



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation Document

Charging for Non-residential Care and Support: raising the weekly maximum charge

Raising the weekly maximum charge

Date of issue: 19 February 2024

Action required: Responses by 13 May 2024

Overview

Local authorities have the legal responsibility to provide social care and support to their respective assessed citizens, either within their own home, or in a residential care setting, and have the discretion to charge for those services.

Noting the increasing extreme financial pressures on local authorities, this consultation document seeks views on amending the regulations and Code of Practice governing local authority charging for social care and support services under the Social Services and Well-being (Wales) Act 2014. The consultation specifically seeks views on a proposed increase to the non-residential maximum weekly charge, currently set at £100.

Our proposed change would ensure only individuals who have the financial means to pay an increased maximum weekly charge would do so. This would be determined by the usual process, as part of the financial means test carried out by an individual's local authority. Therefore, not everyone currently paying the maximum weekly amount of £100 would be required to pay an increased amount.

How to respond

Submit your comments by 13 May 2024, in any of the following ways:

- complete our [online form](#)
- download, complete our response form and email: socialcarefutures@gov.wales
- download, complete our response form and post to:

National Office for Care and Support
Social Services and Integration Directorate
Health and Social Services Group
Welsh Government
Cathays Park, Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

National Office for Care and Support
Social Services and Integration
Directorate
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Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: socialcarefutures@gov.wales

[Mae'r ddogfen yma hefyd ar gael yn Gymraeg / This document is also available in Welsh](#)

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Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights - Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail: dataprotectionofficer@gov.wales

The contact details for the Information
Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: <https://ico.org.uk/>

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Ministerial Foreword

The social care sector continues to face a challenging period and we take the opportunity to extend our ongoing thanks to the sector for their response to these pressures. The social care sector is pivotal in supporting vulnerable people across Wales and we are committed to continue working together to deliver on our ambition of an integrated social care system which delivers for the people of Wales.

We are seeking views on amending the regulations and Code of Practice governing local authority charging for social care and support services under the Social Services and Well-being (Wales) Act 2014. The consultation specifically seeks views on a proposed increase to the non-residential maximum weekly charge, currently set at £100. The assessments for eligibility, which differ for non-residential and residential care and support, are not subject to proposals for change as part of this consultation.

The maximum weekly charge for non-residential care and support services was first introduced in 2011. The current non-residential maximum weekly charge of £100 was set at this amount in 2020 but has not been adjusted since then. The Bank of England Inflation Calculator, using the Consumer Price Index (CPI) to give an estimate of the comparative value of goods and services, indicates that goods and services costing £100 in 2020 would cost £121.40 in October 2023. It should be noted that in England, there are no caps on the contributions people make to their care and support packages, and costs can run into the thousands of pounds per week.

We recognise the financial pressures on local authorities due to inflation and rising demand for care and support services, and the 2024-25 draft Local Government settlement of £5.688bn, an increase of 3.1%, is the most difficult settlement in the history of devolution. We have however built upon previous increases in the Local Government settlement.

We are committed to exploring opportunities and levers, through collaboration and consultation, to address service pressures whilst ensuring a balance is struck between immediate challenges and long-term sustainable solutions.

This proposal therefore aims to address the financial pressures on local authorities due to inflation and rising demand for care and support services. The proposed change would ensure only individuals receiving non-residential care and support who have the financial means to pay an increased maximum weekly charge would do so, based on the financial assessment carried out by their local authority.

We welcome your views on these proposals and look forward to realising our vision for social care, whilst reaching a sustainable funding solution which both supports the sector and enables it to thrive.

Eluned Morgan MS

Minister for Health and Social Services

Julie Morgan MS

Deputy Minister for Social Services

Chapter 1 – Introduction

What are we consulting on?

This consultation document seeks views on amending the regulations and Code of Practice governing local authority charging for social care and support services under the Social Services and Well-being (Wales) Act 2014. The consultation specifically seeks views on a proposed change relating to raising the maximum weekly charge amount for non-residential care and support services, currently set at £100 per week.

Where are we now?

When an adult undergoes a care needs assessment from their local authority and is determined as being eligible for **non-residential** care and support services, they then undergo a financial means test. The local authority will carry out this financial assessment (the means test) to establish how much an adult should contribute towards the cost of providing the required services to meet their assessed care needs.

What is non-residential care?

Non-residential care refers to the wide range of care and support services a person may require to help them stay in their own home, and to assist a carer.

Non-residential care services could include, but are not limited to:

- Domiciliary care (i.e.: home carers, personal assistants)
- Day care (i.e.: away from the home in a day facility)
- Provision of aids, equipment, or adaptations to help with daily living and safety
- Respite care
- Community transport

In most circumstances, where a local authority provides or arranges non-residential care and support services for eligible adults, there is a financial contribution needed from the care recipient. There are a limited number of exceptions where local authorities must not charge for care and support services, and these are set out in paragraph 5.12 of the [Social Services and Well-being \(Wales\) Act 2014: Part 4 and 5 Code of Practice](#) (Charging and Financial Assessment) (“the Code”). These exceptions will continue to apply, and the change being proposed to the non-residential weekly maximum charge, forming the subject matter of this consultation, will not affect the circumstances when local authorities must not charge for certain types of care and support.

First introduced in Wales in 2011 and continued upon the coming into force of the Social Services and Well-being (Wales) 2014 Act, the maximum weekly charge for non-residential care and support services places a limit on the amount local

authorities can charge a person assessed as requiring social care and support at home or within the community.

On its introduction, the non-residential maximum weekly charge was set at £50 per week. This was uplifted over subsequent years in line with the Welsh Government's intention to work towards introducing a £100 per week maximum charge for non-residential care and support services by the end of the term of the last Government (2016-2021). This was to strike a balance between enabling local authorities to raise additional income to help meet costs pressures in providing care, and ensuring the quality of that care, whilst remaining fair and affordable for people to pay. This was achieved in April 2020; and remains current policy.

The Consumer Price Index (CPI) has risen significantly over recent years, resulting in the most challenging budget settlement in 25 years of devolution. The Bank of England Inflation Calculator, using the CPI, indicates that goods and services costing £100 in 2020 would cost £121.40 in October 2023. So whilst a [Programme for Government](#) commitment exists to "cap the costs of non-residential social care at the current £100 maximum per week", the current economic pressures mean we must now review this commitment to strike the balance between immediate pressures and long-term sustainable solutions.

Chapter 2 – The rationale for change

Background

The maximum weekly charge ensures consistency across Wales in the maximum weekly amount a person is required to pay for their non-residential care and support. The setting of a non-residential maximum weekly charge addresses the issue of wide variations in charges across Wales that local authorities previously made by establishing a like-for-like basis. Our charging regime in Wales ensures an eligible person is only required to pay a charge for their non-residential care and support based on the outcome of their financial assessment, which considers the financial means of the person to determine the charge payable. This ensures an individual only pays what is fair and affordable to them, and the maximum amount an individual in receipt of **non-residential** care and support services is charged is currently capped at £100 per week.

Most recently available and reliable data (collected from local authorities in 2019) indicates a third of adults in receipt of non-residential care and support services pay the maximum weekly charge, currently set at £100. The remainder of adults receiving non-residential care and support services either receive services at no charge, or at an amount up-to (but not including) the maximum amount due to their level of weekly income and / or the specific services required.

Our proposed change would ensure only individuals who have the financial means to pay an increased maximum weekly charge would do so. This would be determined by the usual process, as part of the financial means test carried out by an individual's

local authority. Therefore, not everyone currently paying the maximum weekly amount of £100 would be required to pay an increased amount.

The [Code](#) and prescribed regulations, also require local authorities to safeguard what is known as a 'minimum income amount' for individuals when determining the charge payable for their non-residential care and support. This ensures that the amount charged by local authorities for non-residential care and support services does not reduce the individual's net week income below the set minimum income amount, which offers further protection for individuals. The Code states:

“because a person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities, the charging framework seeks to ensure they have enough money to meet these costs. As a result, after charging local authorities **must** leave a person who is being charged with a minimum income amount.”

Why are we proposing an increase to the maximum weekly charge?

With the current ongoing economic pressures relating to inflationary increases, local authorities are under increasing pressure to meet the demand and associated costs of delivering care and support services. This is not unique to Wales, and is a challenge seen across the health and social care sectors in the UK.

By maintaining the current cap of £100 for the non-residential care maximum weekly charge, the proportion of chargeable income a local authority can receive against the actual costs of providing care is reduced, thereby increasing the financial burden. The Bank of England Inflation Calculator, using the Consumer Price Index (CPI) to give an estimate of the comparative value of goods and services, indicates that goods and services costing £100 in 2020 would cost £121.40 in October 2023.

It is challenging to definitively state what pressures are specifically associated with maintaining the maximum weekly charge, and which pressures are broader demand pressures which have been exacerbated by effectively capping the maximum weekly charge at the existing rate of £100 per week, since 2020. However, the social care sector as a whole is facing unprecedented challenges which must be addressed.

We recognise the concerns raised by the Welsh Local Government Association (WLGA) around the ongoing financial pressures facing local authorities, arising in part from increased demand for adult social care, and the impact of the current economic pressures resulting from inflationary increases. As such, the draft Local Government settlement for 2024-25 is £5.688bn, an increase of 3.1%. This builds upon previous increases in the Local Government settlement; the settlement for 2023-24 saw an increase of 7.9%, following an increase of 9.4% the previous financial year. However, we are committed to exploring opportunities and levers, through collaboration and consultation, to address service pressures whilst ensuring a balance is struck between immediate challenges and long-term sustainable solutions.

With the above in mind, we are consulting on a proposal to uplift the maximum weekly charge for adult non-residential care and support services during the 2024-25 financial year to account for the increased rates of inflation seen as part of the ongoing UK-wide cost of living crisis, and to ensure local authorities have sufficient funding to maintain the care and support services they provide, and the quality of it. However, any uplift to the maximum weekly charge would need to be fair and affordable for people in receipt of non-residential care and support services which remains a key priority for Welsh Government.

Provisional estimates, based on a data from 2021-22^[1], put the funding benefits to local authorities at less than £7.2m p.a. for a £15 increase; circa £9.6m based on a weekly increase by £20 and around £12m income based on a £25 per week increase. These are provisional estimates only, based on the potential impact of people either not assessed as being able to meet the increased charge, or their cost of care falling below the new maximum. The full scope of funding benefits will not be realised until any change is implemented.

Chapter 3 – What change are we proposing?

Amendment Regulations

We are proposing to amend the [Care and Support \(Charging\) \(Wales\) Regulations 2015](#) (the “Charging Regulations”) (as amended by the [Care and Support \(Charging\) \(Wales\) and Land Registration Rules \(Miscellaneous Amendments\) Regulations 2020](#) (the “2020 Regulations’’)). The specific regulations being consulted on are [regulations 7\(1\)](#) and [22\(1\)](#) of the Charging Regulations, as amended by regulations [2\(a\) and \(c\) of the 2020 Regulations](#). This amendment will bring the change being proposed into effect by substituting the existing figure for the non-residential maximum weekly charge with a specified increased figure.

The Code

At paragraph [5.1 of the Code](#) issued in April 2023, reference is made to amendment regulations that have come into force since the principal Charging Regulations. For clarity to the reader, we propose to update paragraph 5.1 of the Code to add reference to the amendment regulations that we propose to bring into force in 2024. A draft of the proposed revised Code can be found at Annex 1. Any revision to the Code is dependent on amendment regulations being made in 2024, following this consultation process. An adult’s charge for their non-residential care and support is based on the cost of the care they receive and their financial means to meet that charge. Currently this charge cannot exceed £100 per week for all the non-residential care and support a person receives. We are not proposing change to the financial assessment, and an individual’s income will remain protected by the regulations governing financial assessments. The change relates only to the

[1] [Adults charged for care and support, by local authority and measure \(gov.wales\)](#)

maximum amount an individual receiving non-residential care and support could be charged, where assessed as being fair and affordable to them.

Proposed uplift amount

It is the intention of Welsh Government to review the maximum weekly charge amount for non-residential care and support services.

By increasing the maximum weekly charge local authorities can charge adults in receipt of non-residential care and support services, an additional income would be generated for local authorities. Whilst we consider £120 to be an appropriate amount to propose for a new weekly maximum charge amount, we nonetheless present additional options below and above this figure in order to facilitate what are likely to be a range of responses and views.

	Option A	Option B	Option C
Proposed uplift amount	£15 uplift to £115 per week	£20 uplift to £120 per week	£25 uplift to £125 per week

We are committed to striking the right balance, in determining the amount by which to increase the maximum non-residential weekly charge, between raising additional income for local authorities to help meet increasing cost pressures and being fair and affordable for people in receipt of non-residential care and support services. We have proposed these increments in line with historic £5 uplifts over previous years, noting no change has been made since 2020.

Chapter 4 – How does this relate to the National Care Service and the Initial Implementation Plan, ‘Towards a National Care and Support Service for Wales’?

The [Co-operation Agreement](#), signed by Welsh Labour and Plaid Cymru in December 2021 committed to 'set up an expert group to support our shared ambition to create a National Care Service, free at the point of need'. This Expert Group was subsequently established and [produced a report](#), published in November 2022 which set out the key elements necessary to move towards a National Care Service. In December 2023, Welsh Government published the initial implementation plan, [‘Towards a National Care and Support Service’](#).

Whilst raising the maximum weekly cap for non-residential care and support services is an initial departure from the vision to create a National Care Service ‘free at the point of need’, the additional revenue this would raise for local authorities to continue to deliver social care and support services would ensure we can uphold our commitment to long-term, sustainable change.

Our plans for a National Care Service recognises the value of social care in Wales and the importance of having a vibrant and thriving social care system; a system that provides excellent quality care, supports attractive and rewarding work, and is

closely integrated with the NHS and the broader public sector. Dynamic and ambitious plans such as these need to sit within the context of a sustainable funding solution which supports the sector and enables it to thrive. We remain committed to our vision for the National Care and Support Service in Wales, whilst also striking the balance between immediate pressures and long-term sustainable solutions.

Chapter 5 - Impact Assessments

Summary of proposal

An Integrated Impact Assessment (“IIA”) is being prepared to cover the proposal included within this consultation. Its purpose is to enable Welsh Government to consider, in a structured way, the impact of the proposed policy and action on the people of Wales.

The IIA is still being developed given that the proposal it covers is still in draft form and is subject to consultation, and therefore further revision. However, in the interests of transparency and seeking external feedback, sections 1, 3, 4 and 8 of the IIA are included in draft form for your consideration at Annex 2.

Section 1 of the IIA describes what action the Welsh Government is considering and why, including potential challenges and opportunities. While specific sections of the IIA will consider the potential effects on social, cultural and economic well-being in detail, this section aims to summarise the effects of the key elements of the proposal.

Section 3 of the IIA describes the impact of proposals on cultural well-being and the Welsh language. For the purposes of financial assessment and charging, the framework set out in the Code and Regulations relate to a person’s individual care and support needs, the cost of the care and support they require, and the care recipient’s financial means. If a person has low financial means, then this would be reflected in their assessment to reduce any charge levied accordingly. This should not impact cultural well-being. The relevant legislation is applicable to all people in Wales who need care and support, and carers who need support. Welsh Government expect any individuals who have a financial assessment by a local authority for a charge to be able to access this in Welsh should they so wish.

Section 4 of the IIA describes the economic impact of the proposal on business, the public and individuals. As no set amount has been proposed or decided on for the non-residential maximum weekly charge, this section currently refers to the general impacts of any uplift on economic wellbeing and responses to the consultation will help further develop assessment of impacts.

Section 8 of the IIA is the concluding section, aiming to summarise the main impacts of the proposal. Given the overall IIA is still being developed these conclusions should not be considered final but provide an indicative summary of the impacts based on the work completed to date.

An initial Regulatory Impact Assessment (RIA) has also been completed. An RIA is intended to present the information needed for the Senedd and stakeholders to be able to scrutinise decisions effectively. This RIA is, at this stage, a qualitative assessment which identifies key groups of people which are most likely to be affected by the proposal, in this instance local authorities and adults accessing non-residential care and support services. Consultation responses will support further analysis of the impacts and will assist in gathering a wider evidence base.

Annex 3 sets out the draft Regulatory Impact Assessment.

Chapter 6 – Consultation Response Form

This chapter contains the complete series of questions in relation to this consultation. Responses can answer all, or specific, questions.

The first set of questions relate to the proposed change to the maximum weekly charge for non-residential care and support services, followed by some questions on impact and outcomes, and the last question is an open question giving an opportunity to add any additional comments for issues not specifically covered within the previous questions.

Submit your comments by 13 May 2024, in any of the following ways:

- complete our [online form](#)
- download, complete our response form and email: socialcarefutures@gov.wales
- download, complete our response form and post to:

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Proposed change to the maximum weekly charge for non-residential care and support services

Question 1.1: The maximum weekly charge increase during the 2024/25 financial year is proposed to account for the increased rates of inflation seen across the UK and beyond, and to ensure local authorities have sufficient funding to maintain the care and support services they provide, and the quality of it.

To what extent do you agree or disagree that the proposal to increase the non-residential maximum weekly charge balances the need to help raise additional income for local authorities to meet increasing cost pressures with being fair and affordable for people in receipt of non-residential care and support services?

Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Question 1.2: We would like to know your views on the appropriate amount by which to raise the maximum weekly charge for non-residential care and support services. The amount is currently set at £100 per week.

What amount, if any, would you increase this by per recipient?

- £15 uplift
- £20 uplift
- £25 uplift

Please provide a description of why you feel that amount is appropriate.

Question 1.3: We would like to know your views on the proposed change to the code of practice on charging for social care services.

For clarity to the reader, we propose to update paragraph 5.1 of the Code to add reference to the amendment regulations that we propose to bring into force in 2024. Any revision to the Code is dependent on amendment regulations being made in 2024, following this consultation process.

Please indicate if you agree or disagree with the proposed change to the Code and describe why you feel that way.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Reason:

Impact and outcomes

The Integrated Impact Assessment and Regulatory Impact Assessment are still being developed given that the proposal it covers are still in draft form and is subject to consultation and therefore further revision.

Question 2.1: We would like to know your views on Section 1 of the Integrated Impact Assessment. Are there any specific areas where you feel further detail is required, or any specific issues you wish to highlight which may have an impact on a specific group?

Question 2.2: We would like to know your views on Section 4 of the Integrated

Impact Assessment. Are there any specific areas where you feel further detail is required, or any specific issues you wish to highlight which may have an impact on a specific group?

Question 2.3: We would like to know your views on Section 8 of the Integrated Impact Assessment. Are there any specific areas where you feel further detail is required, or any specific issues you wish to highlight which may have an impact on a specific group?

Question 2.4: We would like to know your views on the initial Regulatory Impact Assessment. Are there any specific costs and / or benefits where you feel further detail is required, or any specific issues you wish to highlight which may have an impact on a specific group?

The below questions are specifically in relation to the Welsh language.

Question 2.5: What, in your opinion, would be the likely effects of the proposed increase to the maximum weekly charge for adult non-residential care and support services on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

Question 2.6: In your opinion, could the proposed increase to the maximum weekly charge for adult non-residential care and support services be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Open-ended question

Question 3.1: Thank you for taking the time to answer our specific questions. If you have any additional thoughts on the proposal, please use this space to report them.