

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

**DYDD IAU, 12 GORFFENAF 2018**

## **AT: YR AELOD O'R BWRDD GWEITHREDOL DROS GOFAL CYMDEITHASOL AC IECHYD**

**YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R CYFARFOD PENDERFYNIADAU AELOD O'R BWRDD GWEITHREDOL DROS GOFAL CYMDEITHASOL AC IECHYD A GYNHELIR YN YSTAFELL AELOD O'R BWRDD GWEITHREDOL, NEUADD Y SIR, CAERFYRDDIN AM 10.00 AM, AR DYDD IAU, 19<sup>EG</sup> GORFFENAF, 2018 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.**

*Mark James* DYB

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

<b>Swyddog Democrataidd:</b>	<b>Janine Owen</b>
<b>Ffôn (llinell uniongyrchol):</b>	<b>01267 224030</b>
<b>E-bost:</b>	<b>JanineOwen@sirgar.gov.uk</b>
<b>Cyf:</b>	<b>AD016-001</b>

# A G E N D A

1. DATGANIADAU O FUDDIANNAU PERSONOL
2. COFNOD PENDERFYNIADAU - 26 EBRILL, 2018 3 - 4
3. RHYDDHAU ARIAN Y DEFNYDDWYR GWASANAETH HEB YR ANGEN AM GRANT PROFIAINT 5 - 12

*Sylwer: - Nid oes hawl gan y wasg a'r cyhoedd fynychu'r cyfarfod. Bydd y cofnod penderfyniad yn cael ei gyhoeddi fel arfer o fewn 3 diwrnod gwaith.*

# Eitem Rhif 2

## CYFARFOD PENDERFYNIADAU AELOD O'R BWRDD GWEITHREDOL DROS GOFAL CYMDEITHASOL AC IECHYD

DYDD Iau, 26 Ebrill 2018

**YN BRESENNOL: Y Cyngorydd: J. Tremlett (Aelod o'r Bwrdd Gweithredol).**

### **Roedd y swyddogion canlynol yn bresennol:**

R. Page, Rheolwr Cymorth Busnes Rhanbarthol

A. Thomas, Gyfrifydd Grwp

M.S. Davies, Swyddog Gwasanaethau Democraidaidd

Ystafell Gyfarfod Adfywio, Neuadd y Sir, Caerfyddin 9.00 am - 9.15 am

### **1. DATGAN BUDDIANNAU PERSONOL**

Ni ddatganwyd unrhyw fuddiannau personol.

### **2. COFNOD PENDERFYNIADAU - 19 MAWRTH 2018**

**PENDERFYNWYD** Ilofnodi cofnod penderfyniadau y cyfarfod a gynhaliwyd ar 19 Mawrth 2018 gan ei fod yn gywir.

### **3. TÂL SAFONOL AM OFAL PRESWYL GAN YR AWDURDOD LLEOL AM 2018-19**

Rhoddodd yr Aelod o'r Bwrdd Gweithredol ystyriaeth i adroddiad ynghylch tâl safonol yr awdurdod lleol am ofal preswyl yn ystod 2018/19. Eglurodd Cyfrifydd y Grŵp fod yn rhaid i'r oedolion oedd yn derbyn llety preswyl gyfrannu at gost eu gofal. Os oedd ganddynt adnoddau digonol, roedd yn ofynnol iddynt dalu'r gost lawn am eu llety, sef y Tâl Safonol a gyfrifwyd yn flynyddol ar sail y gost lawn i'r Awdurdod o ddarparu'r llety. Eglurwyd mai'r ffactorau allweddol o ran pennu'r tâl safonol blynyddol oedd cyfanswm cost y gyllideb ar gyfer cynnal cartrefi preswyl yr Awdurdod, ynghyd â nifer y gwelyau oedd ar gael a faint ohonynt oedd yn llawn. Ni fu newidiadau o ran nifer y gwelyau a ddarperir gan yr Awdurdod Lleol ar gyfer 2018/19. Er bod y costau staffio wedi cynyddu roedd y rhain wedi cael eu gwrthbwyso yn rhannol gan ostyngiad yn y treuliau gweithredu. O ganlyniad, bydd y tâl ar gyfer gwelyau prif ffrwd yn cynyddu gan 0.17% a gwelyau ar gyfer henoed bregus eu meddwl yn cynyddu gan 1.11%.

### **PENDERFYNWYD:**

- 3.1 bod y tâl safonol am gartref gofal preswyl i bobl hŷn gyda'r Awdurdod Lleol yn cael ei godi o £585.99 i £587.02 am welyau prif ffrwd ac o £791.48 i £800.30 am welyau i henoed bregus eu meddwl;**
- 3.2 y byddai'r cyfraddau newydd yn dod i rym ar 2 Gorffennaf 2018 yn achos y preswylwyr hynny yr oedd yr Awdurdod wedi eu rhoi yn ein Cartrefi Awdurdod Lleol ein hunain. O ran y preswylwyr hynny oedd wedi cael eu rhoi yn ein cartrefi gan Awdurdodau Lleol eraill, roedd y cyfraddau newydd yn dod i rym ar 9 Ebrill 2018.**

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**AELOD O'R BWRDD GWEITHREDOL**

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**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol

**CYFARFOD PENDERFYNIADAU'R AELOD O'R BWRDD  
GWEITHREDOL DROS YR GOFAL CYMDEITHASOL AC IECHYD**

**19 GORFFENNAF, 2018**

<b>Yr Aelod o'r Bwrdd Gweithredol:</b>	<b>Portffolio:</b>
<b>Y Cyngorydd J. Tremlett</b>	<b>Gofal Cymdeithasol ac Iechyd</b>

**RHYDDHAU ARIAN Y DEFNYDDWYR GWASANAETH HEB YR  
ANGEN AM GRANT PROFIANT**

**Y Pwrpas:**

Cynyddu'r terfyn ar gyfer rhyddhau symiau i aelodau'r teulu heb yr angen am Grant Profiant o £5,000 i £20,000.

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

Argymhellir cynyddu'r trothwy o £5,000 i £20,000 heb yr angen am Grant Profiant.

**Y rhesymau:**

Cafodd y trothwyon yn y statud eu cynyddu ddiwethaf yn 1984 (gan Orchymyn Gweinyddiad Ystadau (Mân Daliadau) (Cynyddu'r Terfyn) 1984), a byddai cynnydd nawr yn adlewyrchu chwyddiant a'r lefelau presennol a bennwyd gan sefydliadau ariannol.

Y Gyfarwyddiaeth Cymunedau Enw Pennaeth y Gwasanaeth: Lyn Walters Awdur yr Adroddiad: Rhys Page	Swydd Uwch-reolwr Cymorth Busnes  Rheolwr Cymorth Busnes	Rhif Ffôn 01267 228768 01267 228729 Cyfeiriad e-bost: <a href="mailto:dlwalters@sirgar.gov.uk">dlwalters@sirgar.gov.uk</a> <a href="mailto:rjpage@sirgar.gov.uk">rjpage@sirgar.gov.uk</a>
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**Declaration of Personal Interest (if any):**

**None**

**Dispensation Granted to Make Decision (if any):**

**N/A**

**DECISION MADE:**

**Signed:**

DATE: \_\_\_\_\_

EXECUTIVE BOARD MEMBER

**The following section will be completed by the Democratic Services Officer in attendance at the meeting**

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE SUMMARY

## EXECUTIVE BOARD MEMBER DECISION MEETING FOR SOCIAL CARE & HEALTH

19<sup>TH</sup> JULY, 2018

### RELEASING SERVICE USERS FUNDS WITHOUT THE NEED FOR GRANT OF PROBATE

#### The Issue

When an individual who has been resident in a care home passes away, there are occasions when the Authority holds money in safekeeping, for example when there has been an accumulation of minimum income amount (a payment made to residents under the Social Services and Well-Being Wales Act 2014 for personal items) or where the Authority has acted as appointee with the Department for Work and Pensions and there has been accumulation of benefits.<sup>1</sup>

Although the Administration of Estates (Small Payments) Act 1965 and subsequent Administration of Estates (Small Payments) (Increase of Limit) Order 1984 do not apply in such a situation, it is believed that the current sum of £5000 derives from this legislation; this is the amount that the Local Authority has historically agreed to release to families without insisting upon probate, with the proviso that they sign an indemnity form so that the Authority has protection from liability should any entitled beneficiaries come forward subsequently.

In the majority of cases, the sums held will be less than £5000 and there is no issue.

However, in recent years there have been increasing numbers of larger sums of money held by the Authority, most likely when the Authority is appointee. The Business Support Unit has been under increasing pressure from families to release those sums without the requirement for probate.

#### The stance taken by other organisations

Upon carrying out research into how financial institutions deal with monies held in the accounts of deceased clients, it appears that most exercise discretion when deciding their threshold, with the majority of organisations having a limit of around £50,000.

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<sup>1</sup> This is not an exhaustive list

However, banks and building societies are necessarily less risk averse than local authorities given the types of services they provide compared to the services that local authorities have a duty to provide together with the obligation on local authorities to protect the public purse.

**The balance sheet**

<b>Pros of increasing limit</b>	<b>Cons of increasing limit</b>
Reduced pressure on the BSU	Should funds be wrongly shared the quantum of risk will be higher
Reduced cost for families	
Reduced pressure for bereaved families	
Improved relationships with families	

**The indemnity**

There has always been a risk when distributing funds over the £5000 small payments limit without the family first obtaining probate. When these payments are made, the Authority has always required the family members concerned to sign a form of indemnity to minimise the financial risk to ourselves (if a more entitled family member should come forward).

Clearly should the threshold be increased in such circumstances, then the quantum of risk will also increase.

The Authority’s legal services section has recently reviewed and redrafted the form of indemnity (Annex A) to strengthen the Authority’s position should such a claim be made. It should be noted that this form of indemnity is intended to be used for any distribution of funds over the £5000 statutory threshold.

It is not suggested that we use our discretion to reflect the thresholds applied by the financial institutions in the region of £50,000. However, given that the thresholds within the statute were last increased in 1984 (by the Administration of Estates (Small Payments) (Increase of Limit) Order 1984), an increase now would be reflective of inflation.

It is therefore recommended that a threshold of £20,000 would be reasonable given that many other organisations are on average £30,000 and some up to £50,000.

**DETAILED REPORT ATTACHED?**

**Yes – Appendix A – Form of Indemnity**





Mae'r dudalen hon yn wag yn fwriadol

**Carmarthenshire County Council**  
**For the Attention of :**

## **FORM OF INDEMNITY**

**MADE BY:** Family Members / Heirs and/or their legally appointed Power of Attorney / Legal Representative (the "Undersigned")

**IN RESPECT OF:**

ASSETS HELD BY CARMARTHENSHIRE COUNTY COUNCIL TO THE CREDIT OF:

(The Estate of) \_\_\_\_\_ (Deceased)

Formerly, of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Deceased on: \_\_\_\_\_ 2018

At: \_\_\_\_\_, domiciled in England and Wales.  
(the "Deceased"),

**BY:** Carmarthenshire County Council as the Authority with whom monies and/or items and/or to the value of: £ \_\_\_\_\_ were lodged for safe keeping. These monies and/or items and/or constitute all sums in relation to the Deceased held by Carmarthenshire County Council.

I confirm that there is no Will and no Letters of Administration are being applied for and confirm that all other relatives of equal blood relationship to me or nearer have been contacted and are agreeable to my receipt of these monies and/or items and/or.

**I / We** the Undersigned, Family Member of the Deceased / Donee of Power of Attorney / Executor / duly authorised Legal Representative does sign to confirm that I have a lawful claim to the Monies and/or items and/or held by Carmarthenshire County Council and represent and warrant to be such.

The Undersigned hereby covenants and agrees that those to whom the monies and/or items and/or have been given by Carmarthenshire County Council will, from time to time and at all times hereafter, indemnify and keep indemnified Carmarthenshire County Council of, and from and against all actions, applications, claims, costs (including any legal costs) and demands which are now or may at any time or times hereafter be made, brought or claimed against Carmarthenshire County Council in respect of payment by Carmarthenshire County Council to the Undersigned of the monies and/or items and/or held by Carmarthenshire County Council and of and from any loss, charges and expenses which Carmarthenshire County Council may sustain or be put to in respect thereof.

**THIS FORM OF INDEMNITY** shall be binding on the Undersigned. This Form of Indemnity shall be unlimited as to amount or duration.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Signature of Undersigned)

If Duly Authorised Representative - On behalf of:

\_\_\_\_\_  
\_\_\_\_\_

**WITNESSED BY:**

\_\_\_\_\_

Name of Witness (please print)

\_\_\_\_\_

Address of Witness (please print)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_