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Date	Dyddiad	25 th January 2008

Ms Watson
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Dear Ms Watson

Consultation – Proposed Domiciliary LCO Committee – *The National Assembly for Wales (Legislative Competence)(No.4) Order 2008* relating to charging for Non-Residential Social Care (Domiciliary Care)

Thank you for letter dated 14th December 2007, inviting Local Authorities to submit evidence to the Committee to help inform its work. Although this area for consideration is complex and there has been limited time to discuss this with other officers of the Council, in the spirit of consultation, I am responding with some general comments at this stage that I hope you find helpful.

Cardiff Council's views on the general principle that legislative competence in the area identified in Matter 15.9 be conferred on the Assembly are as follows:

- It could eliminate current inequities and uncertainties for service users and carers. It should also help remove the current disparity in the way benefits and disability related expenditure are treated.
- It could help Local Authorities charging arrangements support the strategy of a shift from residential care towards support in the home and more preventative services.
- Reduced charges and more transparent charging arrangements could lead to less service users refusing a service on the grounds of charging.
- It would make it easier for service users, carers and their representatives to be consulted on how to improve legislation around charging for non-residential care.

Please reply to: Room 236, Adult Services, County Hall

However there are some issues that also need to be considered:

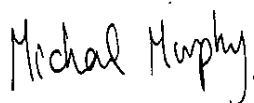
- The Welsh Assembly Government (WAG) has acknowledged there is rising pressure on services with budgets increasing more slowly. Will Local Authorities' loss of income be fully recompensed by WAG, and if so how would this be administered accurately? As there are further increased demands on budgets and services how will this income loss be measured and monitored over the years? An example of this would be if a maximum charge was introduced during a period of time where care packages become more intensive, the income loss could possibly increase as well as the cost of the service.
 - If the level of charging is set at nil for specific services or specific client groups will this be fair and equitable for all service users?
 - As there is great variation in charging policies across Wales e.g. some services may not be charged for or benefits and disability related expenditure (DRE) are treated differently. Will WAG establish the current charging arrangements of each Welsh LA so that consideration can be taken to ensure service users are not worse off as a result of any new Assembly Measure? Even if service users have lower charges protected, this will still mean that there is an element of disparity.
 - To ensure consistency will any Assembly measure regarding charging for non-residential care take into consideration disregard levels and capital limits similar to those for residential services as stated in CRAG and will WAG take the opportunity to ensure any current anomalies in CRAG are not issues in any domiciliary care charging measures?
 - Although this may be limited for domiciliary care, any change specifically relating to Wales and Welsh Authorities can create problems when there are any cross boundary arrangements or provision with England
2. Cardiff Council's view on the terms of the proposed Order is that it is too narrowly drawn regarding the following matters:
- Scope: Will this include charging for any service that would enable a service user to remain at home e.g day care, telecare, transport, supported accommodation etc
 - Outcome based care arrangements: Has consideration been given to how charging for outcome based or personalised care arrangements can be achieved?

3. Cardiff Council considers that most of the excepted matters would not hinder the effectiveness of any future proposed Measures brought forward under Matter 15.9. However, there is the need for further clarity on the exception regarding "Motability". There are always issues about transport costs and how these should be included in any charging arrangements and therefore how any motability provision including the mobility element of Disability Living Allowance should be viewed as part of any provision. As such a debate would be welcomed to consider if the Mobility Allowance should be included in charging assessments as a contribution towards transport costs.

I trust you will find these comments of use and that there will be a further opportunity to have more discussion on the proposal and the potential implications with more time given to this.

I am happy for my response to be made available for public scrutiny and would be prepared for myself, or an officer of the Council, to give oral evidence to the Committee.

Yours sincerely,



Michael Murphy
Chief Officer/Prif Swyddog
Adult Services/Gwasanaethau i Oedolion