



## **SPECIAL CABINET – 17TH MARCH 2021**

**SUBJECT: INTERIM REPORT FROM TASK AND FINISH GROUP ON NON-RESIDENTIAL CARE CHARGES**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES**



### **1. PURPOSE OF REPORT**

- 1.1 To update Members of the Cabinet on the Task and Finish inquiry into charging for non-residential social care within the county borough. This inquiry is being carried out by a sub-group of the Social Services Scrutiny Committee and they held their initial meeting on 25<sup>th</sup> September 2019.
- 1.2 To recommend to Cabinet that it extends the current rate increases for the 2021/22 financial year. This would allow the Task and Finish group to continue their inquiry and to draft recommendations for Cabinet consideration on the charge for non-residential care from 2022/23 onwards.

### **2. SUMMARY**

- 2.1 The report will give a brief summary of information received by Members of the Task Group thus far, and outline how disruption caused by the Covid-19 pandemic has meant that final recommendations have not yet been reached and therefore cannot be applied to the rates for the 2021/22 financial year.
- 2.2 The report will give a synopsis on the background to the current Task and Finish inquiry into charging for non-residential care within the county borough.

### **3. RECOMMENDATIONS**

- 3.1 That Cabinet extends the decision to increase non-residential charges by 10% per annum for hourly rates and 20% per annum for daily rates for a further year in to the 2021/22 financial year. The Task and Finish group on Non-Residential Care charges would then make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To allow the revised charges for non-residential care to be applied for 2021/22 and the continuation of the ongoing Task and Finish inquiry into charging for non-residential

care within the county borough.

## **5. SCRUTINY COMMITTEE COMMENTS**

- 5.1 This report came before the Social Services Scrutiny Committee on Tuesday 2<sup>nd</sup> February 2021.
- 5.2 The Scrutiny Officer (Mark Jacques) advised Members that in essence the report was requesting an extension from Cabinet so that the Task Group could continue its inquiry into charging for non-residential care. Members heard how due to severe disruption caused by the Covid-19 pandemic the group was currently not in a position to make recommendations for 2021/22, which was the original intention as set out in the group's Terms of Reference.
- 5.3 The Scrutiny Officer outlined how the Task Group had met on two occasions since September 2019 and advised that planned consultation in early 2020 had to be abandoned due to the pandemic.
- 5.4 The Chair of the Task and Finish Group (Cllr Vincent James) reiterated that at this stage it had not been possible for the group to make any recommendations on the charging policy. He advised Members that the group intended to reconvene later that month in order to receive opinions from expert witnesses. The Task Group Chair outlined to Members the importance of ensuring that service users were not dissuaded from accessing services because of charges.
- 5.5 One Member asked for an update on the charges made by other Local Authorities in Wales for this type of social care and how the charges by Caerphilly County Borough Council compared with those made by other Councils. The Interim Financial Services Manager (Mike Jones) was able to advise Members that according to figures for 2019/20 only three Local Authorities out of 22 had lower hourly rates than those charged within the Caerphilly borough, and only one authority had a lower charge in terms of the daily rates for non-residential care.
- 5.6 Following consideration and discussion the Social Services Scrutiny Committee by a majority present, and in noting in that there were no abstentions and no votes against, **RESOLVED** that for the reasons contained in the Officer's report, Cabinet be requested to extend the decision to increase non-residential charges by 10% per annum for hourly rates and 20% per annum for daily rates for a further year, into the 2021/22 financial year. The Task and Finish Group on Non-Residential Care charges would then make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

## **6. THE REPORT**

- 6.1 Previously a cross party members task and finish group consisting of scrutiny members was established to examine the requirements and impact of charging for non-residential services, the services that had a charge and the application of charges and disregards. The findings of the task and finish group were presented to the Health, Social Care and Wellbeing Scrutiny Committee on 26<sup>th</sup> March 2013, and an annual increase of 10% per hour for home care and supported living and an annual increase of 20% per day for day care services was endorsed and recommended to Cabinet. These increases were to be reviewed after 5 years.

- 6.2 On the 5<sup>th</sup> February 2019 a Non-Residential Social Services Charging report came before the Health, Social Care and Wellbeing Scrutiny Committee. It was endorsed and recommended to Cabinet that the level of charges for non-residential care for 2019/20 and the subsequent financial year continue to increase by 10% per annum for home care and supported living and by 20% per annum for day care services and be subject to review by a Task and Finish Group thereafter.
- 6.3 The terms of reference for this Task and Finish Group is: To consider the level of inflationary uplift and minimum charging levels that should be applied to non-residential care charges in the 2021/22 financial year and in subsequent financial years.
- 6.4 The Task and Finish Group on non-residential care charges met for the first time on 25<sup>th</sup> September 2019. A second meeting of the Task and Finish Group took place on 7<sup>th</sup> November 2019.
- 6.5 At the initial meeting the Interim Financial Services Manager advised the Group that just under £11M of the Adult Services budget came as a result of charging service users in 2018/19. The section of this figure that came as a result of Non-Residential Charging income was £2.865M.
- 6.6 The group were given an introduction to the legal framework for charging which was set out in the Social Services and Wellbeing (Wales) Act 2015 and its supporting Regulations. Section 59 of the Act gives the power to impose charges. The presentation to Members focussed specifically on the Regulations on Financial Assessment and Charging. It was explained that under Care and Support Regulations there was a legal requirement for the Council to disregard the value of the service user's main home when calculating the available income for charging for non-residential care. Earnings from employment and other specified sources of income were also disregarded under the legislation, but certain capital assets could be included to reach the available income for charging figure. It was also pointed out that the current maximum weekly charge for non-residential care and support was £90 per week. This maximum weekly charge has since been increased by Welsh Government to £100 for the current financial year.
- 6.7 Members heard how a buffer is added to the personal allowance and pension premium to calculate the Minimum Income Amount which is an amount disregarded as part of the financial assessment to cover the individual's expenditure such as utility bills. Officers also advised Members that Caerphilly County Borough Council applies an additional 10% buffer across the board, on top of the statutory figure of 35%, to allow for any additional Disability Related Expenditure and therefore to avoid any dispute. This Minimum Income Amount is disregarded when calculating an available income for charging purposes.
- 6.8 Members were advised that even with the increases of 10% per annum for hourly rates and 20% per annum for daily charges for the past 6 years, Caerphilly County Borough Council was in the lower quartile of Standard Charges for all Welsh local authorities.
- 6.9 The weekly charge was determined based on the lower of (i) the standard charge, (ii) the maximum weekly charge and (iii) available income. The Task Group heard how under this assessment process nobody is expected to pay more than they can afford.
- 6.10 At the first meeting of the Task Group the possibility of having to draft an Interim Report requesting that the current increase be extended for the 2021/22 financial

year was discussed by Members. This was due to timescale issues.

- 6.11 The second meeting of the Task and Finish Group on non-residential care charges took place on 7<sup>th</sup> November 2019.
- 6.12 During a presentation Members were shown a graphic outlining the number of people accessing services charged for on an hourly rate. It was explained to Members that of the 1,167 service users in the County Borough, it was only the 216 people paying full standard charges who would be affected by any future increases in charges for this type of non-residential social care. Therefore, based on figures as at 30<sup>th</sup> September 2019, the vast majority of care recipients are unaffected by a charge increase.
- 6.13 Members asked about the charging policy for the Telecare Service. The Interim Financial Services Manager advised that there was a charge for this service but that it was not included as part of charges for non-residential social care. Officers outlined that Telecare had now been adopted by the Social Services department, but previously had been administered by Housing Services. Discussion ensued on the possible impact of incorporating Telecare into the package of non-residential social care services. It was generally acknowledged that this would require further consideration and should possibly be considered as part of a future review.
- 6.14 At the second meeting Members agreed to consultation suggestions such as engaging with stakeholders via GAVO (Gwent Association of Voluntary Organisations). Contact was also made directly with associated organisations such as Age Cymru and Disability Rights UK. Subsequently, this consultation process proved challenging due to a lack of engagement from organisations. A Stakeholder Engagement Session scheduled for 27<sup>th</sup> February 2020 had to be cancelled due to a lack of interest. Planned face-to-face consultation sessions at events organised by Caerphilly People First also had to be cancelled following the national lockdown because of the Covid-19 pandemic in March 2020.
- 6.15 Plans to restart the inquiry with an evidence gathering meeting via Microsoft Teams were made during Autumn, 2020. The Wales School for Social Care Research in Swansea, and Social Care Wales were both approached and a Social Care Management expert from the University of South Wales agreed to speak to the Task and Finish group on 30<sup>th</sup> November 2020. But this session had to be cancelled due to a family bereavement. This session is rescheduled for February 2021.

#### 6.16 **Conclusion**

Due to disruption caused by the Covid-19 pandemic the Task and Finish group are not in a position to make recommendations on the application of charges for non-residential care for the 2021/22 financial year. It is therefore recommended that Cabinet extends the current increase for this period and that the Task and Finish inquiry continues in order to make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

### 7. **ASSUMPTIONS**

- 7.1 No related assumptions have been felt to be necessary in relation to this report.

## **8. LINKS TO RELEVANT COUNCIL POLICIES**

8.1 The operation of scrutiny is required by the Local Government Act 2000. The Local Government Wales Measure 2011 and subsequent Statutory Guidance include requirements to publicise the work of scrutiny committees.

### **8.2 Corporate Plan 2018-2023.**

This report contributes to the following Corporate Well-being Objectives:

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

Objective 6 - Support citizens to remain independent and improve their well-being.

## **9. WELL-BEING OF FUTURE GENERATIONS**

9.1 This report contributes to the following Well-being goals: -

- A healthier Wales
- A more equal Wales

## **10. EQUALITIES IMPLICATIONS**

10.1 This report is for information purposes only, so the council's full Equalities Impact Assessment process does not need to be applied.

## **11. FINANCIAL IMPLICATIONS**

11.1 There are no financial implications with respect to this report. There are no budget shortfall considerations as the report recommends retaining current annual percentage increases for non-residential care.

## **12. PERSONNEL IMPLICATIONS**

12.1 There are no personnel implications with respect to this report.

## **13. CONSULTATIONS**

13.1 All responses from the consultations have been incorporated in the report.

## **14. STATUTORY POWER**

14.1 The Local Government Act 2000.  
Social Care and Well-Being (Wales) Act 2015

## **15. URGENCY (CABINET ITEMS ONLY)**

- 15.1 Non-urgent, but would need to be considered prior to setting the 2021/22 rates for non-residential care.

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Appendices:  
Appendix 1 - Non-Residential Social Services Charging report - Health, Social Care and Wellbeing Scrutiny Committee: 5<sup>th</sup> February 2019.