

## DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

<b>DATE OF DECISION</b>	29 March 2019
<b>DATE DECISION PUBLISHED</b>	1 April 2019
<b>DATE DECISION WILL COME INTO FORCE</b> and implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution	8 April 2019

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Cabinet Member: Cllr. William Gareth Roberts and Cllr. Dafydd Meurig - Cabinet Member for Adults, Health and Wellbeing

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### **Subject**

Standard Fees for Adults Care and Support Services

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### **DECISION**

In accordance with the Fees Table, seen in attached report, to approve the changes to the standard fees payable by the people who receive Residential / Nursing and Non-residential services from 08 April 2019.

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### **REASON WHY THE DECISION IS NEEDED**

Please see attached officer report

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

None



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### **ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION**

Consultation with  
Gwynedd Council Statutory Officers and their comments are included in the attached report

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**DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL  
CABINET – OFFICER REPORT**

Name and title of Cabinet Member/s:	Councillor Gareth Roberts Councillor Dafydd Meurig
Name and title of Report Author :	Rhion Glyn, Senior Business Manager
Date of Decision :	29 March, 2019
Signature of Cabinet Member/s :	 

**Subject :** Standard Fees for Adults Care and Support Services

**Recommendation for the Decision :**

In accordance with the Fees Table below, to approve the changes to the standard fees payable by the people who receive Residential / Nursing and Non-residential services from 08/04/2019.

**Reason why Decision is needed :**

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**Background**

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.

Under section 59 of the Social Services and Well-being Act (Wales) 2014, a local authority is given the right to charge a fee for care and support services. In the provisions, it is noted that local authorities must:

- *ensure that people are **not** charged a fee that is of a greater amount than is practically reasonable for them to pay and no fee must be charged that is*
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*greater than the cost to the authority in relation to the provision or arrangement of the care and support they receive or they arrange themselves by means of direct payments*

On 17 January 2017, Gwynedd Council's 'Charging Policy for Adults Care and Support Services' was approved by the Cabinet. The policy confirms that the Council will charge a fee for residential / nursing and non-residential care services, and elaborates on how the Council will do this.

In order to meet the requirements of the Social Services and Well-being (Wales) Act 2014, the Council ensures that people are **not** charged a fee that of a greater amount than is practically reasonable for them to pay by extending the offer for every individual to complete an assessment of their financial means. The person's contribution towards the cost of their service will be determined based on the results of the means assessment. Every means assessment is undertaken in accordance with section 63 of the Act and the Care and Support (Charging) (Wales) Regulations 2015.

The cost of a service unit provided can vary greatly. The Council has different commissioning arrangements for every type of service. A brief explanation of the various arrangements is to follow, but it should be noted that commercial decisions steer the prices paid for services commissioned in the independent sector. Similarly, the actual costs of carrying out the in-house services steer the fees charged for in-house services.

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. This is an important principle that is used with all types of services when this is a practical process to follow. In doing so, the Council ensures compliance with the requirements of the act, i.e. that the people with the financial means pay in full for their services do so in full, up to the statutory limit set by Welsh Government. People who require assistance to pay for their services receive assistance based on the results of their financial means assessment. Normally, this will mean that a person pays the full fee (unit cost) until they reach the weekly limit that is determined on the basis of their financial means assessment. Then, in these cases, the Council pays the remainder of the weekly cost.

### **Explanation / Reasons for the New Fees**

#### **Fees for Residential Services - Gwynedd Council Homes**

The standard fee that is being proposed for Gwynedd Council Homes is a direct reflection of the total cost of providing the service incurred by the Council. Over the past two years, the Council has made an additional investment in the residential homes. This investment has been made in response to the need to increase staffing levels and to extend the intensive

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care provision (EMI) at the homes. Also during this period, employment costs have increased.

The actual weekly cost of the provision has increased from £622.37 in 2018/19 to £690.97 in 2019/20. In order to ensure that the people who have the means to pay in full for their services actually pay in full, there will be a need to approve that the fee payable by the people who receive the service is set on the same level.

Please note; this fee was increased in 2018/19 from £581.28 to £622.37. No changes were made to the fee in the previous five years, it had remained fixed at £581.28 since 2011.

### **Residential and Nursing Services Fees - Independent Sector Homes**

The increase in the fees for service users reflect the increase agreed to the standard fees being paid to the care providers in the independent sector.

The standard fee being paid to the providers in the independent sector has been set by following a methodology agreed between the providers and Local Authorities in North Wales. Based on the regional methodology, and local adaptations to specific elements of it, a proposed version of fees for 2019/20 was submitted to Gwynedd providers at a Providers Forum in November 2018. At this Forum, a specific period for consultation on the proposed standard fees was set. It can be ensured that the observations received from providers as a part of the consultation have been considered in full.

A full list of the new fees set can be seen in the Table below. In order to ensure that the people who have the means to pay in full for their services actually pay in full, there will be a need to approve that the fee payable by the people who receive the service is set on the same level.

It should be noted that circumstances can arise regularly which mean that different fees to the standard fees are paid. This could be due to, e.g. the needs of the service user becoming more profound, the placement being out-of-county or the home that is able to offer the care refusing to accept the Council's standard fee. In every such case, the service user is responsible for paying the full cost for his/her residential / nursing care. Every service user will be offered a financial means assessment to determine his/her contribution in accordance with the Council's charging policy.

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## Fees for Non-residential Services

### Maximum Weekly Fee

It should be noted that Welsh Government has given Local Authorities permission to increase the maximum weekly fee for non-residential services from £80 to £90 a week from 08/04/2019. In accordance with Gwynedd Council's charging policy, the maximum weekly fee in Gwynedd will follow Welsh Government's recommendation and will increase to £90 a week from 08/04/2019.

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

A range of different hourly fees are paid to providers in the independent sector which is based on the North Wales regional tendering process. It is not practical for the Council to charge the person who receives the service based on the care provider. Consequently, one standard hourly fee is set across Gwynedd. The fee is set based on the fee paid to the cheapest provider with a 5% supplement to pay for costs associated with providing the care.

From 08/04/2019, the standard fee will increase from £17.10 per hour to £17.56 per hour.

Every service user will be offered a financial means assessment to determine his/her contribution in accordance with the Council's charging policy.

### Direct Payments

The hourly rate paid as a Direct Payment will be increased from £12.14 to £12.62 per hour, in line with inflation. The service user's contribution towards the cost of his/her care is also being increased to £12.62 per hour to reflect this increase. Every service user will be offered a financial means assessment to determine his/her contribution in accordance with the Council's charging policy.

### Telecare

A review of the Telecare service has taken place over the past year and another report will be submitted to propose changes to the fees for this service.

### Shared Lives Scheme

In 2018/19, the fees were as follows:

- Band 1- £290 per week
  - Band 2- £380 per week
  - Band 3- £470 per week
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In addition, this is the fee charged to people who receive a service through the Scheme.

Following a review in the context of inflation, the following fees will be payable to the providers from 08/04/2019.

- Band 1- £300 per week
- Band 2- £390 per week
- Band 3- £480 per week

For consistency, it is recommended that the same increase be made to the fees payable by the people who receive the service.

Every service user will be offered a financial means assessment to determine his/her contribution in accordance with the Council's charging policy.

#### Food and Refreshments in Day Care

Due to the inflation on food costs, it is recommended that the fee for food and refreshments in day care be increased from £4.35 to £4.50 per day.

The fee for food and refreshments in day care is dealt with as a 'Uniform Fee' and consequently, the person who chooses to receive 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 has to pay.

#### Impact Assessment

An Equality assessment has been held in relation to this decision, see 'Appendix A'. The outcome of the assessment was considered when weighing up the decision. It was identified that the decision affects older people and people with disabilities. However, every service user continues to receive an assessment of his/her financial means before making a payment. 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 increase in inflation that has occurred in the actual cost of purchasing the provision. No changes are being proposed to the constitution or to the principles of the charging policy.

Reference can also be made to our duties under the Well-being of Future Generations (Wales) Act 2015. This decision offers a solution that is sustainable and has been developed in a way that meets these requirements.

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It should be noted that the 2014 Act also notes that the costs set in relation to the relevant Services should not be higher than the actual cost of arranging/providing the service. We can confirm that this is the case.

### Decision

To approve the fees listed in the tables below as the fees payable by the people who receive these services (subject to a financial means assessment where appropriate) for 2019/20, to commence on 8 April, 2019.

<b><u>Tabl Ffioedd Gwasanaethau Preswyl a Nyrsio – Residential &amp; Nursing Care Fees Table</u></b>		
	<b>2018/19</b>	<b>2019/20</b>
<b>Ffi Safonol Cartrefi Preswyl Cyngor Gwynedd</b> <i>Gwynedd Council Care Homes Standard Fee</i>	£622.37 yr wythnos/ per week	£690.97 yr wythnos/ per week
<b><u>Cartrefi Gofal Preifat ac Anibynnol/ Private and Independent Sector Care Homes</u></b>		
<b>Categori gofal/ Category of Care</b>	<b>2018/19</b>	<b>2019/20</b>
Preswyl (yn cynnwys dibyniaeth uchel) <i>Residential (including high dependency)</i>	£525.07 yr wythnos/ per week	£544.16 yr wythnos/ per week
Preswyl – dementia/EMI <i>Residential – dementia/EMI</i>	£585.41 yr wythnos/ per week	£605.74 yr wythnos/ per week

Nyrsio <i>Nursing</i>	£606.92* yr wythnos/ <i>per week</i>	£628.46* yr wythnos/ <i>per week</i>
Nyrsio – dementia/EMI <i>Nursing – dementia/EMI</i>	£639.19* yr wythnos/ <i>per week</i>	£662.53* yr wythnos/ <i>per week</i>
* Dim yn cynnwys cyfraniad y Bwrdd Iechyd/ <i>Not including the Health Board Contribution.</i>		

<b>Tabl Ffioedd Gwasanaethau Dibreswyl- <i>Non Residential Fees Table</i></b>		
<b>Math o Wasanaeth/ <i>Type of Service</i></b>	<b>2018/19</b>	<b>2019/20</b>
Gofal Cartref/ <i>Home Care</i>	<b>£17.10</b> yr awr/ <i>per hour</i>	<b>£17.56</b> yr awr/ <i>per hour</i>
Gofal Cartref- Oriau Nos/ <i>Home Care- Night Time Hours</i>	<b>£17.10</b> yr awr/ <i>per hour</i>	<b>£17.56</b> yr awr/ <i>per hour</i>
Llety gyda Chymorth/ <i>Assisted Living Accommodation</i>	<b>£17.10</b> yr awr/ <i>per hour</i>	<b>£17.56</b> yr awr/ <i>per hour</i>
Taliadau Uniongyrchol/ <i>Direct Payments</i>	<b>£12.14</b> yr awr/ <i>per hour</i>	<b>£12.62</b> yr awr/ <i>per hour</i>



Teleofal Pecyn Sylfaenol/ <i>Telecare Basic Package</i>	<b>£3.30*</b> yr wythnos/ <i>per week</i>	<b>£4.50*</b> yr wythnos/ <i>per week</i>
Cynllun Cysylltu Bywydau/ <i>Shared Lives Scheme</i>		
Band 1/ <i>Band 1</i>	<b>£290.00</b> yr wythnos/ <i>per week</i>	<b>£300.00</b> yr wythnos/ <i>per week</i>
Band 2/ <i>Band 2</i>	<b>£380.00</b> yr wythnos/ <i>per week</i>	<b>£390.00</b> yr wythnos/ <i>per week</i>
Band 3/ <i>Band 3</i>	<b>£470.00</b> yr wythnos/ <i>per week</i>	<b>£480.00</b> yr wythnos/ <i>per week</i>
Lluniaeth mewn Gofal Dydd/ <i>Food and Refreshment at Day Care Centres</i>	<b>£4.35</b> y dydd/ <i>per day</i>	<b>£4.50</b> y dydd/ <i>per day</i>
*The increase to the fee for the Telecare service has already been agreed by means of another decision notice following a recent review.		

<b>Manylion Ariannol Eraill/ Other financial Details</b>		
	<b>2018/19</b>	<b>2019/20</b>
<b>Terfyn Cyfalaf/ Capital Limit</b>		
<b>Gofal Preswyl a Nyrsio/ Residential and Nursing</b>	£40,000.00	£50,000.00
<b>Gofal Dibreswyl/ Non-Residential Care</b>	£24,000.00	£24,000.00
<b>Isafswm Incwm Preswyl a Nyrsio/ Residential &amp; Nursing Minimum Income Amount</b>	£28.50	£29.50
<b>Diystyriaeth Credyd Cynilion/ Savings Credit Disregard</b>	£5.75 yr wythnos sengl/ per week single  £8.60 yr wythnos cwpl/ per week couple	£5.75 yr wythnos sengl/ per week single  £8.60 yr wythnos cwpl/ per week couple
<b>Uchafswm Ffi Wythnosol- Gwasanaethau Dibreswyl/ Maximum Weekly Charge- Non-Residential Services</b>	£80.00 yr wythnos/per week	£90.00 yr wythnos/per week
<b>Taliadau Gohiriedig/ Deferred Charges</b>		
	<b>2018/19</b>	<b>2019/20</b>

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/ Online) Neu/ Or £40.00 (Post/ Post)	£20.00 (Dros y We/ Online) Neu/ Or £40.00 (Post/ Post)
Ffi Prisiad Eiddo/ <i>Property Valuation Fees</i>	£150.00	£150.00
Ffi Weinyddol/ <i>Administrative charge</i>	£51.00	£51.00

**Reason and justification behind the Decision :**

Choosing not to transfer the actual cost of these services to the people who have been assessed as having the financial means to pay in full would mean that the Council would lose out on money that could be collected. This subsequently leads to a larger financial deficit in the budgets of the Adults Department.

**Declarations of personal interest by any Cabinet Member consulted with and any relevant dispensations approved by the Standards Committee**

Not relevant

**Any consultations undertaken prior to making the decision :**  
Not relevant

Head of Finance –

The leaflet explains that the 2014 Act allows the local authority to charge a person for providing or arranging care and support, but that this charge cannot exceed the cost to the local authority of meeting the needs. The leaflet sets out - by the type of residential / non-residential care - the relationship between the new fees recommended and what will be paid to providers in 2019/20.

I am satisfied that the package as a whole for 2019/20 is likely to generate sufficient income to meet the income requirements of the relevant services, after adding inflation and after considering the increased costs due to increased demand for intensive care. Therefore, I support the Cabinet Member's decision to approve the fees and charges for residential and non-residential care.

Monitoring Officer –

The report has been the subject of legal input. There are no comments to add from a propriety perspective.

Local Member/s –

Not relevant

## FULL EQUALITY IMPACT ASSESSMENT

### 1) AUTHOR(S) OF ASSESSMENT

Aled Davies, Head of 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

18 February 2019

### 4) ASSESSMENT END DATE

14 February 2019

### 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 620 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 2,200 non-residential service users. Older people and disabled people make-up the highest percentage of non-residential 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.

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**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
<b>Abolishing illegal discrimination, harassment and victimisation</b>	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
<b>Promoting equal opportunities</b>	None	Not relevant
<b>Fostering good relationships</b>	None	Not relevant



9b)

Characteristics	Relevance	The actual or likely impact
<b>Race</b>	None	Not relevant to this characteristic.  Prepared to provide in different languages.
<b>Disability</b>	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 are able to afford.
<b>Gender</b>	None	Not relevant to this characteristic.
<b>Gender reassignment</b>	None	Not relevant to this characteristic.
<b>Sexual orientation</b>	None	Not relevant to this characteristic.
<b>Religion or belief</b>	None	Not relevant to this characteristic.
<b>The Welsh language</b>	None	No impact, everything would be available bilingually.
<b>Age</b>	Negative	The changes would 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 are able to afford.

Appendix A

<b>Pregnancy and maternity</b>	None	No impact.
<b>Marriage and civil partnership</b>	None	No impact

## 10) ADDRESSING THE IMPACT

a)	<p><b>Note any possible impact in terms of equality (i.e. a summary of the above)</b></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, it must be confirmed that 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 are able to afford.</p>
b)	<p><b>What steps can be taken to reduce or improve these impacts?</b></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. The Council could choose not to use the discretion to charge/increase contributions but this would likely lead to cuts in 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><b>Is there a need to reconsider the plan?</b></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.