



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
Social Care, Health & Well-being Cabinet Board**

5th September 2019

Report of the Head of Adult Services – Ms A. Thomas

Matter for Decision

Wards Affected: All wards

Adult Services Debt Management and Recovery Policy

Purpose of the Report:

To approve the Adult Services Debt Management and Recovery Policy in accordance with the Social Services and Well-being (Wales) Act 2014 ('the Act').

Executive Summary:

The general provisions governing a local authority's recovery of a debt are set out in section 70 (Recovery of charges, interest, etc.) of the Act.

Under the Act, where a debt has been accrued by a service user, the local authority should take all reasonable steps including proper investigation of how it has arisen. Consideration must also be given both of the extent to which recovery is appropriate and of all reasonable means of recovery.

This policy sets out a framework for Neath Port Talbot Council ('the Council') to undertake the above.

Background:

Under the Act, and the Regulations and Codes of Practice issued under it, the Council has a charging policy under which it charges, in the manner and extent prescribed by regulations and guidance, for the provision of care and support to those in need in the County Borough.

People eligible for care and support from the Council will receive a financial assessment, following which they may be asked to pay a charge towards the cost of the care and support. People will only be required to pay what they can afford in accordance with regulations, further outlined in the Council's Residential and Non-Residential Care Charging Policy.

In the interests of good financial management and accountability, the Council needs to demonstrate to our residents, clients, elected members and council tax payers that, where applicable, it collects all sums due as a result of the Council meeting a person's eligible care and support needs, from whatever source, as effectively and efficiently as possible.

Local authorities must bear in mind that there are a number of genuine reasons why a debt may occur and they must consider each case on an individual basis.

This policy provides a legal framework to enable legal enforcement, where necessary, to recover debts accrued in relation to the provision of care and support provided directly or commissioned by Adult Services.

Financial Impacts:

The Adult Services Debt Management and Recovery Policy has been developed on the basis of the Directorate's budgetary savings for 2019-20.

Integrated Impact Assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage impact assessment has indicated that a more in-depth assessment was required. A summary is included below.

An overview of the Integrated Impact Assessment has been included below in summary form only and it is essential that Members read the Integrated Impact Assessment, which is attached to the report at Appendix 3, for the purposes of the meeting.

This is one of a range of new policies which aim to improve fairness of access to services, as well as the long term sustainability of service provision in line with the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

The aim of the Adult Services Debt Management and Recovery Policy is to prevent debt from arising in the first place, reduce its occurrence and recover monies wherever possible. As such it promotes safeguarding of vulnerable clients and contributes towards service sustainability to meet the outcomes of a growing population with adult social care needs.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

The Policy has been developed in line with the Social Services and Well-being (Wales) Act 2014, associated Regulations and Codes of Practice.

Risk Management Impacts:

Failure to implement the policy will require equivalent financial savings to be made by other means.

Consultation:

There is no requirement for external consultation on this item.

Recommendations:

It is recommended that Members approve the Adult Services Debt Management and Recovery Policy attached as Appendix 1 to this report.

Reasons for Proposed Decision:

To comply with the requirements of the Social Services and Wellbeing (Wales) Act 2014 and Part 4 & 5 Code of Practice (Charging and Financial Assessment) Annex F, dealing with the recovery of debt and deprivation of assets.

Implementation of Decision:

The decision is proposed for implementation after the three day call in period.

Appendices:

Appendix 1 – Adult Services Debt Management and Recovery Policy.

Appendix 2 – First Stage Impact Assessment.

Appendix 3 – Integrated Impact Assessment.

List of Background Papers:

Social Services and Wellbeing (Wales) Act 2014 and associated Regulations (Part 4 and 5 Code of Practice).

<http://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

Deferred Payments Policy

<http://moderngov.neath-portalbot.gov.uk/documents/s45955/Deferred%20Payments%20Report%20-%204%20April%202019.pdf>

NPT Residential and Non-Residential Care Charging Policy.

https://democracy.npt.gov.uk/documents/s36079/050418%20Charging%20Policy%20Report_.pdf

Officer Contact:

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