

SOCIAL CARE & HEALTH SCRUTINY COMMITTEE

DATE: 17TH DECEMBER, 2018

SUBJECT:

SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 – POLICY AND PROCEDURES REVISIONS FOR CHARGING ADULTS FOR SERVICES

To consider and comment on the following issues:

1. Carmarthenshire will continue to charge for placements into a care home other than for those which are excluded by the Act. Carmarthenshire will charge for all placements into a care home from the first day of placement.
2. The charge will be based on recovering the cost of the placement in full subject to the resident being financially assessed in accordance with the legislation, regulations, code and local policy to pay less than the full cost, in which case the resident will be charged their assessed charge according to their means.
3. The charge per night for all short term placements (including respite care) will be based on recovering the cost of the placement in full. For placements into a Local Authority care home the charge will be the standard charge and for placements into an Independent Sector care home it will be the contracted amount. Service users would pay up to the maximum charge as set by Welsh Government per week, with many paying far less or having the service free depending on the financial assessment. (2018-19 is set at a maximum charge of £80)
4. That the non-residential assessment rules be applied to stays which are assessed at the outset as not exceeding 8 weeks on any one occasion and does not apply to temporary placements and permanent placements.
5. That short term stays that extend beyond 8 weeks on any one occasion will be charged as though the resident is temporary or permanent as appropriate from the first day of the 9th week and in line with definitions within the Act, Regulations and Code.
6. Carmarthenshire will apply its charges from the first day of service for all services with a charge. This will apply to non-residential services and placements into a care home.
7. That choice of Accommodation offered to a service user is based on two care homes of the same type anywhere in the County and not restricted geographically unless there are specific geographical needs included in the Care and Support plan.
8. That where a service user, who is not assessed to pay the full cost of the placement, chooses accommodation which is more expensive than the options offered at the time of placement then the additional cost will be calculated from the higher of the rates charged by those two care homes offered.

9. That where a service user is able to pay for the full cost of their placement then in accordance with the legislation they can choose any care home and will be required to pay the full cost of their placement.
10. Carmarthenshire does not charge for assessed care and support to a service user where it is provided to the service user in an educational setting and whilst attending a recognised educational course.
11. That the new Act, Regulations and Code has been applied to existing service users from the 6th April 2016.
12. That the existing policies are retained except for those elements of the policies and practices which are changed as the result of decisions stemming from this report and those elements which are now not compliant with the new legislation.

Reasons:

The Social Services and Well-being (Wales) Act 2014 is supported by Regulations and Code of Practice which came into force on the 6th April 2016. The interim report needed to be reviewed and updated to ensure that the Local Authority policies for charging service users are compliant with the new legislation.

To formulate views for submission to the Executive Board for consideration.

To be referred to the Executive Board/Council for decision:

Executive Board YES – 21st January, 2019

County Council NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-

Cllr. J. Tremlett (Social Care & Health Portfolio Holder)

Directorate: Communities	Designations:	Email Addresses/Tel Nos:
Name of Head of Service:	Interim Head of Integrated Services	Nedwards@carmarthenshire.gov.uk 01267 228900
Neil Edwards		
Avril Bracey	Head of Mental Health & Learning Disabilities	abracey@carmarthenshire.gov.uk 01267 242492
Report Author:	Senior Business Manager	rjpage@carmarthenshire.gov.uk 01267 228729
Rhys J Page		

EXECUTIVE SUMMARY
SOCIAL CARE & HEALTH SCRUTINY COMMITTEE
DATE: 17TH DECEMBER, 2018

SUBJECT:

**SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 –
POLICY AND PROCEDURES REVISIONS FOR CHARGING
ADULTS FOR SERVICES**

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

The attached report sets out the revised policy, bringing together the previous policies and the interim policy agreed in 2016. The interim policy has now been in place since April 2016, and to date has faced no significant challenge, therefore this report is to update the current Policy and Procedures which came into effect at that time and formalise the report into a revised Policy.

The initial report was an interim report to cover the introduction of the Social Services and Well-being (Wales) Act 2014, which was implemented from April 2016.

This policy and procedure document will now succeed all previous versions of the Charging Policy and will now provide a combined policy and procedure for both Residential and Non-residential services.

As outlined in the 2016 report for the most part the Social Services and Well-being (Wales) Act has built on existing frameworks set down by previous legislation. Therefore changes are broadly limited to those seen in the interim report.

Carmarthenshire have now reviewed the decisions made in 2016 and will continue to charge for services in the same way.

Summary of points from the policy.

- Personal Allowance has been renamed as Minimum Income Amount and will increase annually in line with Welsh Government announcements. 2018-19 is set at £28.50 per week (This is revised annually by Welsh Government)
- Non-residential Charges are applicable from first day of service.
- Persons with Care and Support needs who have confirmed diagnosis of CJD will not be charged for Residential or Non-residential services.
- The local authority can now charge interest of Deferred payments from the date of the Agreement.
- Short Term residents in a care home are now charged as if they were receiving non-residential services.

- Choice of accommodation rules will apply to “Temporary / Permanent” placements in a care home, but this is not applicable to placements made under “Short Term” rules.
- AVC are renamed to “Additional Costs” and will continue to apply, but will now be calculated from the highest cost of the 2 available homes, and not the mid-point as per the Interim Policy 2016.

Carmarthenshire will not charge for the following:

- Care and Support Services for a child under 18 years of age
- Care and Support provided to those with Creutzfeldt Jacob Disease where that disease has been clinically diagnosed by a registered medical practitioner
- Care and Support Services offered, arranged or provided for a person as part of a package of aftercare services in accordance with Section 117 of the Mental Health Act 1983.
- The provision of transport to a day service where the transport is provided as part of meeting a person’s assessed needs.
- To undertake an assessment of needs, care planning and care plans and Information and Advice for these functions.
- Undertaking a financial assessment, provision of a statement of charge and undertaking a review of a determination of charge and Information and Advice for these functions under the legislation.
- Reablement for service users for up to 6 weeks, (e.g. Reablement at home, in a care home, etc.) with provision for extended periods where the assessment of needs supports an extension.
- Independent Professional Advocacy where a local authority has arranged for this in accordance with the legislation.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

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 :

Signed: Neil Edwards Interim Head of Integrated Services
 Avril Bracey Head of Mental Health & Learning Disabilities

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The attached report sets out the policy and procedure changes which Elected Members need to consider in order for the Authority to comply with the Social Services and Well-being (Wales) Act 2014.

2. Legal

This policy follows the legislation laid down by the Social Services and Well-Being (Wales) Act 2014. The Act requires the authority to make certain policy decisions regarding charging for certain services. The interim report has been in place since April 2016 and to date has not faced any challenge.

3. Finance

The implementation of the new Act has had financial implications on income. The changes to short stay rules has meant that there was a loss of income to the Authority whilst the ability to apply a charge from the first day of service for those people receiving non-residential services has increased income. Overall there has been a reduction in income.

By changing the "Additional Cost" calculation from the mid-point to higher point will have a marginal cost implication to the authority. Based on approx. 100 placements with "Additional Costs", but only a small percentage of these would be effected by the change, and this change would be favourable to the individuals in all circumstances, therefore it is anticipated that there would be a small loss.

5. Risk Management Issues

If the Authority fails to update its current policy and make a decision on the main areas of policy and practice, then the Authority will have an inconsistent charging policy and this could lead to risk of legal challenge.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:	Neil Edwards	Interim Head of Integrated Services
	Avril Bracey	Head of Mental Health & Learning Disabilities

1. Local Member(s)

N/A

2. Community / Town Council

N/A

3. Relevant Partners

N/A

4. Staff Side Representatives and other Organisations

N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Report to Executive Board – 21 st March, 2016 – (Agenda Item No. 16) – “Social Services and Wellbeing (Wales) Act 2014 – Policy and Procedure Revisions for Charging for Adults for Services”		http://moderngov/ieListDocuments.aspx?CId=131&MIId=347&Ver=4
Social Services and Wellbeing (Wales) Act 2014		https://www.legislation.gov.uk/anaw/2014/4/contents