

Adult Social Care

Charging Policy

Policy Cover Information

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| Policy number | 3 | Version number | 0.4 | Status | Draft |
| Implementation lead | All adult social care managers | | | Implementation date | Autumn 2014 |
| Policy approved by | Officers with delegated authority to approve annual fee charges and uplifts | | | Date approved | Autumn 2014 |
| Next review date | April 2015 | | | | |

Policy Control Sheet

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| Policy title | Charging Policy |
| Purpose of policy | To explain how Wiltshire Council works out its contribution and those of the individual towards their personal budget. |
| Policy author(s) | Pete Little (now contact Sheila Wall) |
| Lead Director | James Cawley, Strategy & Commissioning |
| Target audience | Frontline staff and members of the public |
| This policy supersedes | Direct Payments to Manage Your Own Care Financial Rules Self Directed Support Fairer Charging: A fairer way to work out the cost for the services you use (2004) Financial Rules and Principle 2006/07: Instructions for Practitioners Purchasing guidelines and directives (2006) Charging Policy for non residential services 2013-14. |
| This policy should be read alongside | Personalisation Policy Eligibility (how we prioritise needs) Policy Carers Strategy Fact Sheet |
| Related Procedures | |
| Monitoring and review lead | Executive Office |
| First year review date | April 2015 (benefit update) |
| Subsequent review date | April 2016 |
| Internet link | |

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

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The Charging Policy

Following an assessment, Wiltshire Council agrees support plans to address individual's unmet and eligible needs. The cost of the care in the support plan forms the basis of an individual's personal budget which can be used either to pay for council commissioned services, or managed directly by the individual themselves, in the form of a direct payment, or a combination of both.

As resources are limited, Wiltshire Council undertakes a financial assessment to determine the individual's (and the council's) contribution to their personal budget. This is undertaken in line with national guidance on charging.

Who Does It Cover?

This policy applies to all people who have been assessed as having an eligible need, under Wiltshire Council's eligibility policy.

Services relating to mental health after care commissioned under section 117 of the Mental Health Act 1983 will be free from charges. Equipment can also be provided free if it has a value of less than £1000 and you meet the criteria.

The Council does not apply charges for 'carers services', provided the carer meets eligibility criteria.

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

Definitions

A **personal budget** is the agreed amount of funding available to meet an individual's assessed needs. The Council's contribution to this is always paid minus the individual's own contribution.

An individual's contribution can be known as the **charge**.

Key Principles

The principles for this policy sit alongside the overarching principles set out in the Personalisation Policy. The details specific to the Charging Policy are as follows:

- Individuals will be asked to complete a financial assessment to enable the Council to calculate their contribution.
- The contributions will be calculated openly and transparently with individuals treated in a fair and consistent manner.
- Contributions will not exceed the full cost of the care.
- Individuals 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.

National Context

The following statements of legislation and guidance provide much of the context for Wiltshire's Personalisation Policy.

- *National Assistance Act (1948)*
- *National Health Service and Community Care Act (1990)*
- *Community Care (Direct Payments) Act (1996)*
- *Department of Health (2004) LAC Guidance on National Assistance Act 1948 (Choice of Accommodation) Directions (1992)*
- *National Assistance (Residential Accommodation) (Additional Payments and Assessments of Resources) (amendment) (England) Regulations 2001 ('the 2004 Guidance')*.
- *Direct Payments Regulations (1996, 2009)*
- *Health and Social Care Acts (2001, 2008)*
- *Personal Care at Home Act (2010)*
- *National Assistance (Sums for Personal Requirements and Assessment of Resources) Amendment (England) Regulations (2010)*
- *Charging for Residential Accommodation Guide*
- *Health and Social Services and Social Security Adjudications Act (1983) (HASSASSA Act 1983)*
- *Local Authority Social Services Act (1970)*
- *Fairer Charging Guidance (2013)*
- *Fairer Contributions Guidance: An assessment of an individual's contribution to their personal budget (2010)*

For residential care services charging is covered by the National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992. Guidance is provided by the Department of Health's 'Charging for Residential Accommodation Guide' (CRAG).

Local authorities have discretionary powers to charge adults who receive non-residential social care services under Section 17 of the Health and Social Services and Social Security Adjudications Act 1983. Section 7A of the Local Authority Social Services Act requires councils to exercise their functions in accordance with guidance from the government. Like most councils, Wiltshire Council has decided to charge for certain services (set out below).

In 2003, Fairer Charging Guidance was published, covering Home Care and other non-residential services. In 2010, new guidance was issued in line with the personalisation agenda, known as Fairer Contributions Guidance.

The Care Act 2014 provisions come into force in April 2015 and will replace and simplify much of the legislation noted above. The principles behind the legislation have informed the development of this policy.

Charging - the Process in Practice

1. Information

Information will be provided to all individuals required to contribute, explaining this policy. The appropriate rates of contributions and allowances for all individuals will be updated annually to reflect changes.

2. Financial Assessment

A financial assessment (means test) will be undertaken for all individuals 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.

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

The financial assessment will be carried out by specialist financial assessment officers as soon as possible following the completion of the care assessment, 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. For residential care the financial assessment would normally be completed by post and a provisional contribution will apply until a confirmed contribution calculated

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

3. Welfare Benefits

All individuals 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.

4. Date of Commencement of Charges

For care at home a charge, unless specifically informed that a period of free care applies, will start from the date of commencement of service, the individual having been informed of the potential full cost beforehand. Any financial assessment that then indicates that they should not meet the full cost will be applied instead as from the commencement date. If an individual has the eligibility for additional benefits, there may initially be a provisional charge that would be adjusted to reflect any increase in benefits and the revised contribution would be backdated to the date of the award or commencement of service which ever was appropriate. For residential care any charge will apply from the date the placement begins.

5. Calculating the Charge

For Residential Services

In accordance with national policy, individuals are expected to pay for this type of service (residential care), in line with their ability to pay as determined under Regulations.

The calculation to identify the charge that will apply will be as follows for residential services:

Savings

If you have more than £23,250 in saving/capital (including the value of your home or other property) you will normally be required to pay the full cost of your care, be advised to make your own arrangements and will not be entitled to financial assistance from the council (see below regarding property)

If you have saving/capital below £14,250 this will be disregarded (i.e. you will be assessed on the basis of your income alone) but if you have savings between £14,250 and £23,250 the council will add £1.00 per week to your income (called tariff income) for each £250.00 or part thereof between these amounts (ie £15,000 savings would attract a tariff income of £3.00 per week as this is £750 over the disregarded savings).

Income

Generally all of your income (including benefits) is included in a financial assessment in accordance with the charging regulations to determine the contribution you will be asked to make towards your care home fees. Some income is disregarded from the financial assessment, such as mobility allowance, as is a figure for your personal allowance presently £23.90 per week.

Temporary Residents

If you are only going into a care home for a short period of up to eight weeks (called respite care) and your savings/capital (excluding your home) is less than £23,250 the council applies a standard charge depending on your age without the need for a financial assessment (you can request a financial assessment if you feel the standard charge is too high). Respite care only applies if you have an unpaid carer doing substantial amounts of the care. The charges for this are as follows:

| Age | Standard Charge |
|----------|------------------|
| Under 25 | £63.90 per week |
| 25-61 | £78.80 per week |
| 61+ | £121.50 per week |

If you are a temporary resident not staying for respite care, or the period cannot be

determined at the start or is going to be longer than eight weeks, a financial assessment will be undertaken taking your income and savings between £14,250 to £23,250 into account; but allowances to maintain your home will be included in any assessment. Temporary residential care is charged differently to respite care, at an agreed price with the council (as set out below).

Choice

If you qualify for financial assistance from the council you will be given details of care homes that provide care at an 'agreed price' that the council is prepared to pay or the council will indicate this 'agreed price' in order for you to choose a care home that suits you. You have a right to your preferred choice accommodation,* however if the care home you choose charges a fee above the 'agreed price' you will need to find a 'third party' ie someone else, to meet the shortfall. Any contribution that you are asked to make towards your care will go towards the 'agreed price' the council determines. You cannot meet any shortfall yourself unless you own a property and are seeking 12 weeks property disregard (see below re property).

**A leaflet setting out your rights under the Preferred Choice of Accommodation Directions and Regulations is available upon request.*

Property

If you own, or have an interest in, more than one property it is very likely that your capital assets are more than £23,250 and therefore would be expected to pay the full cost of your care and would not be entitled to financial assistance from the council. If you only own the home you live in, this is normally regarded as an asset but can be disregarded in the following circumstances if it is occupied by a:

- spouse
- relative aged over 60
- disabled relative
- dependent child under 16
- carer who does not fall into one of the above categories, the council has discretion to disregard your home.

If you own your home only (or have an interest in it valued at more than £23,250) but you have savings of less than £23,250 you may be entitled to financial assistance from the council for up to 12 weeks initial funding by the council to assist with your care home fees. At the end of the 12 weeks, although you will then be liable to meet the full cost of your care, you can ask the council for a loan to help meet care fees pending the sale of the property.

If the property is on the market the council will offer a loan by means where your solicitor dealing with the sale will agree to repay the council on completion of the

sale. If you do not wish to sell your property immediately the council can still offer a loan which is termed 'a deferred payment' whereby the council will place a legal charge against your property to secure the loan. In both instances you will have to make a contribution towards the full fee based on a financial assessment of your income as indicated under 'INCOME/ SAVINGS' above and the council will loan the difference to make up the full cost of your care fee.

- [Paying for residential or nursing care where people own their property.](#)

Payment/Contract Arrangements

Once a care home has been identified, placement date agreed and contributions determined, the council will draw up a contract for your 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 contribution you are asked to make should be paid direct to the care home and the council will pay its share direct to them as well.

Calculating the Charge

Calculating the Charge for Non-Residential Services

If the council considers you can afford to pay in full for these services it will in general not provide them. If it does provide them and considers you can afford to pay in full for them or contribute to their cost it will charge you.

In deciding if you can afford to pay it applies these rules to your capital (including savings) and income:

Capital

The council will not take into account the value of your interest in your only or principal home – but it will take into account the value of your interest in any other property.

In addition the council will not take into account capital the total value of which is below £23,250.

In addition the council will not take into account any other capital that the Department of Health's 'Charging for Residential Accommodation Guide', known as CRAG, 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

The council will, to begin with, take into account all income, including pension income, 'tariff income' of £1 a week for every £250 (or part of £250) between £14,250 and £23,250, income that accrues to personal injury compensation held in trust or administered by the courts and personal injury periodical payments that are income.

The council will then make deductions from this income (see below) and treat the remaining income as disposable income.

The council will then take 80% of 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.

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.
- The 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
- £10 per week of War Disability Pensions and War Widows Pension and all of War Widows Supplementary Pension.
- All earnings from paid employment.
- Any support provided by family members to a client in their own home will be expected to be provided free of charge. Only in exceptional circumstances would payments to a family member be accepted and evidence of payment would be required.

Minimum and Maximum Charges

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

There is no maximum charge; you may be required to pay in full for the services provided.

Treatment of Couples

A partner's income/savings does not affect the charge applied to you. However we do seek information from a partner to disclose this information in order to apportion 'housing costs' incurred by the couple. If a partner chooses not to disclose, 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 you and your partner, have at least the appropriate General Living Allowance rate plus 25% buffer, before any contributions are applied.

Payment/Contract Arrangements

Any contribution you are asked to make should be paid direct to the Provider and the council will pay its share direct to them as well. If you ask for a direct payment any contribution will be deducted from the direct payment to you and you will be expected to enter into a formal direct payment agreement and pay any assessed contribution into the direct payment account.

Intermediate Care/ Reablement

Charges will be waived for a period of up to 6 weeks where the specific eligibility criteria are met for intermediate care/ reablement.

Respite Care

A standard charge would usually apply to respite care but if you require a financial assessment this would be undertaken using residential assessment regulations (CRAG) (see above)

Day Care Services

If an individual has more than the upper capital limit they are expected to meet the full cost of day care. If not, no charge for attendance/ taking part etc is applied but if transport is arranged and provided by the Council a flat rate charge of £3.70 per day is applied. If the day centre provides meals you may be asked to make a contribution towards the meal.

Direct Payments

This charging policy will apply to individuals who choose to receive a direct payment as well as those that use services commissioned by Wiltshire Council. The

individual's contribution will normally be deducted from the direct payment.

Equipment/ Adaptations

The council applies no charge for equipment nor is there any charge for minor adaptations costing less than £1,000. For adaptations costing more than £1,000 you will be directed to apply for a Disabled Facilities Grant.

Monitoring, Evaluation and Review of this Policy

You are at the centre of everything we do. We will regularly ask for your views about the services you receive and respond by shaping those services accordingly.

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

Our [complaints procedure](#) can also be used at any time. Advocacy and support on complaints is available from SWAN advocacy services (<http://swanadvocacy.org.uk> / 01722 341851).

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

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

A review of this policy will take place in April 2015.