

# GWYNEDD COUNCIL CABINET



## Report to a meeting of Gwynedd Council Cabinet

<b>Date of meeting:</b>	<b>17 January 2017</b>
<b>Cabinet Member:</b>	<b>Councillor Gareth Roberts</b>
<b>Contact Officer:</b>	<b>Nia Davies</b>
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<b>Title of Item:</b>	<b>Review the Charging Policy for non-residential care services</b>

### **1 THE DECISION SOUGHT**

To amend the charging policy based on proposals upon which consultations have been made and which are presented in Appendix Ch.

### **2 THE REASON FOR THE NEED FOR A DECISION**

On 15 March 2016 the Cabinet resolved to adopt a temporary Charging Policy. Furthermore, it was decided that the Adults, Health and Well-being Department should consult on further changes to the Policy, the intention being to establish a new Policy that would reflect the requirements and opportunities arising from the Social Services and Well-being Act (Wales) 2014.

### **3 INTRODUCTION**

1. The Social Services and Well-being Act (Wales) (2014) sets new guidelines on the way Local Authorities can charge a fee for Social Care Services in Wales.
2. In response to the requirements of the Act, Gwynedd Council has prepared a series of recommendations involving the way it will charge fees on individuals who receive Non-residential Care Services.
3. It is acknowledged that these recommendations to change the Policy in relation to the Act could have an impact on a number of people. Whilst considering all options open to the Council, and in accordance with the Act, outside consultation on the possible

changes was held to hear people's opinion, especially those affected, and give them an opportunity to submit their observations on the proposals.

4. It is believed that the consultation has helped create a valuable illustration of the opinions of Gwynedd residents on the proposals - an illustration that sets an important part of the context when submitting recommendations to the Gwynedd Council Cabinet for a final decision. This report analyses the results of the consultation.
5. The consultation period was open between 14 October and 11 November 2016.
6. A digital questionnaire was placed on the 'Have your say' page, the consultations site on the Council's website, in order to gather the public's opinion.
7. Paper questionnaires were distributed by post directly to 2,112 non-residential services users and a further 650 letters were sent by post to residential service users directing them to the website. Easy-read versions were also prepared.
8. The consultation was promoted via the 'Have your say' page as well as via the Council's social media, namely Facebook and Twitter.
9. A total of 520 responses were received by post, via the on-line questionnaires and via e-mail. 347 of those were complete responses, i.e. every question on the questions trail had been answered (with the exception of question 10 and 11, which ask for comments). And 173 were incomplete, that is, some but not all the questions on the questions trail had been answered.
10. Appendix A outlines the services upon which the Council consulted.
11. Appendix B presents the situation for Gwynedd Council compared to other authorities in North Wales.
12. Appendix B presents an analysis of the responses received during the consultation.
13. Appendix Ch presents the amended Charging Policy.
14. Since 6 April 2016, the framework for financial assessments and charging under the Social Services and Well-being (Wales) Act 2014 has been in force. Consequently, Local Authorities must

choose whether or not they wish to exercise their discretion under the Act to charge for care services. The Act will supersede the current framework used by Local Authorities to charge, leaving it a discretionary matter for Local Councils.

15. The Council faces ongoing cuts in the funding it receives from the Government to maintain local services. This means that there is no choice but to look at the way the Council offers services and consider the appropriate use of permitted discretion to generate income in order to maintain genuine key front line care services which focus on the most vulnerable individuals in our communities.
16. Due to the extent of the cuts we face, it is not possible to fully safeguard care fees from the changes as that would lead to more severe cuts to other services in the wider social services field. Introducing changes to non-residential fees would assist in ensuring the sustainability of the services in future; in fact, the proposal being considered in Gwynedd has already been implemented by a number of other local authorities in Wales.
17. It is important to note that the proposed amendments to the Policy do not mean any changes to the statutory services that vulnerable individuals receive from the Council. The proposal involves ensuring that the non-residential care fees are based on people's ability to pay.
18. The aim is to ensure that the service is as sustainable as possible during the difficult period of cuts that the Council faces from Welsh Government.
19. As part of the process of reviewing the Charging Policy, the need to conduct an equality assessment has been acknowledged and the assessment is included as Appendix D.

#### **4. THE REASONING AND JUSTIFICATION FOR RECOMMENDING THE DECISION**

20. Summary of the responses to the consultation:
  - Of the responses received, the majority were completed by the 'Service Users' themselves, namely (60.6%).
  - Of the 520 responses, 58.3% (303) said that they agreed that those who could afford to pay for adults care service should contribute to the cost of their social care in accordance with the financial assessment. 21.7% (113) did not agree with this. The remainder had either noted that they did not know whether they agreed or not, or did not respond at all.
  - The service with which the respondents have the most

contact is 'Domiciliary Care', 60.2% (313). With 'Telecare', 16% (83) and 'Supporting People Service', 10.2% (53) coming next.

- Of the 500 who responded that they did receive services, 28.2% (141) noted that Gwynedd Council did not charge them a fee, and 62.8% (314) noted that they already contributed towards the cost of the services they received.
- Of the 500 who noted that they did not receive services, 13% (65) noted that they would consider ending the service if they were forced to contribute financially towards it. 54.6% (273) noted that they would not end their service and that they were willing to contribute financially.
- Of the responses received, 64.0% (333) noted that they understood why the Council was proposing recommendations that would mean people contributing what they could afford towards their care services. 18.7% (97) noted that they did not agree and 14.4% (75) did not know one way or another.
- Only 12.9% (67) noted that they agreed with the proposal to charge interest on service users who chose to commit to Deferred Payments Agreements. 46.2% noted that they did not agree, whilst 31.9% (166) noted that they did not know one way or another.
- Only 20.8% (108) noted that they agreed with the proposal to charge interest on service users who chose to commit to Deferred Payments Agreements. 46.2% (223) noted that they did not agree, whilst 29.0% (151) noted that they did not know one way or another.
- Of the responses received, 37.3% (194) noted that they were uncertain whether the proposed changes would directly affect them. 45.2% (235) noted that they believed that the changes would have some effect on them, whilst 13.7% (71) noted that they did not believe that the changes would affect them at all.

21. The final two questions of the questionnaire asked for further comments and suggestions from the service user on other ways that the Department could make financial savings if they did not agree with the proposed recommendations.

These main themes which arose from the suggestions were:

- Reduce the number/salaries of Council managers.
- Reduce number of administrative staff/improve administrative processes.
- Reduce costs of county members.

The main themes which arose from the invitation to make further comments:

- Have paid taxes/saved throughout my life and I don't agree with the recommendations.
- The changes are not completely clear in terms of the personal impact on them.
- Cannot cope without this level of care, but anxious about higher costs.

#### Findings/recommendations

22. The analysis shows that over half the respondents, namely 58.3%, said that they agreed that those people who could afford to pay for adults care service should contribute to the cost of their social care in accordance with the financial assessment. Only a very low percentage of respondents, namely 13%, stated that they would terminate their service if they had to contribute financially toward it compared with 54.6% of those who would choose not to. It is important to note that, despite the possibility of an increase in fees for people who depend on their financial situation, not one person would contribute more than the maximum weekly fee of £60 as set by Welsh Government this year.
23. Although a number of people had noted in the comments that they were not entirely sure how the changes would affect their individual situation, the responses to the changes have been relatively positive in general. The annual assessment would provide detailed information on contributions and the effect of the policy on each service user. The Council would continue to offer direct support for individuals to claim all the benefits owed to them as part of the work to support care services users, as it does at present.
24. Illustrated examples of the impact of the changes on service users have been prepared. These 'pen pictures' have been included as Appendix Dd to this report.
25. Consequently, it is recommended that the Cabinet adopt the new Charging Policy, Appendix Ch. This Policy is based on the changes outlined in Appendix A.

#### **5. NEXT STEPS AND TIMETABLE**

26. If the Cabinet adopts the new Charging Policy then the intention is for it to become operational from 1 April 2017. The Adults, Health and Well-being Department would ensure that financial reassessments take place on time so that each person affected

is made aware of the changes as soon as possible.

27. Adopting the Charging Policy will allow the Council to charge a fee in accordance with the regulations and codes of practice of the Social Services and Well Being Act 2014. The additional income will be in keeping with the Department's savings plans and will prevent further cuts to key front line care services.
28. It will mean reassessing all users who receive a non-residential service and informing them of any changes to their contributions. A reassessment will usually take place each April when changes to fees and benefits contributions are published. This work will usually take up to eight weeks to complete.

## **6 ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION**

### **Views of the statutory officers**

#### **The Chief Executive:**

As noted in my comments on the report to Cabinet in March, further consultation on the proposals to change the policy was very important. That consultation has now been completed and the main message indicates that people are in favour of the principle that those who are able to pay for services should do so. Clearly, as a result there will be a significant impact especially in some cases, as shown in Appendix Dd. However, the wider context for all this is that the Council cannot maintain its services without a robust charging regime that can be adequately defended and justified. Clearly, these proposals seek to do so.

#### **The Monitoring Officer:**

As noted, the Council has undergone a consultation process regarding the new Charging Policy, in accordance with the requirement of the Social Services and Wellbeing Act (Wales) 2014. The report evaluates the responses and appendix C provides a summary. An Equality Assessment has also been undertaken as part of the process. The Cabinet, in reaching a decision, is required to evaluate the impact of the proposed change against the benefits set out in the report. If necessary, I will be able to provide further guidance at the meeting. No further comments regarding propriety.

#### **The Chief Financial Officer:**

The Social Services and Wellbeing Act (Wales) 2014 gives legal options to local authorities to set higher charges on clients, and also charge differently. As a result, this report proposes changes to the way some

allowances are taken into account when calculating the charging assessment based on the ability of the individual to pay.

I wish to confirm that by adopting the Charging Policy it will harvest additional income to the Council; income that will contribute to the savings plan of the Adult Department: 'ADU 16 - Raise income in areas where we do not, even though we have a right to do so'. The full Council (March 2015) has already supported this savings plan in principle and Appendix Ch presents the latest details.

If this Charging Policy is approved, the additional income is expected to realize the balance of the savings plan by 2017/18. If members do not approve the Charging Policy, then it would be necessary to offer alternative savings in its place which could lead to an adverse impact on some services for the citizens of Gwynedd.