

# **Neath Port Talbot County Borough Council Social Care, Health and Wellbeing Cabinet Board**

## **Report of the Director of Social Services Health and Housing – Andrew Jarrett**

**5<sup>th</sup> July 2021**

### **Matter for Decision**

**Wards Affected: ALL**

## **RESIDENTIAL AND NON-RESIDENTIAL CARE CHARGING POLICY**

### **Purpose of the Report**

To update the Residential and Non Residential Care Charging Policy (Appendix 1) in accordance with the Social Services and Wellbeing (Wales) Act 2014 i.e. SSWB Act 2014.

### **Executive Summary**

The current charging policy was approved by Members on 5<sup>th</sup> April 2018. This report is to request that the charging policy is updated to reflect any changes in legislation, to highlight dates and links with other social services policies.

### **Main Changes**

- Highlight the dates when service users will be eligible for financial assistance, which is ordinarily from the date a financial referral is made. Should the submission of financial evidence requested exceed 28 days from the date of the funding request, then financial assistance will only be considered from the date that the accompanying evidence is received
- To provide an example of deprivation of assets, where someone intentionally reduces their assets - such as money, property or income - so these won't be included in the financial assessment for care home fees.
- Reference to NPT's Fairness of Service Provision Policy and Debt Recovery Policy

**Financial Impact**

None.

**Integrated impact assessment**

This function does not require an Integrated Impact Assessment. The charges proposed by the Council are in line with the legislation.

**Valleys Communities Impacts**

No implications.

**Workforce Impact**

None.

**Legal Impact**

The charging policy is in line with the SSWB Act 2014 and associated regulations.

**Risk management**

None.

**Consultation**

There is no requirement under the Constitution for external consultation on this item.

**Recommendation**

It is recommended that Members approve the updated Residential and Non-Residential Care Charging Policy as set out in Appendix 1.

**Reason for Proposed Decision**

To update the Charging Policy to reflect any changes in legislation and highlight links with other Social Services policies.

**Implementation of Decision**

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

**Appendices**

Appendix 1 - Residential and Non Residential Care Charging Policy. The schedule of rates are included for information, having already been approved by members.

**List of Background Papers**

Social Services and Wellbeing (Wales) Act 2014 and associated Regulations.

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Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

**NEATH PORT TALBOT COUNCIL**

**RESIDENTIAL AND NON-RESIDENTIAL CARE**  
**CHARGING POLICY**

**IN ACCORDANCE WITH THE LEGAL**  
**REQUIREMENTS OF THE SOCIAL**  
**SERVICES AND WELL-BEING (WALES)**  
**ACT 2014 – PARTS 4 & 5 (CHARGING**  
**AND FINANCIAL ASSESSMENT)**

**JULY 2021**

## 1. Introduction

From 6<sup>th</sup> April 2016 the Social Services and Well-being (Wales) Act 2014 (referred to in this document as “The Act”) introduced one unified charging framework, which replaced all previous Acts and Regulations, relating to charging for Residential and Non-Residential Care.

Under the Act (and associated Regulations and a Code of Practice), Local Authorities have the power to require a person to pay a charge for providing or arranging the provision of care and support (under S.35-45) to meet a person’s needs. This income will continue to be essential in enabling this authority to manage resources effectively, sustainably and fairly, and to strive for continuous improvement in the future.

This Policy sets out how this authority intends to exercise its powers. It does not purport to set out the law and guidance provided in The Act, Regulations and Code of Practice (all of which can be found on the Care Council for Wales’ Care Information and Learning Hub, and also on the Welsh Assembly Government’s website) – the relevant links can be found below:-

Social Services and Well-being (Wales) Act 2014 – referred to as “The Act”

<http://www.legislation.gov.uk/anaw/2014/4/contents/enacted>

Charging and Assessment Regulations

<https://socialcare.wales/hub/sswbact-regulations>

Code of Practice (Parts 4 and 5) - Charging and Financial Assessment

<https://gov.wales/sites/default/files/publications/2020-04/part-4-and-5-code-of-practice-charging-and-financial-assessment.pdf>

The policy is not intended to contradict or fail to apply either law or statutory guidance, nor to operate in a discriminatory manner, and must be read and applied in a way which is compatible with the same.

The regulations provide a review mechanism under which challenges to the calculation of charges may be made for specified reasons.

Statements referring to any relevant fees, charges, hourly rates etc will be produced/updated annually (or when required), to reflect any changes to this policy, changes to The Act, or to meet any Welsh Government requirements (or changes in other legislation). A copy of the latest figures can be found in Appendix A.

## **2. Charging and Financial Assessments**

2.1 Since April 2016, the authority has exercised its discretion to use the powers available under S.59 of the Act, to require persons to pay a charge to the authority for providing or arranging the provision of care and support (or in the case of a carer support) to the full extent permitted by the Act and any subordinate legislation or statutory guidance.

2.2 The authority has also determined that when assessing the liability of persons to pay a contribution, it will take into account all financial resources, both capital and income, permitted by law, and to disregard only those financial resources required by law to be disregarded. For the avoidance of doubt, the value of any Funeral Bond or similar scheme to provide a sum towards funeral expenses will be taken into account.

2.3 The Care and Support (Financial Assessment) (Wales) Regulations 2015 require the authority to carry out financial assessment of a person seeking care and support for which a charge may be payable. Should a person choose not to, or fail to, declare and provide satisfactory evidence of their financial circumstances then:-

(a) For residential care and support they will be required to make their own arrangements for residential care directly with a provider, since failure to provide information terminates the duty to assess.

(b) For non-residential care and support they will be required to pay the Maximum Charge

2.4 Satisfactory evidence shall include completion of the authority's Declaration of Financial Circumstances form and provision of documentary evidence (e.g. bank statements) confirming all income received and capital assets held for a period of at least three 3 months immediately prior to the request for financial assistance. The authority may require evidence spanning a longer period and/or surrounding any events that have had the effect of reducing a person's liability to pay a charge, based on the evidence initially provided.

2.5 If a person's financial/household circumstances (or care plan) subsequently changes then the relevant changes must be communicated to the authority (in order for a determination to be made whether a re-assessment is required, and whether the changes will affect the person's assessed charge). Any changes in the charge will be back-dated to the date of the change in financial/household circumstances.

### **3. Residential Care**

3.1 In accordance with guidance issued by the Welsh Government in February 2016, where residential accommodation is provided for a period in excess of 8 weeks, but is less than 52 weeks, residential charging assessments will be carried out on an Temporary (Extended Care) basis. Where there is no planned discharge date (and/or the placement is known (on admission) to exceed 8 weeks), then the placement will be treated as Temporary (Extended Care) from the date of admission.

3.2 The authority has decided to apply the additional cost condition under regulation 4 of the Care and Support (Choice of Accommodation) (Wales) Regulations 2015 [as amended] in all situations where the cost to the authority of providing or arranging for the provision under S.57 of the Act of the preferred accommodation is greater than the cost that the local authority would usually expect to incur in providing or arranging the provision of care home accommodation to meet the needs of the person concerned.

3.3 Where a person's financial resources are such that they are liable to

make a contribution of the whole cost for the provision of residential care, but the person requests the authority meet his or her needs under S.35(4)(b)(ii) of the Act, the authority will exercise its power under S.59(3) and require a person to pay a charge to the authority (in addition to any charge imposed under subsection (1)) to cover the cost of putting in place and maintaining the arrangements for meeting those needs.

3.4 Where a person, who has arranged and been funding their care and support privately, approaches the authority to arrange their care and support (e.g. due to their capital assets falling below the relevant capital limit or a reduction in income) the authority will accept responsibility only from the date of referral/completion of a Declaration of Financial Circumstances form. Responsibility will not commence from any earlier date, upon which a change in financial circumstances might have triggered a duty to provide care and support had application been made at that time.

3.5 Failure to provide all necessary documentary evidence and information within 28 days from the date of the initial request for care and support will cause the application to be suspended and any provision of care and support will take effect from such later date when everything is provided, though a longer period may be allowed where the person in need of care and support lacks capacity and the person(s) assisting him or her experience difficulty in obtaining evidence from third parties.

#### **4. Deferred Payments**

The authority will charge interest and cost under Deferred Payment agreements as permitted by law

#### **5. Non-Residential Care**

5.1 Non-Residential Care services broadly comprises Domiciliary/Home Care, Domiciliary Respite Services, Residential Care based Respite Care (of up to 8 weeks), Lifelink Extra Assistive Technology package, Day Care Services, and Direct Payments in lieu of these. Persons who are in receipt of more than one of the above services will be provided with a single financial assessment, based on the total cost of all of the services

provided.

5.2 The authority has chosen to charge a Flat Rate Charge as defined under the Care and Support (Charging) (Wales) Regulations 2015 [as amended] for the provision of Lifelink, or Lifelink Plus Assistive Technology packages. Such charges are in addition to any assessed charge, and would not fall within the “single financial assessment” referred to in the above paragraph.

5.3 Sometimes a person liable to pay a charge for receiving non-residential care and support arranged by the authority to be provided by a third party wishes to cancel a particular visit. If they give enough notice to the authority so that it does not have to pay for the cancelled call(s), this may reduce the charge for that week, but there will be no reduction if the authority still has to pay for the service. Similarly, the charge will apply if care and support are kept open during short hospital stays.

#### 5.4 Non-Residential Financial Assessment Options

5.4.1 Where a person does not have a partner and is the only person in a household in receipt of a service, the authority will seek to undertake a financial assessment, both upon an individual and a household basis, and will take the lower figure as the liability to pay a charge.

5.4.2 Where a person has a partner, the financial assessment will be based on the combined income and expenditure of both partners, but the person will be responsible for paying for the care provided to him or herself.

5.4.3 In these circumstances, a person may specifically request an independent financial assessment based on their individual means, in which case 50% of relevant joint costs will be taken into account to calculate the allowable expenses.

5.4.4 Alternatively, where there are joint or multiple persons in a household, the combined income of all persons and the total relevant household expenditure, will be taken into account in calculating a single financial assessment for the household. A household assessment

will be based on the total cost of the combined services received by the household. In such circumstances, one member of the household will be responsible for ensuring payment is made for the care provided to the whole of the household.

5.4.5 If all persons specifically request independent financial assessments based on their individual means, the cost of each service and the entitlement to financial assistance will be calculated separately for each service user within the household.

## **6. Deprivation of Assets (Income and Capital)**

If a person transfers assets with the intention of avoiding charges, as set out in S.72 (and relevant regulations) the authority will utilise the full extent of the powers available to it, both as to recovery from the person or persons to whom an asset has been transferred and for the purposes of notional capital.

## **7. Payment of Charges**

### **7.1 Non-residential Care and Support**

The authority's preferred method of payment in respect of charges is by monthly Direct Debit.

Any short stay (previously referred to as Respite) charges may be payable to the Care Provider (unless the person already receives an alternative service from the authority, and these charges are already collected by Direct Debit).

### **7.2 Direct Payments**

Where a person is in receipt of Direct Payments, his or her assessed charge (if applicable) will normally be required to be paid by them directly into the Direct Payments Account into which the authority will also make payment. The combined sums will equal the total Direct Payment and ensure that the person has sufficient funds to meet the cost of their assessed need for care and support as set out in their individual plan.

## 7.3 Residential Care

### *Option 1*

The Authority's preference and normal arrangement with care providers, is that a person who has been assessed to be liable to pay a charge pays it directly to the care provider and the authority will pay to the care provider the balance of fees due. This is purely a practical arrangement. The legal liability is still owed to the Council which it will take any necessary steps to recover

### *Option 2*

A person must pay the assessed charge on a weekly or, by agreement, monthly basis to the authority, preferably by standing order/direct debit.

## **8. Additional Costs**

If a person wishes to purchase care and support, whether non-residential or residential, over and above that which has been assessed to be needed to be provided by the authority under the Act, the arrangement of and payment for this will be a private arrangement between the person and provider. The authority will not have any responsibility for either the service or cost.

## **9. Formal Recovery of Charges**

The authority has a separate Debt Recovery Policy (which should be consulted), under which it will seek to recover unpaid charges and any expenses connected with recovery of the same.

## Appendix A - Schedule of Rates 2021-22

### Long Term Residential Care

#### Fees Paid to Providers of Residential Care (Per Week) To 31<sup>st</sup> Mar 21      1 April 2021

Residential Care	£596.12	<b>£619.96</b>
Nursing Care	£603.43	<b>£627.57</b>
EMI Nursing Care Supplement (added to above figure)	£31.40	<b>£32.66</b>
Residential Care for Under 65's (Basic Fee)	£596.12	<b>£619.96</b>
Adult Family Placement	£459.00	<b>£459.00</b>
Pobl Homes (Basic Fee)	£745.87	<b>£756.21</b>
Pobl Homes (Spot Purchase)	£774.43	<b>£785.19</b>

#### Charges – Service Users per Week (Max Charge)

Pobl Homes – Existing Residents (admitted prior 01/04/12)	£601.50	<b>£625.60</b>
Pobl Homes – New Residents (admitted 01/04/12 onwards)	£790.00	<b>£821.60</b>
Residential Care – All Other Providers	£593.26	<b>£619.96</b>
Nursing Care – All Other Providers	£600.53	<b>£627.57</b>

#### Charges – Other Local Authorities (Per Week)

Learning Disabilities Accommodation	£1,893	<b>£1,969 week</b>
Additional Hours RCO	£17.00	<b>£17.32 hour</b>
Additional Hours NCO	£24.34	<b>£24.81 hour</b>

#### Non-Residential Care Charges

\* Highlighted Charges below are subject to £100 maximum per week (following approval of WG Regulations)

\*Short Term Residential Care

\*Up to 7 seven days £100.00      **£100.00**

\*Every week or part week thereafter (up to 8 weeks) £100.00      **£100.00**

Any stay longer than 8 weeks the whole period will be charged as per long term residential care

#### Non-Residential Services

\*Domiciliary Care £16.50      **£17.00**

**hour**

\*Domiciliary Respite Services £16.50      **£17.00**

**hour**

\*Direct Payments value of direct  
payment

	To 31 <sup>st</sup> Mar 21	<u>1 April 2021</u>
<b><u>Community Alarm/Telecare – Per Week</u></b>		
Lifelink (previously Lifeline/Category 1) – Flat Rate	£2.70	<b>£2.70</b>
Lifelink Plus (previously Home Safety/Category 2) – Flat Rate	£3.95	<b>£3.95</b>
*Lifelink Extra (previously Telecare/Category 3)	£5.70	<b>£5.70</b>
<b><u>Day Care Services – Per Attendance</u></b>		
*Day Care (Per Attendance)	£31	<b>£32</b>
<b><u>Other Local Authorities Only – Per Day</u></b>		
Day Care Training and Employment (Excluding Transport)	£79.00	<b>£83.00</b>
Day Care Complex Needs Service	£180.00	<b>£188.00</b>
<b><u>Other Charges</u></b>		
<b><u>Meals</u></b>		
	£4.60	<b>£4.60</b>
<b><u>Rent Cluster Houses (per week)</u></b>		
Southville Road	£79.70	<b>£79.70</b>
<b><u>Hillside Secure Unit (per day)</u></b>		
	£1,100	<b>£1,150</b>