

Y PWYLLGOR CRAFFU – GOFAL CYMDEITHASOL AC IECHYD

Y DYDDIAD: 17 RHAGFYR, 2018

Y PWNC:

GWASANAETHAU CYMDEITHASOL A DEDDF (CYMRU) LLES 2014 - POLISI A DIWYGIADAU GWEITHDREFN I GODI TÂL AM WASANAETHAU I OEDOLION

Ystyried y materion canlynol a chyflwyno sylwadau arnynt:

1. Bydd Sir Gaerfyddin yn dal i godi tâl am leoliadau mewn cartref gofal ar wahân i'r lleoliadau hynny sydd wedi eu heithrio gan y Ddeddf. Bydd Sir Gaerfyddin yn codi tâl am yr holl leoliadau mewn cartref o ddiwrnod cyntaf y lleoliad.
2. Bydd y tâl yn seiliedig ar adennill cost y lleoliad yn llawn, oni bai bod y preswylydd yn cael ei asesu yn unol â'r ddeddfwriaeth, y rheoliadau, y côd a'r polisi lleol i dalu llai na'r gost lawn. Yn yr achos hwnnw codir y tâl asesedig ar y preswylydd yn unol â'i allu i dalu.
3. Bydd y gost fesul noson ar gyfer pob lleoliad tymor byr (gan gynnwys gofal seibiant) yn seiliedig ar adennill cost y lleoliad yn llawn. Yn yr achos lleoliadau mewn cartref gofal Awdurdod Lleol y tâl a godir bydd y tâl safonol. Yn yr achos lleoliadau mewn cartref gofal yn y sector annibynnol y tâl a godir bydd y swm dan gcontract. Byddai defnyddwyr gwasanaeth yn talu hyd at y ffi uchaf a osodwyd gan Lywodraeth Cymru yr wythnos a byddai nifer fawr yn talu llawer llai neu'n derbyn y gwasanaeth am ddim dibynnu ar yr asesiad ariannol. (Mwyafswm o £80 wedi gosod i 2018-19).
4. Bod y rheolau asesu lleoliadau dibreswyl yn cael eu rhoi ar waith mewn perthynas ag arosiadau yr asesir ar y dechrau nad ydynt yn fwy nag 8 wythnos ar unrhyw achlysur ac nid yw'n berthnasol i leoliadau dros dro na lleoliadau parhaol.
5. Codir tâl am arhosiad tymor byr sy'n fwy nag 8 wythnos ar unrhyw achlysur fel petai'r preswylydd yno dros dro neu'n barhaol fel sy'n briodol, o ddiwrnod cyntaf y 9fed wythnos ac yn unol â'r diffiniadau yn y Ddeddf, y Rheoliadau a'r Côd.
6. Bydd Sir Gaerfyddin yn codi tâl o ddiwrnod cyntaf y gwasanaeth ar gyfer pob gwasanaeth y codir tâl amdano. Bydd hyn yn berthnasol i leoliadau a gwasanaethau dibreswyl mewn cartref gofal.
7. Bod y dewis o lety a gynigir i ddefnyddiwr gwasanaeth yn seiliedig ar ddau gartref gofal o'r un math unrhyw le yn y Sir ac nad yw'n gyfyngedig yn ddaearyddol oni bai bod anghenion daearyddol penodol wedi eu cynnwys yn y cynllun gofal a chymorth.
8. Os bydd defnyddiwr gwasanaeth, yr asesir na fydd yn talu cost lawn y lleoliad, yn dewis llety sy'n ddrytach na'r dewisiadau a gynigir adeg y lleoliad bydd y gost ychwanegol yn cael ei chyfrifo o'r uwch y cyfraddau a godir gan y ddau gartref gofal a gynigir.

9. Os bydd defnyddwyr gwasanaeth yn gallu talu cost lawn eu lleoliad, yn unol â'r ddeddfwriaeth, gallant ddewis unrhyw gartref gofal a bydd yn rhaid iddynt dalu cost lawn eu lleoliad.
10. Nid yw Sir Gaerfyrddin yn codi tâl ar ddefnyddiwr gwasanaeth am ofal a chymorth asesedig os darperir hynny i'r defnyddiwr gwasanaeth mewn lleoliad addysgol a thra bod yr unigolyn hwnnw'n mynchyu cwrs addysgol cydnabyddedig.
11. Bod y Ddeddf, y Rheoliadau a'r Côd newydd yn cael eu rhoi ar waith mewn perthynas â defnyddwyr gwasanaeth presennol o 6 Ebrill 2016.
12. Bod y polisiau presennol yn cael eu cadw ac eithrio ar gyfer yr elfennau hynny o'r polisiau a'r arferion sy'n cael eu newid yn sgil penderfyniadau sy'n deillio o'r adroddiad hwn a'r elfennau hynny nad ydynt bellach yn cydymffurfio â'r ddeddfwriaeth newydd.

Y Rhesymau:

Mae Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 yn cael ei hategu gan Reoliadau a Chôd Ymarfer a ddaeth i rym ar 6 Ebrill 2016. Roedd angen adolygu'r adroddiad interim a'i ddiweddar i sicrhau bod polisiau'r Awdurdod Lleol ar gyfer codi tâl ar ddefnyddwyr gwasanaeth yn cydymffurfio â'r ddeddfwriaeth newydd.

Llunio barn am faterion sydd i'w cyflwyno gerbron y Bwrdd Gweithredol i'w hystyried.

Angen i'r Bwrdd Gweithredol wneud Penderfyniad	Oes – 21 Ionawr, 2019
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Angen i'r Cyngor wneud penderfyniad	Nac Oes
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YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:-

Cynghorydd Jayne Tremlett (Y Portffolio Gofal Cymdeithasol ac lechyd)

Y Gyfarwyddiaeth: Cymunedau Enw Pennaeth y Gwasanaeth: Neil Edwards Avril Bracey Awdur yr Adroddiad: Rhys Page	Swyddi: Pennaeth y Gwasanaethau Integredig Dros Dro Pennaeth lechyd Meddwl ac Anableddau Dysgu Uwch Rheolwr Busnes	Rhifau ffôn: (01267) 228900 (01267) 242492 (01267) 228729 Cyfeiriadau E-bost: nedwards@sirgar.gov.uk Abracey@sirgar.gov.uk rjpage@sirgar.gov.uk
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EXECUTIVE SUMMARY
SOCIAL CARE & HEALTH SCRUTINY COMMITTEE
DATE: 17TH DECEMBER, 2018

SUBJECT:

**SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 –
POLICY AND PROCEDURES REVISIONS FOR CHARGING
ADULTS FOR SERVICES**

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

The attached report sets out the revised policy, bringing together the previous policies and the interim policy agreed in 2016. The interim policy has now been in place since April 2016, and to date has faced no significant challenge, therefore this report is to update the current Policy and Procedures which came into effect at that time and formalise the report into a revised Policy.

The initial report was an interim report to cover the introduction of the Social Services and Well-being (Wales) Act 2014, which was implemented from April 2016.

This policy and procedure document will now succeed all previous versions of the Charging Policy and will now provide a combined policy and procedure for both Residential and Non-residential services.

As outlined in the 2016 report for the most part the Social Services and Well-being (Wales) Act has built on existing frameworks set down by previous legislation. Therefore changes are broadly limited to those seen in the interim report.

Carmarthenshire have now reviewed the decisions made in 2016 and will continue to charge for services in the same way.

Summary of points from the policy.

- Personal Allowance has been renamed as Minimum Income Amount and will increase annually in line with Welsh Government announcements. 2018-19 is set at £28.50 per week (This is revised annually by Welsh Government)
- Non-residential Charges are applicable from first day of service.
- Persons with Care and Support needs who have confirmed diagnosis of CJD will not be charged for Residential or Non-residential services.
- The local authority can now charge interest of Deferred payments from the date of the Agreement.
- Short Term residents in a care home are now charged as if they were receiving non-residential services.

- Choice of accommodation rules will apply to “Temporary / Permanent” placements in a care home, but this is not applicable to placements made under “Short Term” rules.
- AVC are renamed to “Additional Costs” and will continue to apply, but will now be calculated from the highest cost of the 2 available homes, and not the mid-point as per the Interim Policy 2016.

Carmarthenshire will not charge for the following:

- Care and Support Services for a child under 18 years of age
- Care and Support provided to those with Creuzfeldt Jacob Disease where that disease has been clinically diagnosed by a registered medical practitioner
- Care and Support Services offered, arranged or provided for a person as part of a package of aftercare services in accordance with Section 117 of the Mental Health Act 1983.
- The provision of transport to a day service where the transport is provided as part of meeting a person’s assessed needs.
- To undertake an assessment of needs, care planning and care plans and Information and Advice for these functions.
- Undertaking a financial assessment, provision of a statement of charge and undertaking a review of a determination of charge and Information and Advice for these functions under the legislation.
- Reablement for service users for up to 6 weeks, (e.g. Reablement at home, in a care home, etc.) with provision for extended periods where the assessment of needs supports an extension.
- Independent Professional Advocacy where a local authority has arranged for this in accordance with the legislation.

DETAILED REPORT ATTACHED ?	YES
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Neil Edwards Interim Head of Integrated Services
 Avril Bracey Head of Mental Health & Learning Disabilities

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The attached report sets out the policy and procedure changes which Elected Members need to consider in order for the Authority to comply with the Social Services and Well-being (Wales) Act 2014.

2. Legal

This policy follows the legislation laid down by the Social Services and Well-Being (Wales) Act 2014. The Act requires the authority to make certain policy decisions regarding charging for certain services. The interim report has been in place since April 2016 and to date has not faced any challenge.

3. Finance

The implementation of the new Act has had financial implications on income. The changes to short stay rules has meant that there was a loss of income to the Authority whilst the ability to apply a charge from the first day of service for those people receiving non-residential services has increased income. Overall there has been a reduction in income.

By changing the "Additional Cost" calculation from the mid-point to higher point will have a marginal cost implication to the authority. Based on approx. 100 placements with "Additional Costs", but only a small percentage of these would be effected by the change, and this change would be favourable to the individuals in all circumstances, therefore it is anticipated that there would be a small loss.



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5. Risk Management Issues

If the Authority fails to update its current policy and make a decision on the main areas of policy and practice, then the Authority will have an inconsistent charging policy and this could lead to risk of legal challenge.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Neil Edwards** **Interim Head of Integrated Services**
Avril Bracey **Head of Mental Health & Learning Disabilities**

1. Local Member(s)

N/A

2. Community / Town Council

N/A

3.Relevant Partners

N/A

4. Staff Side Representatives and other Organisations

N/A



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Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Report to Executive Board – 21 st March, 2016 – (Agenda Item No. 16) – “Social Services and Wellbeing (Wales) Act 2014 – Policy and Procedure Revisions for Charging for Adults for Services”		http://moderngov/ieListDocuments.aspx?CId=131&MId=347&Ver=4
Social Services and Wellbeing (Wales) Act 2014		https://www.legislation.gov.uk/anaw/2014/4/contents