

Charging For Home Care And Other Non-Residential Services

**Middlesbrough Council
Department of Social Care
2013/14**

1. Introduction

- 1.1** This policy implements the Department of Health's (DoH) "Fairer charging policies for home care and other non-residential social services: guidance for Councils with Social Services Responsibilities (September 2003).

2. Chargeable Services

- 2.1** The power to charge is given to local authorities under Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSA Act 1983). Guidance on the exercise of this power is issued by the Secretary of State under Section 7 of the Local Authority Social Services Act 1970.

- 2.2** Services which cannot be charged for:

- After care services provided under Section 117 of the Mental Health Act 1983
- Advice about the availability of services
- Assessment (including community care needs)

- 2.3** Any contribution will be calculated using 100% of the chargeable elements of the allocated Personal Budget (PB).

Service users who have not yet been allocated a PB but receiving a home care service will be charged at the rate of £13.25 per hour.

- 2.4** There is no maximum charge for services where a service user is able to pay the full cost of the services they receive.

- 2.5** Any PB in respect of one off items e.g. computers will be subject to a financial assessment and possible contribution unless the care manager decides that the item falls within the meaning of "community equipment" as referred to in the Community Care (Delayed Discharges etc) Act 2003.

Any contribution will be calculated by dividing the PB allocation in respect of the item by 52 to arrive at a weekly figure and any resulting contribution to be applicable for a maximum of 52 weeks.

- 2.6 Any element of a PB in respect of a respite stay in a residential home is subject to a £17.50 per night contribution. Said contribution will be netted from the PB. Any financial assessment undertaken in respect of this contribution will be undertaken under the Charging for Residential Accommodation Guide (CRAG).
- 2.7 Carers are not subject to a financial assessment in respect of any PB relating to their role as a carer. It is for the care manager to decide whether any PB or any part of a PB is made in respect of the service user or the carer.

3. The Financial Assessment

- 3.1 Each new service user receiving a service charged at an assessed rate will be offered a financial assessment in his/her own home. A Specialist Advice Officer based within the Department of Social Care's Financial Services Team will undertake the financial assessment.

The basis of the financial assessment is to ensure that service users have sufficient money

- to meet their housing costs; and
- to meet their disability related expenditure;

and still retain a further 125% of their basic Income Support/Pension Credit level (excluding the Severe Disability Premium if in payment) as a "protected income".

The financial assessment will consist of:

- i) An assessment of capital and income
- ii) An assessment of disregards and allowances
- iii) A comprehensive benefit check

4. Assessment of Capital and Income

Capital

- 4.1 Capital will be assessed in accordance with Charging for Residential Accommodation Guidance (CRAG)

Capital disposed of, or converted into a disregarded form, in order to reduce the charge will be treated as notional capital in accordance with CRAG.

- 4.2 Capital of less than £14,250 (£28,500 for a couple) will be disregarded in full.
- 4.3 Service users with capital of £23,250 (£46,500 for couples) or more will be charged at the hourly rate up to the full cost of the package.
- 4.4 Services users with capital between the upper and lower capital limits will be treated as having a notional income of £1 for every £250 or part thereof.

Income

- 4.5 Income generated from a Personal Injury Award will be included in full whether paid as a lump sum capital payment, monthly income or interest payments.
- 4.6 The following income will be disregarded to arrive at the **assessable income**:
 - Basic Income Support/Pension Credit + 25%
 - Earnings
 - Savings Credits
 - DLA Mobility
 - War Disablement Pension
 - £10 disregard of all War Widows Pension
- The difference between the lower and higher rate of Attendance Allowance if the higher rate is in payment and no night time services are provided
- The difference between the middle and higher rate of DLA Care if the higher rate is in payment and no night time services are provided
- The lower rate of Attendance Allowance where the sole or main reason for the award is that the service user requires attention or supervision at night and no night time services are provided
- The middle rate of DLA Care where the sole or main reason for the award is that the service user requires attention or supervision at night and no night time services are provided
- 4.7 Where a service user declines to disclose information relating to capital or income then s/he becomes liable to pay the full cost of the service.

5. Assessment of Disregards and Allowances

- 5.1 The following items of expenditure will be disregarded:
- Rent
 - Mortgage Payments
 - Council Tax
 - CSA Payments
 - Standard non dependent deductions where the service user is a non dependent and the tenant/home owner has housing costs of at least the amount of the non dependent deduction. If higher contributions are requested these will need to be evidenced. The presumption is that there can be no commercial relationships in respect of rent between close family members living in the same property.

Disability Related Expenditure (DRE)

- 5.2 In addition to the disregards detailed in 5.1 above an allowance will also be made for certain extra costs which arise from the service user's age, disability etc. Such **additional** costs include:
- diet;
 - laundry;
 - clothing/footwear;
 - bedding;
 - water and fuel costs;
 - transport costs in excess of any DLA mobility component payment;
 - personal assistance costs;
 - cleaning;
 - domestic help;
 - gardening;
 - wear and tear on clothing or furniture.
- 5.3 DREs will be assessed on an individual basis and allowance will be made for costs which are reasonable, actually incurred and, where required, evidenced.
- 5.4 Where evidence of a particular item of DRE is required service users will be given one calendar month from the date of the letter requesting it to provide such evidence. Where evidence is provided within this timescale the amount of the DRE will be backdated to the date the evidence was requested.

Where evidence is provided outside of a calendar month then the effect on any user contribution will take effect from the Monday following receipt of the evidence being provided and accepted.

5.5 The assessed contribution is therefore:

Income – Income Disregards = Assessable Income

Assessable Income – Disregards and DRE = Assessed Contribution.

5.6 Care Managers will provide service users with a provisional contribution figure and any contribution will take effect from the start of the service. Service users will be invoiced four weekly in arrears.

5.7 All service users will receive a home visit from a Specialist Advice Officer (SAO) who will undertake a detailed financial assessment including a comprehensive benefit check and assistance with claiming benefits as required. Upon completion of the assessment at the home visit undertaken by the SAO the service user will receive a print out of the assessment together with confirmation of his/her rights of appeal

6. Comprehensive Benefits Advice

6.1 All service users, and their carers where appropriate, will be offered benefits advice. This advice will include assistance with form filling, advocacy, assistance with reviews and tribunal representation.

Advice will be undertaken by the SAO and advice given and recorded in compliance with the Community Legal Service General Help With Casework standard.

6.2 Where service users indicate that they do not wish to be given advice by the SAO they will be signposted or referred to another advice provider as appropriate.

6.3 Where a service user appears to be entitled to a means tested benefit, or an increased amount of that benefit, but declines to claim it they will be assumed to be in receipt of the amount of the unclaimed benefit with effect from the Monday following the financial assessment.

Possible entitlement to a non-means tested benefit such as Attendance Allowance will *not* be taken into account as notional income.

7. Financial Assessment Reviews

- 7.1** All service users will have their financial assessment reviewed annually in line with the annual uprating of benefits by the Department for Work & Pensions, namely in April each year. Annual reviews will normally be undertaken without the need for a home visit to the service user.
- 7.2** Service users will be informed at the initial assessment that they must report any changes of circumstances which may impact upon any contribution. Service users can request a financial assessment review at any time if they believe their circumstances have changed. Failure to report a relevant change of circumstances may lead to the client being retrospectively invoiced for any increased contribution.

8. Couples

- 8.1** If only one of a couple is a service user and the couple elects to be assessed individually then the Council will only have regard to the resources of the service user unless there are reasonable grounds for believing that a partner has a resource to which the service user has a legal entitlement and this may be taken into account.
- 8.2** Where it would be financially beneficial for the service user and his/her partner to be treated as a couple then the service user can request a “better off” financial assessment to be undertaken. Whether assessed as a couple or as an individual then all income left at the end of the assessment will be treated as assessable income.

9. Appeals

- 9.1** The service user has the right to appeal against the amount of any assessed contribution. The initial review will be undertaken by a second SAO. Where the SAO reviews the contribution in favour of the service user the service user will be notified of the outcome of the review. Where the SAO does not review the contribution in the service user's favour then the Client Finance Manager will undertake a second review. If this review is not in the service user's favour s/he will be informed that they have two weeks in which to make a further appeal which will be heard by the Executive Member for Social Care.

Any amendment to the service user's contribution which reduces their contribution will be backdated to the date when the initial appeal request was received.

9.2 Any appeal that is against a matter of policy will be dealt with under the Department's formal complaints policy.