

ISLE OF ANGLESEY COUNTY COUNCIL

Report to	Executive Committee
Date	10 February, 2014
Subject	Community Based Services – 2014/15 Charges
Portfolio Holder(s)	Councillor Kenneth P Hughes
Lead Officer(s)	Carys Emyr Edwards, Interim Head of Adults' Services
Contact Officer	Gareth Llwyd, Business Support Unit Manager Ian Price, Financial Systems Manager
Nature and reason for reporting	
Confirm the charging policy in respect of community based services during 2014/15.	

A – Introduction / Background / Issues

It is usual practice to review the charges in respect of domiciliary services annually to coincide with Central Government revision of benefit and pension levels which will apply this year from **Monday 7 April, 2014**.

The Welsh Government made a commitment back in 2008/9 to “create a more level playing field in relation to charges for domiciliary care services”. This commitment manifest itself in the publication of the Green Paper entitled “Paying for Care in Wales: Creating a Fair and Sustainable System” (Spring, 2009). The Welsh Government’s commitment to endeavour to “create a more level playing field” was evidenced around the belief that there were wide variations in charging practices and actual charge levels across Wales.

To that end, the Welsh Government has sought the legislative competence to amend the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA). This Measure – the Social Care Charges (Wales) Measure 2010 – was made in 2010 and has replaced HASSASSA in Wales as the legislation by which Local Authorities have the local discretion to charge for non- residential social services. The Measure and associated Statutory Regulations and Guidance enables Authorities to continue to retain the discretion to charge but does require local compliance with these statutory frameworks.

The above revised legislative framework has established the parameters within which Local Authorities can apply charging policies in respect of all domiciliary based care services from now on. It is fair to conclude that the aforementioned measure places clear national parameters around charges with little scope for local discretion.

B - Considerations

The Authority has historically confirmed minimum residual income levels year on year in respect of both persons of pensionable age and individuals below pension age which has ensured a protected 45% buffer over and above the income support or pension credit levels. Indeed, this has been the case since April, 2007.

The Authority's charging framework in relation to domiciliary services commissioned was amended from April 2012 to include applying an uplift to service users with the financial means to contribute. Historically our charging policy was underpinned by eligibility to state benefits and maintaining a low level charge in respect of self-funding service users.

We have been advised by Finance that a 5% guideline increase should be applied in respect of discretionary charges for community non-residential social care services during 2014/15. This will however not be possible to apply in relation to the majority of domiciliary care services due to the statutory parameters dictated by the Social Care Charges (Wales) Measure 2010.

C – Implications and Impacts

1	Finance / Section 151	
2	Legal / Monitoring Officer	
3	Human Resources	None
4	Property Services (see notes – separate document)	
5	Information and Communications Technology (ICT)	
6	Equality (see notes – separate document)	
7	Anti-poverty and Social (see notes – separate document)	
8	Communication (see notes – separate document)	
9	Consultation (see notes – separate document)	

C – Implications and Impacts		
	document)	
10	Economic	None
11	Environmental (see notes – separate document)	
12	Crime and Disorder (see notes – separate document)	
13	Outcome Agreements	

CH - Summary	
See above	

D - Recommendation	
The Executive Committee is asked to endorse:	
R1	Home care charges outlined in paragraph 4.4.2 of this report;
R2	Charges for meals in day services outlined in paragraph 4.5.2;
R3	Charges for Telecare services as outlined in paragraph 4.7.3;
R4	Freezing of Direct Payments rate at £10.50 / hour as outlined in paragraph 4.8.3 above;
R5	Maintain a charge of £10.00 for the administration in relation to blue Badge requests and replacements.

Name of author of report Gareth Llwyd
Job Title Business Support Unit Manager
Date 24.01.2014

Appendices:

Background papers

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Contact Officer:	Gareth Llwyd, Business Support Unit Manager Ian Price, Financial Systems Manager
Report By:	Carys Emyr Edwards, Head of Service
Corporate Director:	Gwen Carrington, Director of Community

1.0 BACKGROUND/CONTEXT

- 1.1 It is usual practice to review the charges in respect of domiciliary services annually to coincide with Central Government revision of benefit and pension levels which will apply this year from **Monday 7 April, 2014**.
- 1.2 The Welsh Government made a commitment back in 2008/9 to “create a more level playing field in relation to charges for domiciliary care services”. This commitment manifest itself in the publication of the Green Paper entitled “Paying for Care in Wales: Creating a Fair and Sustainable System” (Spring, 2009). The Welsh Government’s commitment to endeavour to “create a more level playing field” was evidenced around the belief that there were wide variations in charging practices and actual charge levels across Wales.
- 1.3 To that end, the Welsh Government has sought the legislative competence to amend the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA). This Measure – the Social Care Charges (Wales) Measure 2010 – was made in 2010 and has replaced HASSASSA in Wales as the legislation by which Local Authorities have the local discretion to charge for non-residential social services. The Measure and associated Statutory Regulations and Guidance enables Authorities to continue to retain the discretion to charge but does require local compliance with these statutory frameworks.
- 1.4 The above revised legislative framework has established the parameters within which Local Authorities can apply charging policies in respect of all domiciliary based care services from now on. It is fair to conclude that the aforementioned measure places clear national parameters around charges with little scope for local discretion.

2.0 DISCUSSION

2.1 First Steps Improvement Package – with a view to introducing more consistency in Local Authority charging, a First Steps Improvement Package has been implemented which include Regulations:

- To make the statutory elements of the Fairer Charging Guidance mandatory, e.g. the “buffer” and disability related expenditure disregard. This is in order to protect the level of disposable income a service user retains after charging has taken place;
- Setting out a maximum weekly charge of £50 for all those services that fall within the scope of the Measure and for which a Local Authority makes a charge;
- Prohibiting Local Authorities from charging for transport to day services. This puts those service users on a par with older people and people with disabilities who receive free travel under the Welsh Assembly Government concessionary fares policy;
- Requiring Authorities to introduce a process for reviewing charging decisions so as to put in place a consistent way for these to be reviewed should a service user so wish to.

2.2 Funding Income Foregone – The Welsh Government have included in the Rate Support Grant from 2011/12 onwards a reimbursement associated with implementation of elements of the First Steps Improvement Package. This reimbursement has been distributed to Local Authorities (via the RSG) on the basis of the Older People’s PSS formula. There will therefore be a need again this year, for the Department to fully estimate the actual loss of income incurred during 2014/15 as a result of introducing the new statutory expectations in the Measure and related Regulations.

3.0 REVIEW OF LOCAL CHARGING POLICIES AND PRACTICES – 2014/15 ONWARDS

3.1 A position statement was submitted to the Board of Commissioners on 20 February, 2012 concerning the annual revision of fees and charges and also seeking endorsement of the underpinning policy context. To that end, there needs to be a realignment between activity and spend within Adults’ Services to enable more investment in service models to maintain people in their own homes and local communities. This consequently requires the need for a re-appraisal of possibilities/options around maximising income through fees and charges.

3.2 The Local Authority now needs to review charging policies and practices for 2014/15 to ensure compliance with the requirements of the Social Care Charges (Wales) Measure 2010 and associated Regulations and Statutory Guidance – with effect from Monday 7 April 2014.

4.0 2014/15 CHARGES - OPTIONS

- 4.1 The Authority has historically confirmed minimum residual income levels year on year in respect of both persons of pensionable age and individuals below pension age which has ensured a protected 45% buffer over and above the income support or pension credit levels. Indeed, this has been the case since April, 2007.
- 4.2 The Authority's charging framework in relation to domiciliary services commissioned was amended from April 2012 to include applying an uplift to service users with the financial means to contribute. Historically our charging policy was underpinned by eligibility to state benefits and maintaining a low level charge in respect of self-funding service users.
- 4.3 We have been advised by Finance that a 5% guideline increase should be applied in respect of discretionary charges for community non-residential social care services during 2014/15. This will however not be possible to apply in relation to the majority of domiciliary care services due to the statutory parameters dictated by the Social Care Charges (Wales) Measure 2010.

4.4 HOME CARE SERVICES

- 4.4.1 The Social Care Charges (Wales) Measure 2010 necessitates that Local Authorities set the **minimum residual income levels in respect of the coming year**. As in previous years, the Authority will need to confirm the following residual income levels having allowed for a 45% buffer together with the uplift in benefit and pension levels effective as of 07 April, 2014. Below are the residual income levels to be applied during 2014/15:-

- **Persons of Pension Age: £215.11**
- **Persons below Pension Age: £151.16**

4.4.2 AVAILABLE OPTION

The only scope within the constraints of the Social Care Charges (Wales) Measure would be to consider the propriety of applying an uplift to service users with the financial means to contribute. The table below summarises the effect of applying this principle:-

HOME CARE (OLDER PEOPLE): 2014/15 PROPOSED CHARGES

CATEGORY	2013/14 CHARGE	2014/15 CHARGE (PROPOSED)	% Increase
1. On means tested benefits – NOT receiving Higher Attendance Allowance (£81.30)	NO CHARGE	NO CHARGE	N/A
2. On means tested benefits – IN RECEIPT OF Higher Attendance Allowance (£81.30)	£13.72/week	£14.54/week*	5.98%
3. Not in receipt of means tested benefits and subject to the residual income level detailed in paragraph 4.4.1 Above	£50.00/week	£50.00/week (Welsh Government are currently considering options on revising the £50 maximum weekly charge. Any revision would be effective from April 2014)	1. National weekly charge capped by Welsh Government. 2. Subject to means test.

The **national statutory requirement** of ensuring a 45% buffer is applied over and above income support or pension credit levels. Applying the above charging framework would yield an additional estimated £5000 in income (full year and based on current volume levels and financial profile of service users).

In complying with the Welsh Government's Social Care Charges (Wales) Measure 2010, there appears to be no scope to charge people below pension age (<65 years age) with exception to those in receipt of the higher level of DLA (Disability Living Allowance). The proposed charge of £14.54/week to be applied in respect of clients over Pension Age is however allowable.

4.5 MEALS IN DAY SERVICES

4.5.1 This charge applies to meals and refreshments supplied at all Day Service locations.

4.5.2 The following principles are proposed :-

- apply a 5% increase in respect of the provision of all meals/refreshments.

The following table summarises the proposed charges.

PROVISION OF MEALS: 2014/15 PROPOSED CHARGES

	2013/14 Charges	2014/15 (Proposed Charges)
Meals in Day Services for adults (excluding people with Learning Disabilities)	£4.75	£5.00
Mid-day snack in day services for people with Learning Disabilities	£1.95	£2.05
Other Refreshments (tea / coffee/ cake) in day services	£1.10	£1.15

4.6 TRANSPORT TO DAY SERVICES

4.6.1 In order to comply with the Social Care Charges (Wales) Measure 2010 and associated Statutory Regulations and Guidance charges in respect of transport to day services ceased on 10 April, 2011.

4.7 TELECARE CHARGES

4.7.1 The following factors must be taken into account when determining a fair charge for the Telecare service:

- Local Authority Contribution to the Regional Monitoring Galw Gofal Service;
- Maintenance charges;
- Telecare equipment costs;
- Finance and Administration costs;
- Installation costs;
- Costs of recycling equipment;
- Costs of bi annual Health & Safety visual checks ;
- Impact on current business.
- Transformation of Adults' Services.

4.7.2 The aim is to develop a charging structure that balances the identified benefits of people being able to remain independent at home, the demand for the service and the levels of subsidy that the Council is able to provide. Charging and policy interfaces with regulations associated with the Social Care Charges (Wales) Measure requirements, Supporting People Programme Charging Policy requirements, CHC grant funding, historical Community Alarm/Telecare charging and Telecare grant arrangements and the practicalities of assessment and collection all need to be considered.

4.7.3 This is an area of development within preventative services for older people and forms part of the Local Authority's Commissioning Strategy. Telecare is also the subject of one of the Authority's Outcome Agreements which has recently begun to recover from performance breach. It is proposed that the charges levied in respect of 2014/15 are increased by 5%.

TELECARE: 2014/15 PROPOSED CHARGES

Equipment	2013/14 Charges) £	(Proposed 2014/15 Charges) £
Ynys Môn Service Users pre 2007	£1.80	£1.89
Basic Telecare (Tier 1) packages	£3.00	£3.15
Environmental Telecare (Tier 2) packages	£6.00	£6.30
Personal Care Telecare (Tier 3) packages	£6.00	£6.30
Installation Charge	One off charge of £35.00 for installation of equipment	One off charge of £36.75 for installation of equipment
Elements included in the above charges		
Annual Monitoring Charge	£1.09	£1.14
Annual Maintenance Charge	£0.60	£ 0.63

4.8 DIRECT PAYMENTS

4.8.1 Direct Payments enable individuals to purchase the assistance on services that the Local Authority would otherwise have provided. Direct Payments support independent living by enabling individuals to make their own decisions and have control over their own lives. In Wales, the Scheme has gradually been extended to include:-

- Older People
- Carers
- Parents of Children with Disabilities
- Adults with Disabilities

4.8.2 Since April, 2011 the scope of direct payments has also been extended to include people who lack the capacity to give their consent. Also included are people whom were formerly excluded because they were subject to mental health or criminal justice legislation. People without capacity can access direct payments via the use of a "suitable person" who will receive the payments on their behalf.

4.8.3 The Community Care Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011 stipulate the boundaries within which direct payments scheme may be set up and managed. This was endorsed at a meeting of the Board of Commissioners on 20/02/12. In this respect, particular reference was made to the need to realign activity and spend within Adults' Services to enable more investment in service models to maintain people in their own homes and Local Communities. To that end, it was noted that particular credence needed to be given to Direct Payments as a vehicle to facilitate individuals' entitlement to funding and resource acquisition so that they may fund their own support needs.

The Direct Payment level of £10.50 / hour was set in 2010. It is proposed that this level is maintained in respect of 2014/15 in support of the policy drivers referred to above.

4.9 MODERNISATION OF BLUE BADGE SCHEME IN WALES

In December 2011, the Minister for Local Government and Communities announced a number of significant changes to the Blue Badge Scheme in Wales. These changes are summarised below:

4.9.1 Extending eligibility to children under the age of 3 who must be accompanied by bulky medical equipment or may need access to vehicles for emergency medical treatment. Eligibility has also been extended to include severely injured war veterans whom fall within tariffs 1-8 of the Armed Forces Compensation Scheme.

4.9.2 A key change is that from 1 April, 2012 individual badge holders will no longer be charged for their Blue Badge. However there is local discretion for individual Local Authorities to charge up to £10 / badge in respect of organisational and replacement badges.

It is recommended that the charge of £10 / badge levied in respect of organisational and replacement badges (lost / stolen) effective as of 1 April, 2012, be levied in respect of 2014/15.

5.0 RECOMMENDATIONS

The Executive Committee is asked to endorse:

- R1 Home care charges outlined in paragraph 4.4.2 of this report;
- R2 Charges for meals in day services outlined in paragraph 4.5.2;
- R3 Charges for Telecare services as outlined in paragraph 4.7.3;
- R4 Freezing of Direct Payments rate at £10.50 / hour as outlined in paragraph 4.8.3 above;
- R5 Maintain a charge of £10.00 for the administration in relation to blue Badge requests and replacements.