sup>th</sup> April 2018
Education Support (per hour)	Free	Free	N/A	N/A
Supported Living (per hour)	£10.55	£10.80	2.37%	9 <sup>th</sup> April 2018
Adult Placement – Long Term Placement (per night)	£10.30	£10.55	2.43%	9 <sup>th</sup> April 2018
Adult Placement – Short/Short Breaks	£10.30	£10.55	2.43%	9 <sup>th</sup> April 2018
Adult Placement – Day Care/Sessional	£2.10	£2.15	2.38%	9 <sup>th</sup> April 2018
Replacement Care	£10.55	£10.80	2.37%	9 <sup>th</sup> April 2018
Community Support	£10.55	£10.80	2.37%	9 <sup>th</sup> April 2018
Telecare				
Telecare Charge (per week)	£3.08	£3.08	0%	9 <sup>th</sup> April 2018

Maximum charge for non residential social services (excluding those charges that substitute for ordinary daily living costs such as meals, laundry and respite) for all service users – £80.00 per week applicable from 9<sup>th</sup> April 2018.

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## Appendix 2.a

**Table of Non- Residential hourly rates charged by Local Authorities**

<u>Regional Rates</u>	2018-19 Charges
Pembrokeshire	£16.00
Ceredigion	£17.60
<u>Other Local Authorities</u>	
Merthyr	£12.50
Neath Port Talbot	£15.00
Swansea	£15.00
Torfaen	£15.58
Flint	£16.73
RCT	£17.00
Bridgend	£18.64
Powys	£20.50



### Appendix 3

### Projected Income over the next 3 years based on inflation only

#### Annual Increase of 2.5%

2.50%	Cap	Number Service Users effected	Annual Under Recovery
2019-20	£90	50	-£21,684
2020-21	£100	80	-£47,707
2021-22	£100	63	-£40,562
Loss of income over the next 3 years			-£109,953
2021-22	£110	111	-£87,987
Total over 3 years (If "Cap" keeps rising)			-£157,378

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**Appendix 4****Table of options to reduce loss of income**

	Cap	Number Service Users effected	Annual Under Recovery
5%			
2019-20	£90	44	-£17,235
2020-21	£100	59	-£33,359
2021-22	£100	47	-£21,974
Total over 3 years			-£72,568

	Cap	Number Service Users effected	Annual Under Recovery
<b>7.5%</b>			
<b>2019-20</b>	£90	39	-£13,500
<b>2020-21</b>	£100	47	-£21,237
<b>2021-22</b>	£100	25	-£8,935
<b>Total over 3 years</b>			<b>-£43,671</b>
<b>10.0%</b>			
<b>2019-20</b>	£90	35	-£9,515
<b>2020-21</b>	£100	34	-£12,732
<b>2021-22</b>	£100	5	-£1,181
<b>Total over 3 years</b>			<b>-£23,427</b>