

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

HEALTH & WELLBEING SCRUTINY COMMITTEE

MINUTES of the inaugural meeting of the Health & Wellbeing Scrutiny Committee held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale, on Wednesday, 17th June 2015 at 5.00 pm.

Present:

County Borough Councillor R W Smith – in the Chair

County Borough Councillors:

(Mrs) A Calvert	(Mrs) J Cass	W J David
J Davies	S Evans	I Pearce
(Mrs) S Rees	(Mrs) A Roberts	G Stacey
L G Walker		

Officers:

Mr N Elliott – Service Director, Direct Services, Business and Housing
Mr C B Jones – Service Director, Democratic & Legal Services
Mrs A Edwards – Scrutiny Support Officer

In attendance:

Mr P Evans – Royal British Legion, Public Affairs Manager (Wales)
Mr G Pennell – Royal British Legion, Membership Support Officer

1. APOLOGIES

Apologies for absence were received from County Borough Councillors (Mrs) M E Davies, A S Fox, (Mrs) M Tegg, D W Weeks and D H Williams.

2. WELCOME

The Chairman welcomed Mr Gareth Pennell and Mr Peter Evans of the Royal British Legion who had been invited to attend in relation to agenda item 2.

3. DECLARATIONS OF INTEREST

The following Members made declarations of personal interest in relation to agenda item 2 – the Royal British Legion’s Campaign ‘Insult to Injury’, namely that they had signed the Notice of Motion presented to Council on 25th March 2015:

County Borough Councillors (Mrs) A Calvert, (Mrs) J Cass, J Davies, W J David, S Evans, (Mrs) S Rees, (Mrs) A Roberts, R W Smith and G Stacey

The following declaration of interest was also made in relation to Agenda Item 2 – County Borough Councillor R W Smith ‘I am a member of the Royal British Legion’.

4 ROYAL BRITISH LEGION 'INSULT TO INJURY' CAMPAIGN

The Service Director, Legal and Democratic Services outlined to Members the reason for the meeting which was in response to a request from Council that scrutiny should consider the issues raised by a Notice of Motion presented to them on 25th March 2015, in relation to the Royal British Legion's 'Insult to Injury' campaign.

The Chairman thanked Mr Evans and Mr Pennell for attending the Committee and asked them to present the details of their campaign.

Mr Evans thanked Members for the invitation to speak to the Committee and explained that the Council was the first across the UK to ask to meet with the Royal British Legion with regard to this campaign, although some have taken on board the issue.

Mr Evans explained to the Committee the basis of their campaign. It was reported that there are two types of Military compensation. Service personnel and veterans who are injured in service, or who develop an illness as a result of their service, are able to access compensation from the Ministry of Defence. Those with conditions sustained on or before 5 April 2005 are eligible to claim under the War Pension Scheme, while those with conditions sustained on or after 6 April 2005 can claim under the Armed Forces Compensation Scheme (AFCS). Both forms of compensation are awarded in recognition of the pain and loss of amenity and not to cover the costs of any care needs that might arise as a result of a service related condition.

Both the UK Government and the Welsh Government have issued guidance stating that income arising from the Armed Forces Compensation Scheme should be disregarded when means testing for social care services. However, this is not the case for those who received their compensation through the War Pension Scheme and only the first £10 per week of an individual's War Pension is routinely disregarded. This is because the statutory guidance as outlined in the Charging for Residential Accommodation Guide (CRAG) only instructs local authorities to exempt the first £10 pounds per week of an individual's War Pension, leaving councils free to set their own exemption thresholds over and above this amount for residential care. This had resulted in only one local authority in Wales choosing to fully disregard War Pensions from all means tests for social care. He explained that it is the view of the Royal British Legion that this situation is unfair, particularly as civilian compensation is usually paid into a personal injury trust fund and is also exempted from means testing for social care so there is in breach of the Armed Forces Covenant principle of no disadvantage due to Service.

Mr Evans reported that whilst he would welcome any move by the Council to change its policy he explained that the campaign in Wales was targeted at the Welsh Government as the Royal British Legion is a national organisation and wants fairness for all members irrespective of where they live. He explained that they had been engaging with the Welsh Government in relation to

changing the policy and had provided them with estimates of the cost which were in the region of £1.6m per annum which would drop to £1.2m by 2025. He further explained that the Welsh Government is currently working on regulations to be made under the Social Services & Wellbeing (Wales) Act 2014 and it is hoped that by April of next year they will be minded to make a change

In conclusion, Mr Pennell explained that he nothing further to add to Mr Evans's presentation other than to thank Members for their consideration of the issue.

The Chairman asked the Service Director, Direct Services, Business and Housing to outline the current charging policy for Members.

The Service Director provided the Committee with a summary of the current disregards, relating to Veterans, currently applied in adult social care charging assessments, in line with current Welsh Government Charging Policy, as follows:

- in relation to income
 - £10 per week disregard of War Disablement Pension;
 - £10 per week disregard of War Widows/Widowers Pension;
 - 100% disregard of Guarantee Income Pension made to Veterans under the Armed Forces Compensation Scheme
 - £10 per week disregard of Survivors Guarantee Income Payment.

- In relation to Capital:
 - Payments held in Trust Funds are disregarded indefinitely
 - Other payments for injury are disregarded for 52 weeks before being taken into account

The Service Director explained that any changes to these discretions would require amendments to the current Council Adult Social Care Charging Policies. He also advised the Committee on the potential loss of income should the current disregard applied to War Disablement Pension be increased to 100%:

- For those receiving non-residential care (approximately 6 service users affected) this could amount to up to £60 per week per service user.
- For those receiving residential care (approximately 15 service users affected) this could amount to up to an average of £150 per week per service user.

He reported that in total this could amount to approximately £138k per annum. He pointed out that the numbers affected would vary but inevitably over time, due to the age of the recipients, this figure would decrease.

In response to questioning, the Service Director explained that the financial assessment process would take account of any other benefits being received by the service users and Mr Evans added that the Royal British Legion accepted the principle that the state should not pay twice for the same care needs.

Members considered the matter and agreed that the current situation was unfair and were minded to make recommendations to the Cabinet that they lobby the Welsh Government on the matter and that consideration be given to changing the Council's policy in relation to the social care charging policy.

The Service Director, Direct Services, Business and Housing reminded Members that decisions made in the past to change policy ahead of any announcement by the Welsh Government had led to the Authority losing out on potential compensation.

Following consideration of the matter it was **RESOLVED** that the following recommendations be passed to the Cabinet for consideration:

- (i) that the appropriate Cabinet Member write to the Welsh Government Minister for Health & Social Services asking that steps be taken on an all Wales level to provide the necessary guidance to ensure that veteran will not in future be penalised in relation to payments for their social care;
- (ii) Should the response from the Welsh Government not be favourable, that the Cabinet be asked to consider the necessary amendments to the Council's Social Care Charging Policy to avoid further unfairness in the future.

The Chairman thanked everyone for their attendance and advised the representatives of the Royal British Legion that the Committee would pass their recommendations to the Cabinet and that they would advised of the outcome in due course.

R W Smith
Chairman

The meeting closed at 5.35 pm