

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 4 April 2023

DATE DECISION PUBLISHED 5 April 2023

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution 12 April 2023

Cabinet Member: Councillor Dilwyn Morgan
Cabinet Member for Adults, Health and Well-Being

SUBJECT
Standard Fees for Adults Care and Support Services

DECISION

In accordance with the Adult Care and Support Services Fee Table 2023/24 below, to approve the standard fee for residential and nursing settings in the independent sector, Cyngor Gwynedd's internal residential home fees and non-residential care fees for the financial year 2023/24, and implement them in accordance with the Council's terms and conditions

REASON WHY THE DECISION IS NEEDED

Please see attached Officer Report

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None


ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report

CABINET MEMBER DECISION NOTICE
Officer's Report

SUBJECT: Standard Fees for Adults Care and Support Services

Name and title of Cabinet Member:	Councillor Dilwyn Morgan Cabinet Member for Adults, Health and Well-being
Name and title of the report's author:	Alun Gwilym Williams Senior Business Manager
Date of decision:	04/04/2023
Signature of Cabinet Member:	

RECOMMENDATION

In accordance with the Adult Care and Support Services Fee Table 2023/24 below, to approve the standard fee for residential and nursing settings in the independent sector, Cyngor Gwynedd's internal residential home fees and non-residential care fees for the financial year 2023/24, and implement them in accordance with the Council's terms and conditions.

REASONS FOR THE DECISION

Background

In accordance with the Rules of Financial Procedure, every Chief Officer is required to conduct a review of all fees charged by their service in accordance with the Council's Fees and Charges Policy. Every Chief Officer should present recommendations to change fee levels, or recommend not to change such charges, in line with inflation on an annual basis.

At the Cabinet meeting on 17 January 2017, Cyngor Gwynedd's Charging Policy for Adults Care and Support Services was approved. The policy confirms the Council's intention to charge a fee for residential/nursing and non-residential services, and then specifies how it will do this.

The unit cost of the different care and support services provided varies and there are

different commissioning arrangements for different services. It should be noted that the prices paid for services commissioned in the independent sector are driven by commercial decisions. Similarly, the actual costs of running the internal services form the basis of the fees charged for internal services.

Under section 59 of the Social Services and Well-being (Wales) Act 2014, a local authority is entitled to charge a fee for care and support services. It is noted that local authorities must "*ensure that **no** person must be charged more than it is reasonably practicable for them to pay*" and "***must not** charge a fee that is greater than the cost to the authority in relation to providing or arranging the care and support they receive or arrange themselves through direct payments*". In order to set the fee payable by the person who receives the service, the unit cost being paid to the providers is transferred without a reduction. In doing so, the Council ensures compliance with the requirements of the act, i.e. that the persons with the financial means to pay in full for their services do so in full, up to the statutory limit set by the Welsh Government. However, the Council extends the offer for every individual to complete a financial means assessment and the individual's contribution towards the cost of their service will be based on this assessment. Usually, this will mean that a person pays the full fee (unit cost) until they hit a weekly maximum that is determined by their financial means assessment. Then, in these cases, the Council pays the remainder of the weekly cost. Every means assessment is undertaken in accordance with section 63 of the Act and the Care and Support (Charging) (Wales) Regulations 2015.

Explanation/Reasons for the New Fees

Residential and Nursing Services Fees - Independent Sector Homes

The increase in the fees charged on the service users reflects the recommended increase to the fees being paid to the care providers in the independent sector, as follows:

Care Category	Regional Recommendation	Gwynedd Recommendation
Residential	£711.83	£711.83
Residential EMI	£743.18	£807.30
Nursing	£774.54*	£828.00*
Nursing EMI	£837.26*	£931.50*

*Exclusive of the Health Board's contribution to the fee (NHS Funded Nursing Care)

The standard fees that are recommended to be paid to the independent sector providers have been set by following a methodology that was agreed between the providers and the Local Authorities in north Wales. Inflation has been added to the 2022/23 fees to maintain this benchmark, but the fees for dementia care and nursing care remain higher than the regional recommendation to try to address the shortage of dementia and nursing beds in the sector.

The Council always endeavours to commission care at the standard fee. But, with a shortage in supply of certain types of care (for example nursing care), we are increasingly having to commission more placements at higher fees. When individuals

choose care that costs more than the Council's standard fees, we have to pass on these higher fees to the recipients of care when the financial assessment confirms that they can afford to pay in full for their care.

There are also other circumstances where the Council would pay different fees to the standard fees to providers, e.g. when the service user's needs are more intensive or when it is an out-of-county placement. In all such cases, the service user is responsible for paying the full cost for their residential/nursing care but their financial means assessment will determine their contribution.

A full list of the new standard fees that have been set can be found in the table at the end of the decision notice. It will be necessary to approve that the fee paid by the recipients of the service is set at the same level as the cost of arranging and providing the service, and taking into account the assessment of their financial means.

Fees for Residential Services – Cyngor Gwynedd Internal Homes

The standard fee proposed for Cyngor Gwynedd Homes is a direct reflection of the total cost to the Council of providing the service across all internal homes.

As a result of care workers' pay rises following a regrading process, as well as inflation, the actual weekly cost of the provision has risen from £795.90 in 2022/23 to £948.58 in 2023/24. See below details of costs associated with the rise of £152.68:

- £89.78 – Increase as a result of salary inflation for 2022/23 and 2023/24
- £16.74 – Increase as a result of inflation on other budgets such as electricity and food
- £46.16 – The impact of regrading care workers' jobs and raising their salaries

There are currently 243 residents residing in Cyngor Gwynedd homes and 67 of those individuals have been assessed to be able to pay the full fee (including individuals where the full cost is deferred against the value of their property). Only those with the financial means to pay the full amount will do so, and most people will pay a smaller amount in accordance with an assessment of their financial means.

Fees for Non-residential Services

Maximum Weekly Charge

The Welsh Government has not permitted Local Authorities to increase the maximum weekly charge for non-residential services, and therefore it will remain at its current level of £100 a week for 2023/24.

Home Care/Night Hours Home Care/Assisted Living Accommodation:

Based on a tendering process, a range of different hourly fees are paid by the Council to providers in the independent sector for these services. It is not currently practical for the Council to charge service users a fee based on their care provider. As a result, one standard fee is set across Gwynedd based on the fee paid to the cheapest provider, with a 5% supplement to pay for costs associated with arranging and providing the care.

From 01/04/2023, the standard fee will increase from £20.67 per hour to £22.12 per hour, up to the maximum of £100 per week. Every service user will be offered a

financial means assessment to determine their contribution.

Direct Payments

The hourly unit cost being paid as Direct Payment is being increased from £14.22 per hour to up to £15.22 per hour. The service user's contribution towards the cost of their care is also being increased to up to £15.22 per hour to reflect this increase. Every service user will be offered a financial means assessment to determine their contribution.

Shared Lives Scheme

During 2022/23, the fees were:

- Band 1 - £322 per week
- Band 2 - £418 per week
- Band 3 - £515 per week

Following a review in the context of inflation, the following fees will be payable to the providers from 01/04/2023:

- Band 1 - £345 per week
- Band 2 - £447 per week
- Band 3 - £551 per week

For consistency, it is recommended that the same increases are applied to the fees payable by the recipients of the service. Every service user will be offered a financial means assessment to determine their contribution.

Flat-rate Fees

Telecare

The weekly fee for a basic Telecare package is currently £4.85. There will be a need to increase the weekly fee in line with the cost of inflation to £5.19.

The fee for a telecare service is a 'flat-rate fee' in line with the Social Services and Wellbeing Act (2014). The fee is payable by everyone who applies for the service, and there is no financial means assessment as part of the process.

Food and Refreshments in Day Care

The fee for food and refreshments in day care is currently £4.85 a day, but it will increase in line with the cost of inflation to £5.21 a day. This is also dealt with as a 'flat-rate fee' and consequently, the person who chooses to receive food and refreshments in day care is not entitled to ask for an assessment of his/her financial means before making any payment. This means that everyone who chooses to receive food and refreshments in day care pays the fee.

Impact Assessment

An Equality Impact Assessment has been held in relation to this decision, see Appendix A and the outcome considered in making the decision. It was identified that the decision would impact on older people and people with disabilities. However, every service user continues to receive an assessment of his/her financial means before having to pay most of the fees. This means that no service users will pay more than what they can afford. The purpose of the decision to increase the

standard fees for the services is to reflect the increased inflation occurring in the actual cost of arranging and purchasing/providing the service. No changes are proposed to the constitution or principles of the charging policy.

From the point of view of our duties under the Well-being of Future Generations (Wales) Act 2015, the decision offers a sustainable solution that has been developed in a way that corresponds to the requirements of this act. As stated above, I can confirm that we meet the requirement to ensure that the fee introduced to individuals is not higher than the actual cost of arranging and providing the service.

Decision

Approve the fees listed in the tables below as the fees payable by the recipients of these services (subject to financial means assessment where appropriate) for 2023/24, commencing on 1st April 2023. *(The fees may be reviewed during the year if there is a change in the fees paid to the providers).*

Tablau Ffioedd Gwasanaethau Gofal a Chefnogaeth Oedolion
Adults Care and Support Services Fee Tables

Cartrefi Preswyl Cyngor Gwynedd <i>Cyngor Gwynedd Care Homes</i>		
	2022/23	2023/24
Ffi Safonol Cartrefi Preswyl Cyngor Gwynedd <i>Standard Fee for Cyngor Gwynedd Care Homes</i>	£795.90 yr wythnos/ <i>per week</i>	£948.58 yr wythnos/ <i>per week</i>

Cartrefi Gofal Preifat ac Annibynnol <i>Private and Independent Sector Care Homes</i>		
Categori gofal <i>Category of Care</i>	2022/23	2023/24
Preswyl <i>Residential</i>	£645 yr wythnos/ <i>per week</i>	£711.83 yr wythnos/ <i>per week</i>
Preswyl – Dementia/Dibyniaeth Uchel <i>Residential – Dementia/High Dependency</i>	£780 yr wythnos/ <i>per week</i>	£807.30 yr wythnos/ <i>per week</i>
Nyrsio <i>Nursing</i>	£800* yr wythnos/ <i>per week</i>	£828* yr wythnos/ <i>per week</i>
Nyrsio – Dementia/Dibyniaeth Uchel <i>Nursing – Dementia/High Dependency</i>	£900* yr wythnos/ <i>per week</i>	£931.50* yr wythnos/ <i>per week</i>
*Ddim yn cynnwys cyfraniad y Bwrdd Iechyd tuag at y ffi (Gofal Nyrsio a Ariennir		

gan y GIG).

**Exclusive of the Health Board Contribution (Funded Nursing Care).*

Ffioedd Gwasanaethau Dibreswyl Non Residential Fees Table		
Math o Wasanaeth / Type of Service	2022/23	2023/24
Gofal Cartref <i>Home Care</i>	£20.67 yr awr/ <i>per hour</i>	£22.12 yr awr/ <i>per hour</i>
Gofal Cartref - Oriau Nos <i>Home Care - Night Time Hours</i>	£20.67 yr awr/ <i>per hour</i>	£22.12 yr awr/ <i>per hour</i>
Llety gyda Chymorth <i>Assisted Living Accommodation</i>	£20.67 yr awr/ <i>per hour</i>	£22.12 yr awr/ <i>per hour</i>
Taliadau Uniongyrchol <i>Direct Payments</i>	£14.22 yr awr/ <i>per hour</i>	£15.22 yr awr/ <i>per hour</i>
Teleofal Pecyn Sylfaenol <i>Telecare Basic Package</i>	£4.85 yr wythnos/ <i>per week</i>	£5.19 yr wythnos/ <i>per week</i>
Cynllun Cysylltu Bywydau <i>Shared Lives Scheme</i>	Band 1 - £322 yr wythnos/ <i>per week</i> Band 2 - £418 yr wythnos/ <i>per week</i> Band 3 - £515 yr wythnos/ <i>per week</i>	Band 1 - £345 yr wythnos/ <i>per week</i> Band 2 - £447 yr wythnos/ <i>per week</i> Band 3 - £551 yr wythnos/ <i>per week</i>
Lluniaeth mewn Gofal Dydd/ <i>Food and Refreshment at Day Care Centres</i>	£4.85 y dydd/ <i>per day</i>	£5.21 y dydd/ <i>per day</i>

Manylion Ariannol Eraill Other financial Details		
	2022/23	2023/24
Terfyn Cyfalaf Capital Limit		
Gofal Preswyl a Nyrsio <i>Residential and Nursing</i>	£50,000	£50,000

Gofal Dibreswyl <i>Non-Residential Care</i>	£24,000	£24,000
Isafswm Incwm Preswyl a Nyrsio <i>Residential & Nursing Minimum Income Amount</i>	£35	£35
Diystyriaeth Credyd Cynilion / <i>Savings Credit Disregard</i>	£5.75 yr wythnos sengl/ <i>per week single</i> £8.60 yr wythnos cwpl/ <i>per week couple</i>	£5.75 yr wythnos sengl/ <i>per week single</i> £8.60 yr wythnos cwpl/ <i>per week couple</i>
Uchafswm Ffi Wythnosol - Gwasanaethau Dibreswyl / <i>Maximum Weekly Charge - Non-Residential Services</i>	£100.00 yr wythnos/ <i>per week</i>	£100.00 yr wythnos/ <i>per week</i>
Taliadau Gohiriedig/ <i>Deferred Charges</i>		
	2022/23	2023/24
Cyfradd Llog (newidiol) <i>Interest Rate (variable)</i>	0.15% uwchlaw i gyfradd 'giltiau'r farchnad'/ <i>above the 'market gilts' rate</i>	0.15% uwchlaw i gyfradd 'giltiau'r farchnad'/ <i>above the 'market gilts' rate</i>
Ffioedd Cyfreithiol <i>Legal Fees</i>	£175.00	£175.00
Ffi Archwiliad Teitl Cofrestrfa Dir <i>Land Registry Title Search Fee</i>	£3.00	£3.00
Ffi Cais Arwystl Cofrestr Tir/ <i>Land Registry Charge Application Fee</i>	£20.00 (Dros y We/ <i>Online</i>) Neu / Or £40.00 (Post/ <i>Post</i>)	£20.00 (Dros y We/ <i>Online</i>) Neu / Or £40.00 (Post/ <i>Post</i>)
Ffi Prisiad Eiddo/ <i>Property Valuation Fees</i>	£150.00	£150.00
Ffi Weinyddol/ <i>Administrative charge</i>	£51.00	£51.00

RELEVANT CONSIDERATIONS

Choosing not to transfer the actual cost of these care and support services to the persons who have been assessed as having the financial means to pay creates a larger financial deficit in the Adults, Health and Well-being Department's budgets.

Due to the increase in demand for the department's services, it is vital that it maintains sustainable services for the future by charging a fair fee for its services.

VIEWS OF THE STATUTORY OFFICERS

1. Swyddog Monitro/Monitoring Officer:

Clearly, there is detailed work behind setting up and setting these charges. The basis for imposing the fees is highlighted in the report along with, where appropriate, the link back to regional work as well. It is also recognised that the context is challenging at times and reflects implications such as inflation and cost increases. I am satisfied that the charges are based on appropriate reasoning.

2. Prif Swyddog Cyllid/Chief Finance Officer:

The setting of the fees appearing in this leaflet is subject to detailed work and several financial and non-financial factors have received fair consideration. I am satisfied that the fees sustained are reasonable and consistent with the budget set. I have no objection to the decision sought.

VIEWS OF THE LOCAL MEMBER

Not a local matter.

FULL EQUALITY IMPACT ASSESSMENT

1) AUTHOR(S) OF ASSESSMENT

Alun Gwilym Williams, Senior Business Manager, Adults, Health and Well-being Department

2) PARTNERS

Who are your partners when commencing or changing the policy / plan / practice? They will need to be included when undertaking this assessment.

- Stakeholders
- Councils across North Wales
- Service Users, including Prospective Users
- Service User Representatives
- Carers
- Elected Members

3) ASSESSMENT START DATE

1 February 2023

4) ASSESSMENT END DATE

31 March 2023

5) AIMS AND OBJECTIVES OF THE POLICY / PLAN / PRACTICE

Note why the policy / plan / practice is needed. Note what the Authority aims to achieve through it

The Social Services and Well-being Act (Wales) 2014 provides an option for Gwynedd Council to exercise discretion when charging a fee for care services provided. On 17/01/2017, an amended charging policy for residential and non-residential care services was approved by Gwynedd Council's Cabinet.

No changes to the charging policy are being proposed in the Cabinet Member's Decision Notice. In the notice, the Cabinet Member is exercising his duty to review the service's fees annually. The amendments to the fees reflect changes in the actual cost of providing the services to the Council.

6) PARTICIPATION AND CONSULTATION

Have you undertaken engagement regarding the change in the policy / plan / practice? What was the outcome? Please note that it is a statutory requirement to engage with people who will be affected.

A consultation was held during 2016 in relation to the changes to the charging policy approved by the Council's Cabinet on 17/01/2017. As no changes to this policy are being proposed, no consultation has been held as part of the equality impact assessment.

In accordance with Financial Procedure Rules, all Chief Officers are required to review all fees charged by their service in line with the Council's Fees and Prices Policy. Every Chief Officer should present recommendations to change fee levels, or recommend not to change such payments in line with inflation on an annual basis.

7) THE AVAILABLE EVIDENCE

The evidence can be based on local, regional or national data, for example, it can be a national report, data on the use made of the service, or regional equality statistics.

Act:

The Council acts within the guidelines set in the Social Services and Well-being Act (Wales) 2014. The Act allows the Council to exercise discretion to charge a fee for care services. When local authorities decide to charge a fee, they must do so in accordance with the regulations and code of practice noted in the Act.

Regulations:

The regulations in relation to financial assessment and charging a fee are:

- The Care and Support (Choice of Accommodation) (Wales) Regulations 2015.
- The Care and Support (Charging) (Wales) Regulations 2015.
- The Care and Support (Financial Assessments) (Wales) Regulations 2015.
- The Care and Support (Deferred Payments) (Wales) Regulations 2015.
- The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015.

Code of Practice:

The code of practice in relation to financial assessment and charging a fee is:

- Part 4 & 5 Code of Practice (Financial Assessments and Charging)

Service Users:

- There are approximately 800 residential and nursing service users, of which a high percentage are older people and people with learning disabilities, and a lower percentage have a mental health illness.
- There are approximately 1,300 non-residential service users (Home Care, Supported Living, Direct Payments, Shared Lives Scheme). Older people and disabled people make-up the highest percentage of non-residential service users.
- There are approximately 1,100 Telecare service users. Older people and disabled people make-up the highest percentage of telecare service users.

Consultation:

No consultation has been held for the reasons outlined previously.

8) GAPS IN EVIDENCE

Note any gaps in the evidence and explain how these will be filled.

9) RELEVANCE AND IMPACT

The relevance of the policy/service/function to the general equality duties and to each of the equality groups (protected characteristics) should be outlined. The actual or likely impact should be clearly noted. It is possible that not all duties or characteristics will be of relevance or will be impacted.

9a)

General Duties of the Equality Act	Relevance	The actual or likely impact
Abolishing illegal discrimination, harassment and victimisation	None	As the Council operates in accordance with Legislation which allows the Council to use its discretion to charge fees for care services, it does not discriminate.
Promoting equal opportunities	None	Every service user without discrimination will be offered a financial means assessment to determine their contribution.
Fostering good relationships	None	Not relevant

9b)

Characteristics	Relevance	The actual or likely impact
Race	None	Not relevant to this characteristic. Prepared to provide in different languages.
Disability	Negative	The fees under consideration are payable by service users who have disabilities. However, in accordance with the Council's charging policy, every service user is entitled to receive an assessment of his/her financial means before making any payment. This means that their ability to pay is assessed in accordance with the policy, and consequently no one pays more than what they can afford.
Gender	None	Not relevant to this characteristic.
Gender reassignment	None	Not relevant to this characteristic.
Sexual orientation	None	Not relevant to this characteristic.
Religion or belief	None	Not relevant to this characteristic.
The Welsh language	None	No impact, everything would be available bilingually.
Age	Negative	The changes have an effect on service users of all ages, but the highest percentage of users are older people. However, in accordance with the Council's charging policy, every service user is entitled to receive an assessment of his/her financial means before making any payment. This means that their ability to pay is assessed in accordance with the policy and consequently, no one pays more than what they can afford.

Pregnancy and maternity	None	No impact.
Marriage and civil partnership	None	No impact

10) ADDRESSING THE IMPACT

a)	<p>Note any possible impact in terms of equality (i.e. a summary of the above)</p> <p>Disabled people and older people make up the majority of care service users, and as such these are the groups most likely to be affected by the proposed changes. However, every service user is entitled to receive an assessment of his/her financial means before making any payment. This means that their ability to pay is assessed in accordance with the policy, and consequently no one pays more than what they can afford.</p>
b)	<p>What steps can be taken to reduce or improve these impacts?</p> <p>The guidance set by the Government, which has been adopted in the Council's Charging Policy, ensures that the financial means of each service user is assessed before he/she is required to contribute towards the cost of their care. This ensures that the charging system is as fair as possible and ensures that it does not have a substantial detrimental impact on any individual or group.</p> <p>The Council could choose not to use the discretion to charge/increase contributions, but this would likely lead to cuts to some front line care services. This could have an impact on the Council's ability to provide some services, and as such could be more detrimental to some service users.</p>
c)	<p>Is there a need to reconsider the plan?</p> <p>The decision to increase fees is based on an increase in the actual cost of the provision. There is no need to reconsider the decision.</p>

11) MONITORING AND REVIEWING ARRANGEMENTS

Which steps will you take to review the policy / plan / procedure once it has been adopted? Although the above assessment identifies the possible impact, it must be remembered that the full effect will not be seen until the policy etc. is implemented.

A further assessment will be held if proposals to amend the policy are submitted in future.

12) DECISION

To amend the fees for residential and non-residential care services in accordance with the Cabinet Member's decision notice.