

## SOCIAL SERVICES CHARGING POLICIES

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### Reason for the Report

1. To provide the Committee with background information to enable Members to carry out pre-decision scrutiny of the draft proposals for the Social Services Charging Policies prior to its consideration by the Cabinet at its meeting on the 23 January 2020
2. A copy of the draft cabinet report is attached at **Appendix A**, which in turn contains the following:
  - **Appendix 1** –Non-Residential Charging Policy
  - **Appendix 2**- Residential Charging Policy

### Background

3. The policies contained in the attached Appendices, set out the responsibilities of Cardiff Council concerning charging for costs incurred when providing care and support in a residential, nursing or non-residential settings. It also defines what costs are chargeable and those non-chargeable and a breakdown of how an individual's income and capital is calculated within the financial assessment.
4. The policies hope to ensure that charging, where it occurs, is consistent fair and clearly understood. The draft cabinet report also notes that individuals who are asked to pay a charge will only be required to pay what they can afford; this is ensured through the financial assessment.

5. The draft Cabinet report requests Cabinet to approve the Social Services Charging Policies; one for residential and nursing care and one for non-residential care. The policy has been formed in line with the requirements and principles set out in the charging and financial assessment framework introduced by the Social Services and Well-being (Wales) Act 2014 (SSWBWA).
6. Along with providing the statutory framework for social services in Wales, Section 61 of SSWBWA provides regulations on how charging arrangements are to operate in accordance with section 59 of the Act ('Charging Regulations').
7. The policy is also written with particular reference to the following documents:
  - The Care and Support (Financial Assessment) (Wales) Regulations 2015;
  - The Care and Support (Charging) (Wales) Regulations 2015;
  - The Care and Support (Choice of Accommodation) (Wales) Regulations 2015;
  - The Care and Support (Deferred Payment) (Wales) Regulations 2015;
  - The Care and Support (Review of Charging Decisions and Determinations) (Wales) Regulations 2015.
8. Under the non-residential charging policy (**Appendix 1**) the following services are chargeable:
  - Domiciliary (home care) services;
  - Day care services;
  - Supported living services;
  - Direct payments;
  - Independent living service;
  - Telecare;
  - Respite care (up to 8 weeks).
9. With regard to the residential charging policy (**Appendix 2**), Members are reminded that the Council has recently undertaken a cost of care exercise on care home fees, which has resulted in the Council agreeing a set rate for care home costs (*CASSC, Older Persons Care Home Fee Setting Strategy November 2019*).

10. Chargeable services under the residential charging policy (**Appendix 2**) are:

- Temporary and permanent residential care
- Temporary and permanent nursing care
- Direct Payments

### **Communication of the Charges**

11. In order to ensure individuals understand why they are being charged and how charges are calculated, information and advice about charging will be available in appropriate formats, which take account individual communication needs, in particular for those with a sensory impairment, learning disability or for whom Welsh or English is not their first language.

12. If an individual lacks capacity they will still be subject to a financial assessment in order to determine if they are required to contribute towards the cost of their care and support. Appropriately skilled staff will communicate with the individual and where possible, will consult with family and friends to make financial decisions on behalf of an individual who lacks capacity. If there is no such person, then an approach to the Court of Protection may be required.

### **Scope of Scrutiny**

13. At this meeting, Councillor Susan Elsmore, (Cabinet Member Social Care, Health & Well-Being) along with relevant officers from the Social Services Directorate will be in attendance to give a presentation and answer Members' questions. Officers from Social Services (Adult Services) will take Members through the draft cabinet report and answer any questions arising.

14. Pre-decision scrutiny aims to inform Cabinet's decisions by making evidence based recommendations. Scrutiny Members are advised to:

- a. Look at the information provided in the report to Cabinet and its subsequent appendices to see if this is sufficient to enable the Cabinet to make an informed decision;
- b. Check the financial implications section of the Cabinet report to be aware of the advice given;
- c. Check the legal implications section of the Cabinet report to be aware of the advice given;
- d. Check the recommendations to Cabinet to see if these are appropriate.

15. Members will then be able to decide what comments, observations or recommendations they wish to pass on to the Cabinet for their consideration prior to making their decisions on the 23 January 2020.

### **Legal Implications**

16. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to the Cabinet/Council will set out any legal implications arising from those recommendations. All decision taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirements imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be taken having regard to the Council's fiduciary duty to its taxpayers; and (he) be reasonable and proper in all the circumstances.

### **Financial Implications**

17. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

## **RECOMMENDATIONS**

18. The Committee is recommended to:
  - a. Consider the information provided in the draft cabinet report attached at **Appendix A** and the subsequent appendices;
  - b. consider the information provided at the meeting; and
  - c. determine whether it wishes to relay any comments or observations to the Cabinet for consideration at its meeting on the 23 January 2020.

**Davina Fiore**

**Director of Governance & Legal Services**

**2 January 2020**