

**Bridgend County Borough Council**

Proposed policy changes on charging for care and support

Consultation document

**Date of issue**: **1 December 2016**

**Action required:** Responses by **23 February 2017**

**Tel**: (01656) 643 664

**Email**: consultation@bridgend.gov.uk

**Web:** www.bridgend.gov.uk/consultation



**www.bridgend.gov.uk**

Contents

[Overview 4](#_Toc468350961)

[How to respond 4](#_Toc468350962)

[Data protection 4](#_Toc468350963)

[Related documents 4](#_Toc468350964)

[Background and information 5](#_Toc468350965)

[The proposals 5](#_Toc468350966)

[What other councils are doing 8](#_Toc468350967)

[Why have the proposals been brought forward? 8](#_Toc468350968)

[What are the advantages if the proposals go ahead? 8](#_Toc468350969)

[What are the potential disadvantages if the proposals go ahead? 8](#_Toc468350970)

[Discounted alternatives 8](#_Toc468350971)

[Impact of the proposal 10](#_Toc468350972)

[The consultation process 10](#_Toc468350973)

[How to respond 11](#_Toc468350974)

[Pro forma 12](#_Toc468350975)

## Overview

The council is reviewing its current policy on charging for non-residential care services and formalising a charging policy for residential care services since the introduction of the new Social Services and Wellbeing (Wales) Act 2014.

This consultation invites you to share your views on how the council charges for residential care services and to review its policy for non-residential care services whilst continuing to remain fair to our service users during these difficult financial times.

## How to respond

This consultation period will begin on the
**1 December 2016** and close on the
**23 February 2017**.

You can respond or ask further questions in the following ways:

Tel:(01656) 643 664

Email: Consultation@bridgend.gov.uk

Online: [Click here](https://www.snapsurveys.com/wh/s.asp?k=147436040581) or visit [www.bridgend.gov.uk/consultation](http://www.bridgend.gov.uk/consultation)

Post: Communications, Marketing and Engagement,
Bridgend County Borough Council, Raven’s Court, Wing 3, Brewery Lane, Bridgend, CF31 4AP.

Alternative formats are also available upon request.

## Data protection

How we use the views and information you share with us.

All responses received by Bridgend County Borough Council will be seen in full by its staff members involved in the consultation process. The information may also be seen by other departments within the council or local service board members to help improve upon the services provided.

The council may also use the information gathered to publish subsequent documents both directly and indirectly linked to this consultation, however the council will never disclose any personal information such as names or addresses that could identify an individual.

If you do not wish for your opinions to be publicised, please state so in your response.

## Related documents

* [Current charging policy for non-residential care and support](https://democratic.bridgend.gov.uk/documents/s8482/160315%20Financial%20Assessment%20and%20Charging%20Framework.pdf)
* [Social Services and Wellbeing (Wales) Act 2014](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

For more information on consultations in Bridgend County Borough or how to join our Citizens’ panel.

Visit: www.bridgend.gov.uk/consultation

## Background and information

The Social Services and Wellbeing (Wales) Act 2014 introduced new rules for charging for care and support from 6 April 2016. At present, some people have to pay towards services such as the homecare and day care they receive, and most people have to pay towards their residential and nursing care.

The money the council receives from charges is reinvested in order to provide more care services, and in certain circumstances subsidise some non-residential care services that we could not otherwise afford to provide.

As well as adhering to the necessary legal changes through the new Social Services and Wellbeing (Wales) Act 2014 the council are considering making changes to the current charging policy for non-residential care and support; and formalise a charging policy for residential care services.

## The proposals

There are six proposals the council would like you to consider as part of the consultation.

1. **The council is proposing to continue to charge for the cost of care and support in a care home and apply an inflationary increase each year.**

Under the previous rules the council had to charge service users for receiving residential or nursing care. As a result most people pay towards the cost of care and support in a care home.

The income that the council receives from charging people for these services is an essential contribution to the budget for adult social care services.

1. **The council is proposing to charge administration fees (on a cost-neutral basis) for the arranging of a Deferred Payment Agreement for those in residential care.  The council is also proposing to charge interest on any amount deferred under a Deferred Payment Agreement from the date of death of the person deferring care costs including any administrative costs deferred.**

The council currently offers the option for those entering residential or nursing care to use some of the value of their property as security against care home fees. This arrangement is called a Deferred Payment Agreement (DPA). Under the Act, the council must formalise this agreement and may charge administration fees to cover costs such as the fee to register a legal charge with the land registry, the valuation of the property and other costs associated with managing the DPA. These arrangements are intended to operate on what it actually costs the council to administer the DPA. Interest will be charged to the Estate on any amount deferred under a DPA including interest on any administrative costs deferred after the death of the person receiving care and support under a DPA.

1. **The council is proposing to charge any temporary respite stays in a care home that exceed eight weeks (but not a permanent stay) under the residential rules.**

a) Under the Social Services and Wellbeing (Wales) Act 2014 for stays less than eight weeks, the council must assess as if the person is receiving non-residential care and support. Should a stay be longer than eight weeks but not a permanent stay, the council has to consider whether to continue to charge on a short term stay basis or whether to commence charging as if the person were receiving residential care.

b) In addition, the council is proposing to continue to allow a £10 per week discretionary allowance to any short term / temporary stays in addition to the minimum income amount (an amount that Welsh Government state that a resident should retain for their own personal expenses).

c) The council will continue not to charge for short term respite services for residents under the age of 21.

**4. To introduce a (cost neutral) annual fee to cover administrative costs of arranging care and support in a care home with a care provider, when asked to do so. This will only affect residents with savings above £24,000.**

Under the Social Services and Wellbeing (Wales) Act 2014 a person who can afford to pay, in full, for their own care and support in a care home can ask the local authority to arrange this on their behalf. Where the council enters into a contract with the care provider on the resident’s behalf it can charge an arrangement fee to cover the costs of putting in place the care and support provided.

1. **The council is proposing to continue not to charge for services directly provided to carers that are a provided as a result of a carer’s assessment.**

A carer’s assessment is an assessment provided to anyone in a caring role, and looks at the help and support that can be offered from the council to the carer in order to continue their caring role.

Under the Social Services and Wellbeing (Wales) Act 2014, local authorities have the discretion to impose a charge for services provided to carers. However, historically in Bridgend charges have not been applied to services provided directly to the carer where the service has been an outcome of the carer’s assessment.

**6. The council is proposing to continue not to charge for preventative services and services provided in prisons.**

Under the Social Services and Wellbeing (Wales) Act 2014 local authorities must provide or offer a range of preventative services to help address issues to either prevent, delay or reduce the need for further care and support in the future.

The Act states that local authorities should avoid a situation where charges result in a low take up of preventative services leading to more people developing care and support needs either at a higher level or at an earlier point.

Historically, the council has not charged for preventative services in order to help all residents needing such support.

Similarly, the council is proposing not to charge for services provided to people in the secure estates. Any income generated would have to balance against the cost of collecting the charge.

**Each of the proposals are to be considered independently.**

## What other councils are doing

All councils must implement the Social Services and Wellbeing (Wales) Act 2014 but each council can decide to use its discretion to charge for care and support it provides or arranges.

## Why have the proposals been brought forward?

The proposals have been brought forward in order for the council to adhere to the necessary legal changes through the Social Services and Wellbeing (Wales) Act 2014.

## What are the advantages if the proposals go ahead?

We want to ensure that we remain fair to our service users during these difficult financial times The purpose of the consultation is to ensure we comply with new government legislation and to help us review our existing non-residential charging policy. Income from these services is reinvested particularly for the vulnerable adults in Bridgend so, without this, other areas would need to raise the income to cover the cost of these services or the council would need to reduce services.

## What are the potential disadvantages if the proposals go ahead?

At the moment Bridgend County Borough Council’s non-residential charging policy is, in parts, more generous than the guidelines issued by Welsh Government. However those service users with the financial means to do so may be asked to pay more.

## Discounted alternatives

In considering the proposed charges to the Paying for Care policy’s for both, residential and non- residential care other options were considered

1. **Do nothing** – This option was rejected as we need to ensure that we comply with legislation. We also need to ensure that we get the balance right between raising income from charges so that we can invest in social care services for the most vulnerable
2. **Not charge for the cost of providing care in a care home –** This option was considered and rejected because we need to ensure that we generate income in a fair and equitable way so that we can continue to provide the services to the most vulnerable.
3. **Not charge administration fees associated with a Deferred Payment Arrangement** – This option was considered and rejected as these people would have assets (in their property) of more than £24,000 and so would be considered to be able to meet the cost of the care home themselves. These people would only be receiving financial support from the council on a temporary basis, e.g. whilst they sell their home, we call this a Deferred Payment Agreement. In these circumstances we feel that it is fair any costs associated that are incurred whilst setting up this arrangement.

 The Act allows local authorities to charge interest on any amount deferred under a Deferred Payment Agreement It has been decided that we will not charge interest until the date of death of the person who is receiving care and support under a Deferred Payment Agreement. This is because our current policy is to only charge interest at the point of death which was agreed by the Authority’s Cabinet and therefore we will continue with this arrangement.

1. **(a) Not to continue to charge respite of more than 8 weeks under the non- residential charging policy -** This option was considered and rejected as short term stays are assessed under the non -residential charging rules and the maximum a person would pay is £60 per week. Short terms respite is an important part of a wider package of care that helps people remain independent, for as long as possible. When stays are longer than 8 weeks the care package at home usually ceases and so we feel it is reasonable for people to be financially assessed on the income that they receive.

**(b) Not to allow £10 per week home commitments -** A £10 home commitments allowance is made in addition to other disregards to help any bills that are ongoing whilst in residential care.

**(c) To charge 18-21 years old for short term respite.** - As the income that 18-21 year olds is low, the charge (if any) is also very low. As such the cost of assessing and collecting this income would be more than we could collect via charges.

1. **Not to charge an annual administration fee for arranging care and support in a care home for people who have more than £24,000 -** This option was considered and rejected as these are people who are considered to have the assets to be able to meet their own residential care costs without any financial support from the Council. In these circumstances we can help arrange a person’s care and support but we feel that that it is fair to recover the administration costs that are associated with this.
2. **To charge for services directly provided to carers** – This option was considered and rejected because evidence shows that supporting carers can make a valuable contribution in supporting those they care for, remain in their own homes, for as long as possible.
3. **To charge for preventative services and services provided in prisons –** This option was considered and rejected because these types of services help large numbers of people to live well and independently for longer. In turn this early intervention reduces the likelihood of more intensive and costly social care support in the future. Usually prisoners are not paid or receive very little income.

## Impact of the proposal

An initial Equality Impact Assessment (EIA) screening has been completed ready for when the consultation is live and will be reviewed following conclusion of this consultation. Full EIA to be complete after submission of data.

## The consultation process

Projected timetable for procedure and proposal implementation

|  |  |
| --- | --- |
| Activity | Date  |
| Response deadline | 23 February 2017 |
| Final report published | 13 March 2017 |
| Report to Cabinet on the outcomes of the consultation | 28 March 2017 |
| Potential implementation | 10 April 2017 |

The outcomes of the consultation (which will be incorporated into the proposal to the report where possible) will be reported to the Cabinet of Bridgend County Borough Council. If there is a decision not to proceed, that will be the end of this proposal and an alternative proposal may be sought.

If any of the proposals are accepted by Cabinet the earliest the change(s) will come into effect is 10 April 2017.

How to respond

This consultation period will begin on the **1 December 2016** and close on the
**17 February 2017**. You can respond or ask further questions in the following ways:

|  |  |
| --- | --- |
| Post: Communications, Marketing and Engagement, Bridgend County Borough Council, Raven’s Court, Wing 3, Brewery Lane, Bridgend, CF31 4AP | Tel:(01656) 643 664Email: Consultation@bridgend.gov.ukOnline: [click here](https://www.snapsurveys.com/wh/s.asp?k=147436040581) or visit [www.bridgend.gov.uk/consultation](file:///C%3A%5CUsers%5CHarria1%5CDocuments%5Cwww.bridgend.gov.uk%5Cconsultation) |

Alternative formats are also available upon request.

## Pro forma

**Pro forma -** Proposed policy changes on charging for care and support

**Proposal one**

**The council is proposing to continue to charge for the cost of care and support in a care home and apply an inflationary increase each year.**

Under the previous rules the council had to charge service users for receiving residential or nursing care. As a result most people pay towards the cost of care and support in a care home. The income that the council receives from charging people for these services is an essential contribution to the budget for adult social care services.

**Q1. How much do you agree or disagree with proposal one to charge people that can afford to pay towards their care and account for inflation?** Please select one option only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Strongly disagree | Disagree | Neither agree or disagree | Agree | Strongly agree |

**Proposal two**

The council is proposing to charge administration fees (on a cost-neutral basis) for the arranging of a Deferred Payment Agreement for those in residential care. The council is also proposing to charge interest on any debt secured against an interest in land/property, from the date of death.

The council currently offers the option for those entering residential or nursing care to use some of the value of their property as security against care home fees. This arrangement is called a Deferred Payment Agreement (DPA). Under the Act, the council must formalise this agreement and may charge administration fees to cover costs such as the fee to register a legal charge with the land registry, the valuation of the property and other costs associated with managing the DPA.

These arrangements are intended to operate on what it actually costs the council to administer the DPA. Interest will be charged to the Estate on any amount outstanding after death. Interest will be charged to the Estate on any amount deferred under a DPA including interest on any administrative costs deferred after the death of the person receiving care and support under a DPA.

**Q2. How much do you agree or disagree with proposal two for those who choose to enter into a DPA to pay for their care?** Please select one option only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Strongly disagree | Disagree | Neither agree or disagree | Agree | Strongly agree |

**Proposal three**

**The council is proposing to charge any temporary respite stays in a care home that exceed eight weeks (but not a permanent stay) under the residential rules.**

a) Under the Social Services and Wellbeing (Wales) Act 2014 for stays less than eight weeks, the council must assess as if the person is receiving non-residential care and support. Should a stay be longer than eight weeks but not a permanent stay, the council has to consider whether to continue to charge on a short term stay basis or whether to commence charging as if the person were receiving residential care.

b) In addition, the council is proposing to continue to allow a £10 per week discretionary allowance to any short term / temporary stays in addition to the minimum income amount (an amount that Welsh Government state that a resident should retain for their own personal expenses).

c) The council will continue not to charge for short term respite services for residents under the age of 21.

**Q3. How much do you agree or disagree with proposal three?** Please select one option only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Strongly disagree | Disagree | Neither agree or disagree | Agree | Strongly agree |

**Proposal four**

**The council is suggesting to introduce a (cost neutral) annual fee to cover administrative costs of arranging care and support in a care home with a care provider, when asked to do so. This will only affect residents with savings above £24,000.**

Under the Social Services and Wellbeing (Wales) Act 2014 a person who can afford to pay, in full, for their own care and support in a care home can ask the local authority to arrange this on their behalf. Where the council enters into a contract with the care provider on the resident’s behalf it can charge an arrangement fee to cover the costs of putting in place the care and support provided.

**Q4. How much do you agree or disagree with proposal four?** Please select one option only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Strongly disagree | Disagree | Neither agree or disagree | Agree | Strongly agree |

**Proposal five**

**The council is proposing to continue not to charge for services directly provided to carers that are a provided as a result of a carer’s assessment.**

A carer’s assessment is an assessment provided to anyone in a caring role, and looks at the help and support that can be offered from the council to the carer in order to continue their caring role.

Under the Social Services and Wellbeing (Wales) Act 2014, local authorities have the discretion to impose a charge for services provided to carers. However, historically in Bridgend charges have not been applied to services provided directly to the carer where the service has been an outcome of the carer’s assessment.

**Q5. How much do you agree or disagree with proposal five?** Please select one option only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Strongly disagree | Disagree | Neither agree or disagree | Agree | Strongly agree |

**Proposal six**

**The council is proposing to continue not to charge for preventative services and services provided in prisons.**

Under the Social Services and Wellbeing (Wales) Act 2014 local authorities must provide or offer a range of preventative services to help address issues to either prevent, delay or reduce the need for further care and support in the future.

The Act states that local authorities should avoid a situation where charges result in a low take up of preventative services leading to more people developing care and support needs either at a higher level or at an earlier point.

Historically, the council has not charged for preventative services in order to help all residents needing such support. Similarly, we are proposing not to charge for services provided to people in prisons. Any income generated would have to balance against the cost of collecting the charge.

Similarly, the council is proposing not to charge for services provided to people in the secure estates. Any income generated would have to balance against the cost of collecting the charge.

**Q6. How much do you agree or disagree with proposal six?** Please select one option only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Strongly disagree | Disagree | Neither agree or disagree | Agree | Strongly agree |