TAFLEN BENDERFYNIAD AELOD CABINET
CABINET MEMBER'S DECISION NOTICE

PWNC/*SUBJECT:* Ffioedd Cartrefi Gofal Annibynnol 2015-16
Fees for Independent Care Homes 2015-2016

AELOD CABINET/*CABINET MEMBER*: Y Cynghorydd/*Councillor Gareth Roberts*

PENDERFYNIAD/*DECISION :*

Cymeradwyo'r ffioedd canlynol ar gyfer 2015-16
To approve the following fees for 2015-16.

Categori gofal ***Category of Care***	**£ yr wythnos** ***£ per week***
Preswyl (yn cynnwys dibyniaeth uchel) *Residential (including high dependency)*	£465.90
Preswyl – dementia/EMI *Residential – dementia/EMI*	£509.72
Nyrsio *Nursing*	£523.83*
Nyrsio – dementia/EMI *Nursing – dementia/EMI*	£549.00*

*Nid yw'n cynnwys cyfraniad Iechyd/*Does not include Health contribution*

RHESYMAU DROS Y PENDERFYNIAD/*REASONS FOR THE DECISION*

Dan adran 21 Deddf Cymorth Gwladol 1948 mae gan y Cyngor ddyletswydd i wneud trefniadau i ddarparu llety preswyl i bobl sy'n 18 mlwydd oed a hŷn sydd, oherwydd rhesymau'n ymwneud ag oedran, iechyd, anabledd neu unrhyw amgylchiadau eraill, angen gofal a sylw nad yw ar gael iddynt fel arall. Mae Adran 26 y Ddeddf yn caniatáu i'r Cyngor wneud trefniadau o'r fath gyda'r sector preifat.

Wrth ymgymryd â'r swyddogaethau yma, mae gofyn i Gyngor Gwynedd hefyd weithredu dan y Cyfarwyddiadau a Chanllawiau Llywodraethol - y rhai mwyaf perthnasol yw'r Cyfarwyddiadau Dewis Llety a "Bywydau Cyflawn, Cymunedau Cefnogol: Canllaw Fframwaith Comisiynu ac Arfer Dda".

Pwrpas yr adroddiad yma yw gosod ffioedd 2015-16 yn unol â hyn.

Under section 21 of the National Assistance Act 1948 the Council has a duty to make arrangements for providing residential accommodation for persons aged 18 or over who by reason of age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them. Section 26 of the Act permits the Council to make such arrangements with the private sector.

In undertaking these functions Gwynedd Council is also required to act under Governmental Directions and Guidance – the most relevant being the Choice of Accommodation Directions and "Fulfilled Lives, Supportive Communities: Commissioning Framework Guidance and Good Practice".

The purpose of this report is to set the 2015-16 fees in accordance with this.

YSTYRIAETHAU PERTHNASOL/ RELEVANT CONSIDERATIONS

Mae Safon 10 y Canllaw Fframwaith Comisiynu yn gofyn i'r Cyngor fel comisiynwyr fod wedi deall y gost o wasanaethau gofal cymdeithasol sy'n cael eu contractio a'u darparu'n uniongyrchol, ac i weithredu mewn modd sy'n hyrwyddo cynaladwyedd y gwasanaeth.

Mae Cyngor Gwynedd yn aelod o Grŵp Rhanbarthol Ffioedd Cartrefi Gofal Gogledd Cymru ac wedi bod yn cyfarfod gyda'r pump awdurdod arall yn rheolaidd dros y deuddeg mis diwethaf i ymgymryd â gwaith gosod ffioedd cartrefi gofal 2015-16 drwy ddefnyddio Methodoleg Gogledd Cymru. Datblygwyd Methodoleg Gogledd Cymru ar gyfer setliad 2012-13 gan Wrecsam, Fflint a Dinbych ac, ers hynny, mae wedi cael ei fabwysiadu gan holl awdurdodau Gogledd Cymru.

Wrth osod y ffioedd ar y cyd gydag awdurdodau eraill, mae'r Cyngor yn cael ei arwain gan egwyddorion y Fframwaith Comisiynu sy'n rhoi ystyriaeth ddilys i ardrawiad lleol a sicrhau bod yna ymgynghori digonol gyda darparwyr gofal lleol. Cafwyd ymateb cadarnhaol iawn i arolwg a wnaed o oriau staffio yn Hydref 2014. Ar y llaw arall, 'roedd yr ymateb i'r ymgynghoriad terfynol aeth allan yn Chwefror 2015 yn siomedig gyda dim ond tri Chartref yn ymateb.

Mae Cyfraith Achos yn dangos y dylai comisiynwyr "ddeall" costau darparwyr a gweithredu er mwyn hyrwyddo cynaladwyedd y gwasanaeth; nad oes raid i Gynghorau osod ffi sy'n ad-dalu holl gostau'r darparwyr yn llawn; y dylai comisiynwyr wneud ymholiadau ynghylch y gwir gostau o ddarparu gofal; bod natur a dwyster yr ymholiadau hynny yn fater i'r Cyngor benderfynu arno.

Dros haf 2014, bu'r Cyngor (drwy Grŵp Rhanbarthol Ffioedd Cartrefi Gofal Gogledd Cymru) mewn ymgynghoriad a thrafodaethau maith gyda Fforwm Gofal Cymru (FfGC), (corff anstatudol ond sefydliad gyda nifer arwyddocaol o Gartrefi Gofal Gwynedd yn aelodau ohono), yn bennaf gydag Uwch-gynghorydd Polisi, Mary Wimbury. Yn dilyn yr ymgynghoriad hwn, dewisodd y Cyngor barhau i ddefnyddio Methodoleg Gogledd Cymru. Ni chytunwyd ar fater y 'Bwlch Nyrsio' gan fod partïon yn disgwyl canlyniad Adolygiad Barnwrol 'Forge Care Homes' (Achos Rhif : CO/4513/2014) lle'r oedd y Cyngor yn un o 22 o Gynghorau Cymru oedd yn cael eu hadnabod fel diffynyddion gan y Byrddau Iechyd. Yn Chwefror 2015, penderfynodd HHJ Hickinbottom bod y Byrddau Iechyd wedi cymryd golwg rhy gul o'r gwasanaethau a ddylai ddisgyn o fewn diffiniad 'gofal nyrsio' a bod y bwlch wedi ei greu yn bennaf oherwydd yr asesiad anghyfreithiol yma ac, o ganlyniad, na ddylai fod yn daladwy gan awdurdodau lleol.

Mae'r gwaith a wnaed gan Grŵp Ffioedd Cartrefi Gofal Gogledd Cymru wedi cynnwys gwneud ymholiadau perthnasol ynghylch gwir gost y gofal. Mae hyn wedi cynnwys edrych ar faterion megis yr Isafswm Cyflog Cenedlaethol, cyfraddau chwyddiant, cyfraddau enillion ar fuddsoddiad, darpariaethau newydd mewn perthynas â thâl salwch statudol a phensiynau, a chost bwyd a gwasanaethau. Dylid nodi bod y raddfa'r awr sydd o fewn ffioedd 2015 eisoes wedi ei seilio ar raddfa cyflog sydd yn uwch na'r Isafswm Cyflog Cenedlaethol ac felly yn cynnwys cyfraniadau pensiwn lle mae hynny yn berthnasol. Derbyniwyd gwybodaeth ychwanegol gan Fforwm Gofal Cymru ar ran y Cartrefi Gofal a rhoddwyd ystyriaeth iddo gan y Grŵp Rhanbarthol.

Yn ogystal, mae Cyngor Gwynedd, fel y pump awdurdod arall, wedi ceisio cael gafael ar ddata lleol, yn enwedig mewn perthynas â nifer oriau staffio gofal cymdeithasol. Wrth wneud yr ymholiadau hyn, mae'r Grŵp wedi ceisio gweithredu'n rhesymol er mwyn cyfrifo gwir gost y gofal.

Wrth bennu'r ffioedd arfaethedig ar gyfer 2015-16 mae Cyngor Gwynedd hefyd wedi gorfod cydbwyso anghenion Gofal yn erbyn amrediad o alwadau cyllidol, blaenoriaethau strategol a'r arbedion y bydd yn rhaid eu gwneud. Mae'r Cyngor, dros y pedair blynedd nesaf, yn wynebu bwlch ariannol o £53milwn (gweler adroddiad Cyngor Llawn 5 Mawrth 2015).

Mae'r tabl isod yn amlinellu'r ffioedd presennol a'r ffioedd a gynigir ar gyfer 2015-16.

Categori Gofal	**2014-15**	**2015-16**
Preswyl	£458.16	£465.90
Preswyl – dementia/EMI	£501.69	£509.72
Nyrsio	£514.40	£523.83
Nyrsio – dementia/EMI	£538.85	£549.00

Mae'r rhain yn cynrychioli cynnydd o 1.69%, 1.6%, 1.83% a 1.88% a thrwy hynny yn cynyddu holl benawdau heblaw cyflog yn unol â graddfa CPI o 1.2%, llinellau cyflog yn unol â'r cynnydd yn yr Isafswm Cyflog Cenedlaethol (heblaw costau rheolaeth sydd wedi ei gynyddu yn unol â CPI 1.2%). Nid yw'r elfen 'dychweliad ar fuddsoddiad' o'r ffi wedi ei gynyddu gan yr ystyrir bod y raddfa bresennol o 12% yn uwch nag unrhyw raddfa arall sydd ar gael ar hyn o bryd ar gyfleon buddsoddi.

Dangosir dadansoddiad manwl o'r ffi fel y mae ar hyn o bryd, y ffi argymhellir a'r cynnydd argymhellir yn **Atodiad 1**.

Nid yw'r ffigyrau uchod yn cynnwys cyfraniad y Bwrdd Iechyd at Ofal Nyrsio.

Fel rhan o'r broses o osod ffioedd Gwynedd, cysylltwyd â phob cartref gofal perthnasol. Daeth tri ymateb i law a chodwyd nifer o bryderon ynghylch y cynnydd. Hefyd, cynhaliwyd cyfarfod o'r Fforwm Darparwyr Lleol (12 Mawrth 2015) lle codwyd pryderon tebyg. Rhoddwyd ystyriaeth lawn i'r ymatebion yma i bwrpas ail-gyfrifo'r ffioedd uchod ond, o ystyried pob peth, nid oedd yna gyfiawnhad digonol i newid y cynnig gwreiddiol.

Cynigir felly fod Cyngor Gwynedd yn mabwysiadu'r ffioedd uchod ar gyfer 2015-16.

Standard 10 of the Commissioning Framework Guidance requires the Council as commissioners to have understood the costs of directly provided and contracted social care services and to have acted in a way to promote service sustainability.

Gwynedd Council is a member of the North Wales Regional Care Home Fees Group and has been meeting with the other five local authorities regularly over the last twelve months to undertake work in order to set the care home fees for 2015/16 using the North Wales Methodology. The North Wales methodology was originally developed for the 2012-13 fee setlement process by Wrexham, Flintshire and Denbighshire and has subsequently been adopted be all North Wales local authorities.

Whilst setting fees in collaboration with other in Authorities in North Wales, the council are very much led by central tenets of the Commissioning Framework guidance which are to give due consideration to local impact and ensure that there is appropriate consultation with local care providers. An October 2014 survey of staffing hours drew a very positive response from Gwynedd homes. Feedback from Gwynedd Care homes to the final consultation issued in February 2015 was poor with only three Care Homes responding.

Case law indicates that commissioners should "understand" providers' costs and act to promote service sustainability; does not require Councils to set a fee which fully reimburses providers for their costs; that commissioners should make inquiries into the actual costs of providing care; that the nature and intensity of those inquiries are a matter for the Council/Director of Social Services to decide.

Over the Summer of 2014, the council (via the North Wales Care Home Fees Group) entered into protracted consultation and negotiations with Care Forum Wales (CFW), (a non-statutory body but nonetheless an organisation with a significant number of Gwynedd Care homes members of their body), primarily Senior Policy Advisor Mary Wimbury. Following this consultation, the Council opted to continue with the North Wales Fees Model. The 'Nursing Gap' issue was not agreed during consultation, parties awaiting the result of the pending Judicial Review The Forge Care homes case (Case No: CO/4513/2014) of which the council were one of 22 Welsh Councis cited as Defendants by various Health Boards. Subsequently, in February 2015, HHJ Hickinbottom found that the Health boards had taken too narrow a view of the services which should fall within the definition of 'nursing care', and consequently the gap was created in large part by this unlawful assessment and consequently, not chargeable to local authorities.

The work undertaken by the North Wales Care Home Fees Group has included making relevant inquiries into the actual cost of care. This has involved looking into matters such as the National Minimum Wage, rates of inflation, rates of return on investment, new provisions relating to statutory sick pay and pensions, the cost of food and utilities. It should be noted that the hourly rate within the applied fees for 2015 is already based on an hourly rate in excess of the minimum wage, thereby covering pension contributions where applicable. Additional information was received from Care Forum Wales on behalf of the Care Homes and this was taken into consideration by the regional group.

In addition, Gwynedd Council in common with the other five authorities has attempted to obtain local data, in particular relating to number of social care staffing hours. In making these enquiries, the Group has tried to act reasonably in order to calculate the actual cost of care.

In reaching the proposed fees for 2015-16, Gwynedd Council has also had to balance care needs against a range of financial demands, strategic priorities and savings that will need to be made. Over the next four years, the Council will face a financial shortfall of £53million (see Full Council report 5 March 2015).

The table below sets out the current fees and the proposed fees for 2015-16.

Category of Care	***2014-15***	***2015-16***
Residential	*£458.16*	*£465.90*
Residential – dementia/EMI	*£501.69*	*£509.72*
Nursing	*£514.40*	*£523.83*
Nursing – dementia/EMI	*£538.85*	*£549.00*

These represent % increases of 1.69%, 1.6%, 1.83%, and 1.88% thereby increasing all non-pay lines of the fee by CPI of 1.2%, and staffing lines by the minimum wage increase of 3% (except for management costs which will increase by 1.2% CPI). The 'return on Investment' element of the fee, has not been increased as it is considered that the existing rate of return of 12% is in excess of all returns on offer at present when compared with other Investment opportunities.

A detailed breakdown of the existing fees, the proposed fee and the proposed increase is shown in ***Appendix 1.***

The above figures do not contain the Health Board's contribution towards Nursing care,

As part of the process of setting Gwynedd fees, all relevant care homes have been consulted. Three replies were received and concerns were raised as to the level of increase. A meeting of the local Provider Forum was held (12 March 2015) and similar concerns were raised. These responses were taken into consideration in re-calculating the above fees but, taking all into account, did not justify changing the original proposal.

It is therefore proposed that Gwynedd Council adopts the above fees for 2015-16.

BARN Y SWYDDOGION STATUDOL/*VIEWS OF STATUTORY OFFICERS*

1. Y Prif Weithredwr/*Chief Executive*:-

Rwy'n ymwybodol bod y mater hwn wedi bod yn un cynhennus yn y gorffennol ond rwy'n nodi bod gwaith wedi digwydd yng Ngwynedd ac ar y cyd â chynghorau eraill y Gogledd ar lefelau ffioedd ac y bu ymgynghoriad hefyd efo cartrefi preswyl y sir. Credaf fod y cynnig gerbron yn taro'r cydbwysedd iawn rhwng y costau a wynebir a'r her ariannol y mae'r Cyngor yn ei wynebu.

I am aware that this has been a controversial matter in the past but I note that work has been done in Gwynedd and jointly with other North Wales councils on fee levels and that care homes within the county were consulted. I believe that the proposal strikes a proper balance between the costs faced and the financial challenges facing the Council.

2. Swyddog Monitro/ *Monitoring Officer*:-

Mae penderfynu ar y ffioedd arfaethedig yn ymwneud ag ystod o ffactorau manwl sydd angen eu hasesu a chloriannu er dod i benderfyniad. Mae'r broses a'r daflen wedi bod yn destun mewnbwn cyfreithiol ac nid oes gennyf sylwadau pellach o safbwynt priodoldeb.

The determination of the proposed fees involves a detailed range of factors which need to be assessed and balanced in order to arrive at the proposal. The process and the notice have involved legal input and I have no further comments in relation to propriety.

3. **Prif Swyddog Cyllid/*Chief Finance Officer***:-

Mae'r argymhelliad gerbron yma'n darparu lefelau ffioedd addas i'w talu i'r cartrefi gofal annibynnol yn ystod 2015/16 yn dilyn ystyriaeth briodol. Darparwyd yn ddarbodus ar gyfer y gwariant perthnasol wrth lunio'r gyllideb.

The recommendation submitted here provides a suitable level of fees to be paid to the independent care homes during 2015/16 following appropriate consideration. Prudent provision was made for the relevant expenditure when preparing the budget.

BARN YR AELOD LLEOL/*VIEW OF LOCAL MEMBER*

Ddim yn berthnasol
Not relevant

LLOFNOD /*SIGNED* W Jarrett Rowlands

DYDDIAD/*DATE*

01-04-2015

Atodiad 1 - cyfrifiad manwl o'r ffi
Appendix 1 - detailed fee calculation

		Ffi/Fee 2014-15	Cynnydd /Increase	Ffi/Fee 2015-16	Sylwadau /Comments
COSTAU CYFFREDINOL	**GENERAL COSTS**				
Gwasanaethau (trydan, nwy, dwr, teleffon, trwydded teledu, treth cyngor)	Utilities (electricity, gas, water, telephone, TV licence, council tax)	£27.68	£0.32	28.00	1.2% chwyddiant CPI inflation
Cofrestru (aelodaeth proffesiynol, DBS a.y.y.b.)	Registration (Professional Membership, DBS etc)	£1.22	£0.01	£1.23	1.2% chwyddiant CPI inflation
Recriwtio	Recruitment	£2.35	£0.03	£2.38	1.2% chwyddiant CPI inflation
Cynnal offer ar gontract	Contract maintenance of equipment	£3.41	£0.04	£3.45	1.2% chwyddiant CPI inflation
Cynnal offer trwm	Maintenance of capital equipment	£20.92	£0.25	£21.17	1.2% chwyddiant CPI inflation
Garddwr / gofalwr	Gardener /handyman	£7.74	£0.23	£7.97	3% isafswm cyflog / minimun wage
Dodrefn/Gosodiadau yn cynnwys adnewyddu a thrwsio	Furniture/Fittings including repairs and renewals	£12.62	£0.15	£12.77	1.2% chwyddiant CPI inflation
Hyfforddiant	Training	£2.34	£0.03	£2.37	1.2% chwyddiant CPI inflation
Nwyddau meddygol heb fod ar brescriptiwn	Non prescription medical supplies	£3.53	£0.04	£3.57	1.2% chwyddiant CPI inflation
Yswiriant	Insurance	£5.89	£0.07	£5.96	1.2% chwyddiant CPI inflation
Bwydydd a chyflenwadau cartref	Groceries & household provisions	£27.22	£0.33	£27.55	1.2% chwyddiant CPI inflation
Costau eraill (heb eu cynnwys)	Additional Expenses (not covered elsewhere)	£17.17	£0.21	£17.38	1.2% chwyddiant CPI inflation
Dychweliad ar fuddsoddiad	Return on Investment	£97.79	£0.00	£97.79	Dim cynnydd oherwydd bod graddfeydd llog yn gostwng / No increase due to falling rates of return on investment
IS-GYFANSWM	**SUB TOTAL**	**£229.88**	**£1.71**	**£231.59**	
COSTAU STAFF PRESWYL	**RESIDENTIAL STAFF COSTS**				
Rheolaeth/Gweinyddiaeth	Management /Admin	£45.86	£0.56	£46.41	1.2% chwyddiant CPI inflation
Staff Gofal	Care Staff	£146.28	£4.39	£150.67	3% isafswm cyflog / minimun wage
Staff Domestig	Domestic Staff	£36.15	£1.08	£37.23	3% isafswm cyflog / minimun wage
CYFANSWM PRESWYL	**TOTAL RESIDENTIAL**	**£458.16**	**£7.74**	**£465.90**	
COSTAU STAFF PRESWYL EMI	**EMI RESIDENTIAL STAFF COSTS**				
Rheolaeth/Gweinyddiaeth	Management /Admin	£45.86	£0.56	£46.41	1.2% chwyddiant CPI inflation
Staff Gofal	Care Staff	£189.80	£4.69	£194.49	3% isafswm cyflog / minimun wage
Staff Domestig	Domestic Staff	£36.15	£1.08	£37.23	3% isafswm cyflog / minimun wage
CYFANSWM PRESWYL EMI	**TOTAL EMI RESIDENTIAL**	**£501.69**	**£8.03**	**£509.72**	
COSTAU STAFF NYRSIO	**NURSING STAFF COSTS**				
Rheolaeth/Gweinyddiaeth	Management /Admin	£45.86	£0.56	£46.41	1.2% chwyddiant CPI inflation
Staff Gofal	Care Staff	£202.52	£6.08	£208.60	3% isafswm cyflog / minimun wage
Staff Domestig	Domestic Staff	£36.15	£1.08	£37.23	3% isafswm cyflog / minimun wage
CYFANSWM NYRSIO	**TOTAL NURSING**	**£514.40**	**£9.43**	**£523.83**	
COSTAU STAFF NYRSIO EMI	**EMI NURSING STAFF COSTS**				
Rheolaeth/Gweinyddiaeth	Management /Admin	£45.86	£0.56	£46.41	1.2% chwyddiant CPI inflation
Staff Gofal	Care Staff	£226.96	£6.81	£233.77	3% isafswm cyflog / minimun wage
Staff Domestig	Domestic Staff	£36.15	£1.08	£37.23	3% isafswm cyflog / minimun wage
CYFANSWM NYRSIO EMI	**TOTAL EMI NURSING**	**£538.85**	**£10.15**	**£549.00**	