

Adult Social Care

Charging Policy

‘Determining Contributions to Personal Budgets’

Glossary

Policy	A document that explains how Wiltshire Council will make decisions about a particular area or areas. Policies are used to make it clear to everyone what they can expect from Wiltshire Council.
Care Act (2014)	The law that sets out how local authorities must deliver care and support services in England. The policy has been developed so as to comply with the requirements of the Care Act, The Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Care and Support Statutory Guidance.
Wellbeing	<p>This concept is central to the Care Act and must inform all of a Local Authority's activities. There is no one definition of wellbeing and it is a broad concept. Considerations of wellbeing will take the following into account:</p> <ul style="list-style-type: none"> •Personal dignity •Physical and mental health and emotion well-being •Protection from abuse •Control by the adult over day-to-day life •Participation in work, education, training, or recreation •Social and economic well-being •Domestic, family and personal •Suitability of living accommodation •The adult's contribution to society
Carer	A carer is someone (aged 18 or over) who helps another person in their day to day life, usually a relative or friend, who could not manage without that support. This is not the same as someone who provides care professionally or through a voluntary organisation.
Eligible Needs	Needs that meet the criteria set out in the Care Act and as such must be met by the Council based on your financial situation.
Information	Communication of relevant knowledge and facts regarding care and support.
Advice	Helping you to identify choices and/or providing an opinion or recommendation regarding a course of action in relation to care and support.
Duty	What the Council is legally required to do.
Discretionary Power	Powers Wiltshire Council can exercise but are not legally required to do so.

Terms included in this Policy

Personal Budget	The agreed amount of funding required to meet an adult's
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	assessed needs. The Council's contribution to this is always paid minus the adult's own contribution.
Financial Assessment (Means Test)	An exchange of information to determine how much (if anything) you will need to pay for care and support services. The purpose is to establish what it is reasonable for a person to pay towards the cost of their support.
Regular Re Assessment	In accordance with Care Act customers in receipt of care and support services will be re assessed at least annually, or more often if required. Re assessments shall be proportionate based on an adults personal circumstances.
Disposable Income	The amount of money you have available to spend once daily living costs have been deducted from your total.
Upper Capital Limit	The maximum amount of capital an adult can have and still receive financial support from Wiltshire Council. Customers with more than the upper capital limit will be required to pay the full cost of their care and support.
Lower Capital Limit	The minimum amount of capital you must have for your savings to be considered in accordance with this policy. If you have assets below the lower capital limit only your income will be taken into account.
12 week property disregard	Available if you have eligible needs with a property valued at above the upper capital limit but with savings below the upper capital limit. For a period of up to 12 weeks the Council will fund care and support services in a care home based on the rate the Council can commission care and support services. If in this period you choose a service that charges more than the Council can buy the care to meet your needs you will be required to pay a top up.
Deferred Payment	A loan from the Council secured against the equity in your home so that you can pay for care and support services without having to sell your home. By entering into a deferred payment agreement, a person can 'defer' or delay paying the costs of their care and support until a later date. The Council will charge an administration fee for setting up the loan and interest will be charged.
Contribution	The amount of money you need to pay for your care and support service based on your assessed income and capital assets.
Indicative Budget	An amount of money the Council expects would be needed to fund the support to meet your eligible needs. You can use this to help create a support plan. Indicative budgets are just an approximate figure and are not a guarantee of funding this is your 'personal budget' (see above)
Welfare Benefits Check	A check completed as part of a financial assessment to make sure you are getting all the benefits you are entitled to.
Income	All of the money you get on a regular basis.
Disability Related Expenses (DRE)	Additional Expenses based on an individual's disability disregarded from your income for the purpose of calculating your contribution.

Arrangement fee	A fee charged by the Council to people with assets above the maximum threshold who ask the Council to arrange care at home on their behalf.
Third Party Top Up	An amount of money paid by a friend, relative or organisation to a care provider that charges more than the Council would reasonably expect to pay based on identified care and support needs. The Council will always offer people a choice of providers including at least one where no top up is required.
Non residential services	Care and support services provided in your own home. This includes sheltered housing and supported living.
Residential services	Services in a care home or care home with nursing.

Policy Cover Information

Policy number	4	Version number	4	Status	Draft
Implementation lead	All adult social care managers			Implementation date	August 2016
Policy approved by	Officers with delegated authority to approve annual fee charges and uplifts			Date approved	Autumn 2016
Next review date	April 2018				

Policy Control Sheet

Policy title	Charging Policy
Purpose of policy	To explain how Wiltshire Council works out how much a person should contribute towards the cost of their care and support
Policy author(s)	Olly Spence
Lead Director	James Cawley, Strategy & Commissioning
Target audience	Frontline staff and members of the public
This policy supersedes	Charging Policy for non residential services 2014-15.
This policy should be read alongside	Personalisation Policy Preventing, Reducing and Delaying Eligible Needs Policy Deferred Payment Policy Provision of Social Care Policy
Related Procedures	
Monitoring and review lead	Executive Office
First year review date	April 2018
Subsequent review date	April 2019
Internet link	www.wiltshire.gov.uk

This policy can be made available in a range of accessible formats if required.

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A. The Charging Policy – ‘Determining Contributions to Personal Budgets’

Following an assessment of need, Wiltshire Council may agree a care or support plan to address an adult’s unmet eligible needs in accordance with the Care Act 2014 and financial regulations issued annually. The cost of the care in the support plan, forms the basis of an adult’s personal budget which can be used either to pay for Council services commissioned by the Council or managed directly by the adult themselves in the form of a direct payment or a combination of both. From April 2020 it is expected the personal budget will accrue within an adult’s Care Account; which after reaching an upper limit of £72,000, the Council will be responsible for funding in its entirety.

As resources are limited, Wiltshire Council will exercise the discretionary power to charge for meeting an adult’s needs further to section 14(1) Care Act 2014. Because the Council has chosen to exercise this discretionary power it will conduct a financial assessment in accordance with section 17 of the Act so that adults are only asked to contribute what they can afford.

The Council will not exercise the discretionary power to make a charge against services provided to informal carers.

In accordance with the Preventing, Reducing and Delaying Eligible Needs Policy some support services will be provided to reduce, delay or prevent adults developing eligible needs. In these cases, the Council may also conduct a proportionate financial assessment to establish an adults’ ability to pay for preventative services. The decision to charge for services that are intended to prevent, reduce or delay needs arising will be made based on an adult’s ability to pay and the impact charging will have on the take up of services.

Key Statement- The Care Act requires that all local authorities make sure everyone who gets care and support services are given a personal budget. Personal budgets are the cost of an adult’s care and support service. Personal budgets can be managed by the Council on behalf of a person, provided through direct payments, or a combination of both. The amount an adult needs to contribute to care and support is based on an adult’s personal budget. The policy confirms the Council will exercise its discretionary power to charge a contribution on the basis that people only pay what they can afford.

B. What Does It Cover?

This policy applies to all adults who have eligible needs. This policy is designed to provide everyone with care and support needs and those without needs with information regarding charging that will help them to make decisions regarding care and support.

All services will be subject to normal charges in accordance with this policy

Exceptions: Individuals will NOT be charged for:

1. Assessment of needs and care planning will not be charged for, since these processes do not constitute “meeting needs”
2. Services identified in the Care Act including community equipment aids adaptations under the value of £1000
3. After-care services and support provided under section 117 of the Mental Health Act 1983
4. Care and support provided to people with Creutzfeldt-Jacob Disease.
5. Carers’ services provided after a carer’s assessment has identified eligible needs for support
6. Preventative Services: The Preventing, Reducing and Delaying Eligible Needs Policy outlines preventative services that may not be charged for based on the likelihood a service will prevent the following.
 - a person from being admitted to hospital
 - a person from needing to move into residential care
 - a need from developing and/ or escalating; and so supporting a person to remain independent at home:
7. Intermediate care services will also be provided through the Council’s Preventative approach. These services shall not be means tested and support will be free for a period of up to six weeks. If an adult remains in intermediate care services over six weeks, then a financial assessment may be required to determine charges in accordance with this policy.

C. Key Principles

The principles for this policy sit alongside the overarching principles set out in the Personalisation Policy; this can be accessed via the following link <http://www.yourcareyoursupportwiltshire.org.uk/paying-for-care/personal-budgets.aspx>. The details specific to the Charging Policy are as follows:

The overarching principle is that adults should only be required to pay what they can afford. People will be entitled to financial support based on a means-test and some will be entitled to free care.

Charging for care and support will:

- ensure that adults are not charged more than it is reasonably practicable for them to pay
- be comprehensive, to reduce variation in the way adults are assessed and charged
- be clear and transparent, so adults know what they will be charged
- promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control
- support carers to look after their own health and wellbeing and to care effectively

and safely

- be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet their needs
- apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings
- encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so
- be sustainable for Wiltshire Council in the long-term.

The Council will complete financial assessments in order to determine the amount an adult has to contribute. Financial assessments will be completed regularly and proportionately so as to ensure contributions reflect the overarching principles set out above. When determining Contributions Wiltshire Council will ensure that:

- contributions will be calculated openly and transparently with adults treated in a fair and consistent manner
- contributions will not exceed the full cost of the care
- contributions will be calculated on the basis of all applicable income and savings and the charge will initially be based on that amount. If after a welfare benefits check it is identified that the adult may be entitled to more benefits, charges will be recalculated and backdated on the basis of the additional income
- adults will be offered a welfare benefits check to ensure that they are receiving all of the benefits to which they are entitled
- a reassessment of contributions will be carried out annually for residential care or following a request arising from a change of circumstances, such as moving address or significant change in financial circumstances
- a reassessment of contributions will be carried out for adults in receipt of non residential care services on a regular basis so as to ensure the charge is correct. As a minimum re assessments will be completed whenever there is a significant change in financial circumstances, at the request of an adult or at least annually if this is deemed to be appropriate and proportionate.

If an adult does not wish to, or refuses, to disclose financial information they will be required to pay the full cost of the service.

Key Statement- The overarching principle is that people should only be required to pay what they can afford. People will be entitled to financial support based on a means-test and some will be entitled to free care.

D. National Context

This policy is written in accordance with the statutory framework and guidance under the Care Act (2014). The principles behind the legislation have informed the

development of this policy.

Local Authorities have discretionary powers to charge adults who receive care and support services and have been assessed as having capital and /or property assets below the national minimum thresholds.

The Care Act gives Local Authorities the discretionary legal power to charge for care and support services based on an adult's assets and income.

E. Charging - the Process in Practice

Wiltshire Council will exercise the discretionary powers set out in the Care Act and will charge for care and support services (excluding services for carers, some services that prevent, reduce or delay needs, intermediate care services and other exceptions set out above)

The amount Wiltshire Council will charge shall be determined in accordance with this policy and all applicable legislation.

1. Information

Information will be provided to all adults required to pay towards their care and support, explaining this policy. The appropriate rates of contributions and allowances for all adults will be updated annually to reflect changes. Customers who are likely to be asked to make a contribution will receive information about the financial assessment, how the charge is calculated and disability related expenses.

All care and support plans will include details of the cost of care expressed in a personal budget. Adults will be provided with an explanation of personal budgets and the ways in which these can be taken. All adults will be informed that the Council can arrange care on their behalf but that there will be a charge for this service for adults, who are assessed as having eligible unmet needs and assets above the maximum threshold.

After the eligibility determination, people will be given an indicative budget. Indicative budgets are an approximate figure and provide a range within which it is estimated an adult's personal budget is likely to be. An indicative budget is not a guarantee of funding but is intended to help a person plan their care and support in the context of the money that is likely to be available to them.

Key Statement- The way in which the Council calculates personal budgets explained in this policy has been agreed in the Council's Personal Budget Policy. This does not constitute a change to current policy. More information about personal budgets and the personal budget policy can be found at

<http://www.yourcareyoursupportwiltshire.org.uk/paying-for-care/personal-budgets.aspx>

2. Financial Assessment

Because the Council is choosing to exercise the power to charge, a financial assessment (means test) will be undertaken for all adults who need care at home or residential care and request financial help or direct payments (when applicable) from Wiltshire Council, or other services to meet that need.

The financial assessment will be carried out by specialist financial assessment officers as soon as possible following the completion of the care and support plan. This will usually be a personal visit if care at home is required, and a provisional indication of the level of contribution will be indicated immediately where possible. This will be confirmed in writing as soon as possible following the completion of the financial assessment and any checks that may be necessary.

Financial assessments will be proportionate and in some instances the Council may complete assessments via telephone or online. Face to face assessments will be completed when this is deemed to be proportionate and the best way of ensuring accurate contributions are calculated.

Wiltshire Council will regularly reassess an adult's ability to meet the cost of any charges and to take account of any changes to resources. Re assessment will be proportionate and based on an adult's circumstances.

For residential care, the financial assessment would normally be completed by post and a provisional contribution will apply until a confirmed contribution is calculated. Face to face assessments will be completed when this is deemed to be proportionate and the best way of ensuring accurate contributions are calculated.

Following completion of the financial assessment, the adult's assessed contribution shall be backdated to the start date of the service or placement.

In assessing what a person can afford to contribute, Wiltshire Council will apply the upper and lower capital limits as set out in the regulations. These limits will change over time in accordance with legislation. In these instances Wiltshire Council will apply the revised lower and upper capital limits.

An adult's contribution can be known as the client contribution and shall mean the amount the person has been assessed as needing to pay for their care and support.

Individuals will be advised that they can be supported by a relative, friend or other representative during any financial assessment.

3. Welfare Benefits

All adults who are subject to a financial assessment will be offered a welfare benefits check and where appropriate will be assisted in completing a claim for benefits to which they appear to be entitled.

A financial re-assessment will be undertaken following the award of benefits to re-

calculate the contribution payable.

If an adult is eligible for additional welfare benefits, there may initially be a provisional charge that will be adjusted to reflect any increase in benefits. The revised contribution would be backdated to the date of the award of the benefits or commencement of service whichever was appropriate. For residential care any charge will apply from the date the placement begins.

4. Date of Commencement of Charges

For care at home a charge will start from the date of commencement of service, the adult having been informed of the potential full cost beforehand (unless specifically informed that a period of free care applies).

Any subsequent financial assessment that then indicates an adult has assets above the maximum threshold shall mean that the adult will be required to pay the full cost of the care backdated to the commencement of service.

5. Calculating the Charge

Personal Budgets

As set out in this policy and the personalisation policy, a personal budget is the cost of support required to meet an adult's assessed needs. The amount an adult has to contribute towards care and support services is based on their personal budget. Personal budgets include the costs of any care and support services that have been agreed to meet an adult's needs including day care, respite and any other services. Personal budgets do not include services that are excluded by this policy such as intermediate care services or services for informal carers.

All contributions are calculated based on an adult's agreed personal budget amount in accordance with this policy.

Direct Payments

Direct Payments are a way in which an adult can receive their personal budget to arrange care and support services independently. This charging policy will apply to adults who choose to receive a direct payment as well as those that use services commissioned by Wiltshire Council. The adult's contribution will be deducted from the direct payment.

Current legislation does not allow people to use Direct Payments to pay for residential care services. If legislation changes to allow this the Council will apply the same standards set out in this policy for all Direct Payments.

Intermediate Care Services

This section applies to all bed based and home intermediate care services.

Intermediate Care services are short term periods of support provided to facilitate a quick discharge from hospital.

Intermediate care services are not means tested and no charges shall be made for these services for a period of up to six weeks. If intermediate care services are provided for a period longer than six weeks, Wiltshire Council may exercise discretion to charge for this support. The decision to charge for intermediate care services extending beyond six weeks shall be in accordance with the Preventing, reducing and delaying eligible needs policy. It will be based on the preventative benefits and the likelihood the service will prevent admission to hospital, permanent residential care or significant impact on an adult's independence at home.

Residential Services

In accordance with the Care Act, adults are expected to pay for this type of service (residential care), in line with their ability to pay as determined under Regulations.

The charge that will apply will be for residential services will be as set out below.

Savings

If an adult has more than the upper capital limit defined in the regulations in savings and capital (including the value of their home or other property) they will normally be required to pay the full cost of their care, and will not be entitled to financial assistance from the Council (see below regarding property). Individuals will be advised of the options available for arranging their care including requesting Wiltshire Council to arrange if for them

If an adult has savings/capital below the lower capital limit this will be disregarded (i.e. will be assessed on the basis of income alone) but if someone has savings between the Lower Capital Limit and Upper Capital Limit the Council will add £1.00 per week to income calculations (called tariff income) for each £250.00 or part thereof between these amounts (i.e. £15,000 savings would attract a tariff income of £3.00 per week as this is £750 over the disregarded savings presuming the Lower Capital Limit is £14,250).

Income that accrues to any sum of capital derived from an award of damages for personal injury that is administered by the High Court, a County Court or the Court of Protection or that can only be disposed of by order or direction of any such court and any income that accrues to such capital, shall not be included in tariff income calculations in accordance with the Care Act.

Tariff Income will be revised if there are any changes to the lower or upper capital limits.

Income

All of an adult's income (including benefits) is included in a financial assessment to

determine the contribution they will be asked to make towards their care home fees. Some income is disregarded from the financial assessment including mobility allowance and a figure for their personal allowance, presently £24.90 per week.

Key Statement- There is no change to the way in which contributions are calculated for adults supported in residential care homes (with or without nursing) on a permanent basis.

Deferred Payments-

A Deferred Payment is a loan from the Council secured against the equity in an adult's home so that they can pay for care and support services. By entering into a deferred payment agreement, an adult can 'defer' or delay paying the costs of their care and support until a later date.

The Council will offer deferred payments to all eligible adults in accordance with the deferred payments policy. The Council will charge an administration fee for setting up the loan and interest charges will be incurred against the loan as described in the [Deferred Payment Policy](#)

Key Statement – A right to deferred payments was introduced by the Care Act 2014. The Council has a responsibility to offer deferred payments to everyone who is eligible. The Council has consulted on a separate Deferred Payment Policy, which explains the Council will exercise its power to charge interest on any money borrowed from the Council and an administration fee to cover the costs of setting up the payment.

Temporary Residents

Respite Care

Respite care is often provided to allow a carer a break from their caring role. Respite care means that the adult who needs care and support services is supported in a care home or at home for a short period.- The calculations for contributions for respite are based on the cared for adult's personal budget.

Key Change- The current policy applies a standard contribution for respite care. The revised policy requires contributions for respite care will be based on an adult's personal budget and the calculations based on a full financial assessment.

Temporary Placements

Temporary placements are short term residential or nursing care home placements.

Adults in receipt of a temporary placement shall be subject to a full assessment and charged in accordance with this policy.

A financial assessment will be undertaken taking an adult's income and savings between the lower capital limit and upper capital limit into account; but allowances to maintain the adult's home will be included in any assessment.

Arrangement Fees

Adults who have capital above the threshold and have assessed eligible needs can ask the Council to arrange their care and support services at home.

Wiltshire Council will arrange care on their behalf but will charge an arrangement fee for doing this. Every time an adult asks the Council to arrange or revise their care and support services the fee will be charged.

Key Change- The Care Act introduced a legal responsibility for Councils to arrange care and support services for people with assets above the maximum threshold who have care and support needs that meet the national eligibility criteria and want care at home services. The Council in meeting this responsibility will exercise the power to charge an arrangement fee for providing this service. The fee reflects the actual costs the Council would incur in delivering this service. The fee is set at £56.00 and will apply each time an adult asks the Council to arrange a care package for them. The fee will be subject to review based on any changes to costs.

Choice

If an adult qualifies for financial assistance from the Council they will be given details of care homes that provide care able to meet their needs in order for them to choose a care home that suits them.

Individuals have a right to choose accommodation in line with the Council's policy on the provision of social care. However, if the care home they choose charges a fee above the rate the Council can commission their care and support for, they will need to arrange a top up or deferred payment agreement to meet the shortfall.

Any contribution that an adult is asked to make towards their care will form an aspect of their total personal budget. For example, if their personal budget is £600 per week and they have been assessed to contribute £240 per week, the adult will pay £240 and the Council will pay £360 per week. Any top ups an adult chooses to pay, shall not form a part of their personal budget.

'First party Top ups' where an adult pays additional amount for their care and support fees are currently not allowed under the regulations, apart from for 12 week property disregards. If the regulations in the future change to allow first party top ups, the Council will permit them to be made

Property

If an adult only owns the home they live in, this is normally regarded as an asset but can be disregarded if it is occupied by a:

- spouse
- relative aged over 60
- disabled relative
- dependent child under 16

If an adult owns their home only (or has an interest in it valued at more than the upper capital limit) but they have savings of less than the upper capital limit, they may be entitled to financial assistance from the Council for up to 12 weeks called a '12 week property disregard' to assist with their care home fees. At the end of the 12 weeks, although the adult will then be liable to meet the full cost of their care, they can ask the Council for a deferred payment to help meet care fees pending the sale of their property.

If an adult does not wish to sell their property immediately, the Council can still offer a loan which is termed 'a deferred payment'. This is when the Council will place a legal charge against an adults' property to secure the loan. In both instances they will have to make a contribution towards the full fee based on a financial assessment of their income as indicated under 'INCOME/ SAVINGS' above and the Council will loan the difference to make up the full cost of the care fee

Deferred Payments shall only be offered after a valuation of the property has been completed. An administration charge and interest charges will be made against deferred payment loans.

Payment/Contract Arrangements

Once a care home has been identified, placement date agreed and contributions determined, the Council will draw up a contract for an adult's care with the care home provider. Any third party arrangement will need to be subject to formal agreement between the third party and the Council. The adult's contribution will be paid direct to the care home and the Council will pay its share direct to the care home as well.

Calculating the Charge

Calculating the Charge for Non-Residential Services

Personal budget amounts will be used as the basis for all calculations of contributions to care and support.

If the Council considers an adult can afford to pay in full for these services, it will in general not provide them without charging an arrangement fee as well as the cost of care.

In deciding if you can afford to pay the Council applies the following rules to your capital (including savings) and income:

Capital

The Council will not take into account the value of an adult's interest in their only or principal home – but it will take into account the value of their interest in any other property.

In addition the Council will not take into account:

- capital the total value of which is below the upper capital limit
- any other capital that the Department of Health's guidance on Charging for Residential Accommodation, requires it not to take into account - unless there is good reason to take it into account, for example where you have received personal injury compensation (held now in trust or administered by the courts) for the same services that you ask the Council to provide.

The Council will take into account all other capital.

Income and Disability Related Expenses (DRE)

The Council will, initially, take into account all income, including pension income, and any other income.

The Council will then make deductions from this income and treat the remaining income as disposable income. Disposable income is the amount of money you have available including any tariff income after all deductions for essential living costs and disability related expenditures (DRE) have been deducted.

Adults will be given information and advice about DRE items on a proactive basis and will be required to provide evidence of any relevant expense before it is disregarded as income for the financial assessment.

Proportionate and regular Re assessments will be completed in order to ensure DRE items are considered based on an adult's individual circumstances.

The Council will produce guidance for officers or organisations completing financial assessments based on the National Association of Finance Officers guidance as updated from time to time. This guidance will include the amounts the Council would normally expect to consider. The actual rate that will be considered shall be based on adult's individual circumstances.

Because Wiltshire Council takes relevant Disability Related Benefits into account

when assessing the charge, disability related expenses will also be taken into account where an adult can provide evidence of that expense.

The Council will disregard all income in accordance with paragraph 29 of Annex C of the [Care Act statutory guidance](#)

The Council will take into account one hundred percent of an adult's disposable income when calculating how much they will have to contribute for Care and Support services.

The Council will take into account the full amount of any benefits received when calculating contributions including the full rate of Attendance allowance.

The Council will then take all disposable income as income that you can be expected to use to pay for any services it provides for you, or to use to contribute to their cost.

Key Change- The Council will take into account 100% of an adult's disposable income when calculating how much people need to pay for care. As described above disposable income is the amount of money left over after all essential living expenses and disability related expenses (DRE) have been paid for.

The Council also takes into account the full rate of any attendance allowance received.

Savings

If an adult has more than the upper capital limit defined in the regulations in savings, they will normally be required to pay the full cost of their care, and will not be entitled to financial assistance from the Council. Individuals will be advised of the options available to them for their care arrangements, including requesting Wiltshire Council to arrange it on their behalf.

If an adult has savings /capital below the lower capital limit, this will be disregarded (i.e. they will be assessed on the basis of their income alone) but if they have savings between the Lower Capital Limit and Upper Capital Limit the Council will add £1.00 per week to their income (called tariff income) for each £250.00 or part thereof between these amounts (i.e. £15,000 savings would attract a tariff income of £3.00 per week as this is £750 over the disregarded savings presuming the Lower Capital Limit is £14,250).

Income that accrues to any sum of capital derived from an award of damages for personal injury that is administered by the High Court, a County Court or the Court of Protection or that can only be disposed of by order or direction of any such court and any income that accrues to such capital shall not be included in tariff income calculations in accordance with the Care Act.

Deductions

The following deductions will be made from income.

- For people under 60 years, a sum equal to basic Income Support Personal Allowance plus premiums for age, level of disability or family status (but not Severe Disability Premium) plus 25% buffer. This is the General Living Allowance.
- For people over 60 years a sum equal to the Pension Credit Guaranteed Credit (but not Severe Disability addition) plus 25% buffer. This is the General Living Allowance.
- The Savings Credit Reward.
- Any housing costs such as mortgage and rent that is net of any housing benefit.
- Any Council tax payable net of Council tax benefit.
- Any additional expenditure incurred as a result of a disability (Disability Related Expenditure) NB – appropriate evidence will be required to confirm expenditure and qualify for an allowance. Payments to family members will not be allowed as DRE unless there are exceptional circumstances
- Any support provided by family members to a client in their own home will be expected to be provided free of charge.

Key statement- this section explains what essential living expenses such as housing costs will be deducted from an adults' income so that they never have to contribute more than they can afford to pay. Contributions will always be calculated so as to leave an individual adult enough income to pay for all their essential items.

Minimum and Maximum Charges

The minimum charge is £2 a week, i.e. an adult will not have to pay anything unless the Council considers they can afford to pay at least £2 a week.

There is no maximum charge; an adult may be required to pay the full cost of the services provided where the assessed contribution exceeds the cost of the care services. Nobody will ever be asked to contribute more than the cost of their care.

Treatment of Couples

A partner's income/savings does not affect the charge applied to an adult. However the Council does seek information from a partner in order to apportion 'housing costs' incurred by the couple. If a partner chooses not to disclose information, housing costs will not be allowed. If a partner has more than the upper capital limit, no housing costs will be allowed. The Council will also ensure that both adult and their partner have at least the appropriate General Living Allowance rate plus 25%

buffer, before any contributions are applied.

Payment/Contract Arrangements

Any contribution an adult is asked to make should be paid direct to the Provider and the Council will pay its share direct to them as well. If an adult requests a direct payment, any contribution will be deducted from the direct payment and they will be expected to enter into a formal direct payment agreement and pay any assessed contribution into the direct payment account.

In situations when the Council is purchasing services on an adults behalf the fact the adult is paying any contribution directly to the service provider will not impact on the contractual responsibility of the Council with the provider. The Council will ensure contract terms reflect the fact that after fair and reasonable attempts have been made by the service provider to collect any contributions, in the event they have not been collected the Council will take on any debts and pay the provider in full.

Intermediate Care/ Reablement

Charges will not be made for a period of up to 6 weeks or longer in accordance with the Preventing, reducing and delaying eligible needs policy where the specific eligibility criteria are met for intermediate care/ reablement. If an adult remains in a service after intermediate care services have been concluded and an assessment of needs, has identified care and support needs the terms of this policy shall apply in terms of charges and choice.

Respite Care

Contributions for respite care will be based on an adult's personal budget in accordance with the terms described in this policy.

Day Care Services

If an adult has more than the Upper Capital Limit they are expected to meet the full cost of day care. If an adult has assets below the Upper Capital limit, contributions for day care will be based on an adult's agreed personal budget. If transport is arranged and provided by the Council as part of the care and support plan meeting the adult's assessed eligible needs the cost of the transport is calculated on the basis of the cost of travel to the nearest suitable facility. The Council's approach to transport is set out in the General Policy Statement relating to the provision of adult social care. Transport costs can include the costs of any transport assistants. If the day centre provides meals the adult will be asked to make a contribution towards the meal.

Pet Care

The Council will arrange for suitable care for pets if due to an unforeseen event an adult is not able to look after a pet. In the first instance the Council will identify family,

friends or local charities that may be able to care for the animal. If this is not possible or appropriate the Council will arrange for pet care. The adult will be charged for all pet care costs incurred.

F. Monitoring, Evaluation and Review of this Policy

This is at the centre of everything we do. We will regularly ask people for their views about the services they receive and respond by shaping those services accordingly.

Individuals may wish to challenge various decisions, such as: the amount of their contribution or decisions regarding community or residential care. In such cases, they will be provided with a full and clear audit trail to explain why decisions were made. First of all, adults should discuss and negotiate the decisions with the financial assessment team while the decisions are still being made. If an adult is still unhappy their case can be referred to the team manager for further discussion and negotiation.

Our [complaints procedure](#) can also be used at any time. Advocacy and support on complaints is available from RETHINK advocacy services

Feedback on the Council's policies in general is welcome. Please email the document author.

Together with adult feedback, complaints information and feedback from staff, the information will be used to improve the Council's policies and procedures in future.