

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**21 JANUARY 2025**

REPORT TITLE:	REVIEW OF FEES AND CHARGES
REPORT OF:	DIRECTOR OF ADULTS, HEALTH AND STRATEGIC COMMISSIONING

REPORT SUMMARY

This report details the review of charges for Adult Social Care services and proposes increasing them to ensure that the Council recovers the costs incurred in providing them.

In addition, the report proposes applying two new charges for Appointeeships and Public Health Funerals where the Council has not recouped the cost of administration which it is entitled to do under the Care Act 2014 and the Public Health (Control of Disease) Act 1984.

This is not a key decision.

RECOMMENDATION/S

The Adult Social Care and Public Health Committee is recommended to: -

1. Approve in principle an increase in the administration charge for arranging care for self-funders, those who pay the full cost of care, from £60 to £90.
2. Approve in principle the increased administration charge for setting up and putting in place a deferred payment agreement, enabling a person to defer or delay paying the costs of their care and support until a later date from £500 to £800.
3. Agree that Carers' payments which are presently facilitated via pre-paid cards are instead paid directly into the Carers bank account thereby eliminating set up and monthly administration related charges.

Agree a policy change to allow:

4. That expenses related to providing Public Health funerals be charged against the deceased's estate at a rate of £350. These charges will be incorporated within the Annual Budget Report to Policy and Resources Committee.
5. That a charge be made when the Council takes on the responsibilities of an Appointee at a rate of £10 per week. These charges will be incorporated within the Annual Budget Report to Policy and Resources Committee.
6. To accept a further report on the Minimum Income Guarantee and the Disability Related Expenditure in 2025/26.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The recommendations are framed to ensure that the level of charges applied are at a rate which reflects the costs incurred by the Council under the powers available within the Care Act 2014 and the Public Health (Control of Disease) Act 1984.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To not consider introducing the charges. This would lead to the taxpayer subsidising the cost of services which individuals should be paying for.
- 2.2 Applying smaller increases to present charges. This would similarly result in not fully reclaiming the allowable costs that the Council incurs in providing support for these items, whilst also transferring the need to make savings to other areas.

3.0 BACKGROUND INFORMATION

- 3.1 **Updating the charges for Self-Funders:** People who have sufficient assets to pay the full cost of their care and support are known as 'self-funders'.
- 3.2 The charge for self-funders was last reviewed by the Council in 2014 and currently stands at £60. It is proposed to increase the charge to £90. The self-funder arrangement fee covers the Council's costs to find a care provider, negotiate rates, make payments and send invoices that cover the Council's internal costs. There are approximately 160 self-funders in the borough. Applying this £30 increase to these 160 self-funders would recover £4,800.
- 3.3 A benchmarking exercise has been undertaken to establish the reasonableness of the increase. Warrington Borough Council charges a weekly fee of £5 equating to £260 per annum. Leicestershire County Council applies an annual charge of £281. Whilst Nottinghamshire County Council applies a charge £161 per year.
- 3.4 **Updating the charges for Deferred Payments:** People who own their own home and are moving into a care home can use the value of their property to pay the fees through a Deferred Payment Agreement with their Council, this is defined under Section 34 of the Care Act 2014. There have been 10 such agreements in the last year. Based on an estimate of a similar level of agreements applying in the next 12 months, an additional charge of £300 would recover £3,000 per year.
- 3.5 Under this legal agreement the Council will pay for care home fees and secures this loan against the agreed property. As the money is not repayable until the person sells or dies, an administration fee and interest is chargeable.
- 3.6 The Council currently charges £500 for setting up a deferred payment agreement plus interest to reflect the legal, social worker and personal finance team's time to set up these charges. However, on review of the actual time and resources spend on setting up this arrangement an increase in the charge to £800 is being proposed.

- 3.7 As a benchmarking comparison, Sefton Council apply a first year set up fee of £870 and an annual charge of £143. Warrington County Council applies a one off set up fee of £881, whilst Liverpool City Council charges an initial set up fee of £450 with a subsequent £144 annual admin fee.
- 3.8 **Pre-paid cards:** The Council currently incurs charges for operating pre-paid cards used by Carers to receive their assessed carer payments. The Council is charged a set up cost of £4.50 plus a further £2 per month per card paid to the provider for administration. This equates to a cost recovery of £11,400 for the 400 cards per year.
- 3.9 Given the minimal usage of these cards by Carers it is proposed that the payment is made directly into their bank accounts. This would eliminate the charges the Council incurs without impinging on the service provided.
- 3.10 **Public Health Funerals:** Under Section 46 of the 'Burial and Cremation' of the Public Health (Control of Disease) Act 1984, the Council has the right to reclaim expenses associated with dealing with a Public Health funeral.
- 3.11 Currently the Council does recover the cost of the funeral but not any administration costs from the estate of the deceased.
- 3.12 It is therefore proposed that where an estate has been identified for the deceased that a charge of £350 is made to cover the cost of the time spent registering the death, arranging the funeral, making the relevant searches, notifying the next of kin and other general administration costs. There are on average 60 Public Health funerals per annum in Wirral for which a charge could be made. An assumption has been made that approximately 30%, i.e. 18 of these could be chargeable to the estate.
- 3.13 Where there is no estate the Council will continue to bear the cost.
- 3.14 Benchmarking work has been undertaken which shows that other Councils charge a similar fee of between £300-£400 which include East Sussex Council, Folkestone & Hythe District Council, Epping Forest District Council and North-East Lincolnshire Council.
- 3.15 **Charging for Appointeeships:** An appointee is a person who has been chosen by the Department of Work and Pensions (DWP) to receive welfare benefits on behalf of someone who cannot manage their own affairs because they are mentally or severely disabled. An appointee is responsible for making and maintaining any benefit claims.
- 3.16 The Council can be made an appointee where no other suitable options are available. There are no set fees given for providing this service however a fee can be charged which covers the cost of administering this service. It is therefore proposed that a fee of £10 per week is applied to those that have a capital of over £2,000. With an estimated 280 appointees in place this would recover £145,600.

3.17 Benchmarking shows that other Councils charge between £5 and £16 per week for the appointee duties. These councils include Sefton Council, St Helens Borough Council, and Blackburn with Darwen Council.

3.18 **Minimum Income Guarantee (MIG) and Disability Related Expenditure (DRE) allowances in the Care Act 2014:** Residents that receive Council arranged care and support other than in a care home need to retain a certain level of income to cover their living costs. This is their Minimum Income Guarantee (MIG). Councils have a discretion to allow people to retain more of their income to support and promote independence and social inclusion. The Council presently applies a 25% uplift to the MIG values.

3.19 The MIG is calculated after determining a resident's income and deducting housing costs such as rent, council tax net of any benefits provided that support these costs and any reasonable additional costs considered to relate to a person's disability (i.e. DRE).

3.20 As part of the review of fees and charges the MIG and the DRE, have been considered however, due to the complex nature of these charges it has not been possible to make any proposals within this paper. Once analysed any proposed changes to be considered will be brought to this Committee in 2025/26.

4.0 FINANCIAL IMPLICATIONS

4.1 The table below outlines the proposed charges:

Service Area	Current Charge 2024/25	Proposed Charge 2025/26	Payment Period	Fee Increase	Numbers Expected	Annual Additional cost recovery 2025/26
	£	£		£		£
Self-funders	60	90	per annum	30	160	4,800
Deferred payments	500	800	Set-up fee	300	10	3,000
Public Health Funerals	0	350	One off charge	350	18	6,300
Appointeeships	0	520	Per annum	520	280	145,600

5.0 LEGAL IMPLICATIONS

5.1 Section 14 (4) of the Care Act 2014 provides the Council with the power to make a charge under sections 18 to 20 provided that it covers only the cost that the Council incurs in meeting the needs to which the charge applies.

- 5.2 Section 46 (1) of Public Health (Control of Disease) Act 1984 provides that it is a duty of the Council to cause to be buried or cremated the body of any person who has died or been found dead in its area, in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council.
- 5.3 Section 46 (5) of the Public Health (Control of Disease) Act 1984 allows that the Council may recover from the estate of the deceased person expenses incurred under subsection 46(1).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The proposals within this report will impact on the Personal Finance Unit and the Client Finance unit however given the small number of charges anticipated it is unlikely that additional resources will be required.

7.0 RELEVANT RISKS

- 7.1 Additional workload is placed on the Personal Finance Unit and Debt Management Teams linked to additional queries and increased numbers of non-payers. This is mitigated by ensuring that the Charging Booklet is updated and published on the Council website to ensure transparency.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 There has not been any engagement or consultation exercises undertaken as this has a limited impact on the population of the borough and is in line with legislation.

9.0 EQUALITY IMPLICATIONS

- 9.1 We have completed an Equality Impact Assessment, and it is published here:

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no significant environmental implications arising as a result of recommendations in this paper.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Updating and introducing the new charges will ensure that the Council is able to maximise the Wirral pound by ensuring that services that are provided are not being subsidised by Wirral taxpayers.

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APPENDICES

N/A

BACKGROUND PAPERS

Care Act 2014
Public Health (Control of Disease) Act 1984

TERMS OF REFERENCE

This report is being considered by the Adult Social Care and Public Health Committee in accordance with Section 2.2 a and b of its Terms of Reference, “adult social care matters (e.g., people aged 18 or over with eligible social care needs and their carers)” and “promoting choice and independence in the provision of all adult social care”.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
N/A	