

Guidance Note for Service Users

Charging for non-residential care services

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What is a Non-Residential Care Service?

- Personal care and support in a person's own home (including the cost of two carers where these are necessary) except any reablement or enablement service
- Support to access the Community (Community Support)
- Day Care and Outreach support
- Transport
- Employment Support
- Respite care in a residential/nursing home (not exceeding 56 consecutive nights)
- All services arranged within a Direct Payment, including the cost of brokerage services provided outside the Council
- Housing support charges such as the core care charge in Extra Care Housing Schemes
- Shared Lives services

This information is valid until end March 2023

Will there be a charge?

Your liability to contribute towards the cost of your service depends upon your personal financial circumstances only and will not include those of your partner. Some people pay the standard charge for the service received, some pay the actual cost, others pay a proportion of the cost, and some make no financial contribution at all. You will be offered a financial assessment and advice about Welfare Benefits that may be available to you.

Contributions will not normally be required for the cost of the Council's assessment or administration processes for the service provided, except in the case of administration for a person with eligible needs who has assets above the upper capital limit and who has asked the Council to arrange their care and support on their behalf.

A copy of the Council's charging policy is available on request or on our website www.westberks.gov.uk



What makes you liable to a charge

- **If you have in excess of £23,250 in capital/savings you will be charged the standard rate for all of the services you receive. You will also be charged an administration fee of £241 per annum relating to the arrangement fee of your care and support.**

Capital and savings can include:

- cash
- savings bonds
- premium bonds
- stocks and shares
- funds held in bank, building society and Post Office accounts
- value of land or property (other than the home in which you live), although some property can be disregarded.

If capital/savings are held in joint names, an equal proportion will be assumed.

- **If you have less than £23,250 in capital/savings you can be financially assessed to calculate a reasonable contribution towards the cost of your care.**

The assessment will take into account your income plus a notional income from capital/savings between £14,250 and £23,250 (£1 income for every £250 or part £250) less allowable expenses to identify an income to which the charge can be applied.

Some income and capital can be disregarded and so we would always recommend that you engage in the financial assessment process.

Why does the Council charge an administration fee?

The Care Act (2014) allows Local Authorities to charge an administration fee for arranging care and support if a person with eligible care needs has assets above the upper capital limit. The fee takes into account the cost of negotiating and/or managing the contract with a provider and any administration costs incurred. The fee will apply for as long as the Council is administering the care contract and this means that invoices for the fee may be raised for weeks where no care or support is received.

Who is charged an administration fee?

If you have assets in excess of £23,250.00 (known as the upper capital limit) you will be charged the administration fee. The fee is currently £241.00 per year and is invoiced on a four-weekly basis. However, if the only service that you receive from the Council is a core charge because you live in an Extra Care Housing scheme or a telecare service the fee will not apply.

Would I be better off arranging my own care?

The reasons for asking the Council to arrange care as opposed to contracting directly with an agency of your own choice are varied and individual to the person receiving care. Finances could influence your decision but the amount of control that you have over the contract may also be important to you. If the Council commissions your care, the care provider will be one of the providers on our approved provider list and we are unable to guarantee that your care will be provided at a specific time, as it will depend on the care provider's rotas.

The Council's various rates for care and support services are shown at the end of this leaflet, the rates are standard and do not vary for weekends or bank holidays.

The Council's standard rates can be used to compare with the rates of local care providers. Your social care practitioner/social worker will be able to provide you with a list of care providers in the area.

If you contract directly with a care provider you will be negotiating and managing your own contract, the Council will not be involved.

Deprivation of capital

Transferring an asset out of your name does not necessarily mean that it will not be taken into account in a financial assessment. During the financial assessment process the Council can look for evidence of deliberate or intentional deprivation of capital. This could be for example, gifting money or transferring property or other assets.

What is deprivation of capital?

The term deprivation covers a broad range of ways in which the owner of an asset might transfer it out of his or her possession. For example:

- a lump sum payment such as a gift or to pay off another person's debt
- transferring the title deeds of a property to someone else
- putting money into a trust that cannot be revoked
- converting money into another form that has to be disregarded from the financial assessment, e.g. personal possessions, investment bonds with life assurance
- reducing capital through substantial expenditure on items such as expensive holidays or extravagant living
- selling an asset for less than its true value

Deliberate deprivation occurs when an individual transfers an asset out of his or her possession to place him or herself in a better position regarding the financial assessment and reduce the charge towards his / her care and support.

In making decisions about deprivation of capital the Council will want to establish the reason for the transfer or disposal including why it was done when it was. We may want

to see receipts or documentary evidence. We will look to see if the transaction took place at a time when care needs were being considered and consider if “gifts” were made historically and regularly.

Unlike other rules such as Income Tax, Capital Gains or Inheritance Tax, there is no limit to how far back the Council can consider possible deprivation. Similarly, tax rules surrounding gifting do not apply.

If you are found to have deliberately deprived yourself of capital you can be treated as having “notional capital” to the value of the capital that you have disposed of in your financial assessment. If the notional capital added to your actual capital comes to more than £23,250, the Council may assess you as being able to meet the full cost of your care and support.

You will be notified in writing of the outcome of your financial assessment. If you disagree with the decision the letter will give you details of how to request a review.

What if you don't want to disclose your financial details?

If you do not want to undergo a full financial assessment but nonetheless want to access Council support to meet your care needs, the Council must be satisfied on the basis of evidence that you can afford and continue to afford, any charges due. You will be required to complete a financial assessment form and provide sufficient information and evidence as required above. This is called a light-touch financial assessment.

It is to your advantage to fully disclose your financial information to ensure that you are charged correctly and for the Assessment Officer to provide advice about benefit entitlement.

If you do not fully disclose your finances you will be charged the full cost of your care and support, the charges are listed at the end of this leaflet. You will also be charged an administration fee of £241.00 per year (pro-rata) for the Council to arrange your care.

Who does the financial assessment?

The Council's Financial Assessment and Charging Officers carry out financial assessments. Your care manager will arrange for a Financial Assessment and Charging Officer to contact you. These officers will also be able to offer you advice about the welfare benefits available to you and, if necessary, help you to make any relevant claims. If you have a partner, to be able to receive full benefit advice, your partner will need to be willing to disclose their financial information.

The financial assessment

This is how we carry out an assessment and calculate the charges:

- We will ask for details of all your income and savings. Income paid to a partner that is based on your joint financial circumstances (for example Pension Credit or Income Support) must be declared.
- We will then deduct an allowance for your general living expenses. This allowance is based on rules given by the government and is termed a Minimum Income Guarantee (MIG), see below for more details. We will also take into account your housing costs, including council tax, rent and mortgage payments that are not covered by benefit. If you own your own home we will also deduct buildings insurance.
- We will then deduct any extra expenses that you have due to age, illness or disability (usually called 'disability related expenses' see below).
- The amount left will be the maximum amount that we will charge you each week for your non-residential care services.
- If the cost of your service is less than this amount you will only be charged the cost of your service.

What proof do we need?

When you provide details of your finances we will need to see proof of the figures that you give us. You will also need to show records of your Disability Related Expenditure. If you do not currently have records you must keep records for future reviews of your assessment.

Minimum Income Guarantee (MIG) for General Living Expenses

Eligibility criteria	MIG
Age 18 or over, up to qualifying age for Pension Credit	£135.70 per week
Age 18 or over, up to qualifying age for Pension Credit and qualifying for the Enhanced Disability Premium	£156.00 per week
Reached or over qualifying age for Pension Credit	£194.70 per week
Eligible for a Carer Premium	An additional £44.55 per week
Responsible for a child, and a member of the same household as that child	An additional £86.20 per week per child

Disability Related Expenses

The Council has a duty to local tax payers to ensure that public funds are used appropriately. Therefore, in order to be fair and reasonable to both the person receiving support and to local Council Tax payers, careful consideration will be given to Disability Related Expenditure.

Voluntary unpaid support from family and/or friends is not a disability-related expense.

Disability Related Expenditure (DRE) is any reasonable additional cost that a person incurs to meet their specific needs due to age, a medical condition or disability.

DRE will be considered when:

- the extra cost is needed due to age, a medical condition or disability as identified in the person's community care assessment;
and
- the cost is reasonable and can be verified (receipts will be requested);
and
- it is not reasonable for a lower cost alternative item or service to be used.

Examples of items that could be considered as a disability related expense are:

- Additional costs due to incontinence or dietary needs, confirmation from a GP may be required
- Above average heating costs
- Specialist clothing or footwear or additional wear and tear to clothing or footwear
- Purchase, maintenance and repair of disability equipment
- Transport costs necessitated by illness or disability over and above the mobility component of Disability Living Allowance or Personal Independence Payment
- Reasonable costs of basic gardening maintenance, cleaning or domestic help if not met by social services.

The above list is not exhaustive and each case will be considered on an individual basis.

In determining the reasonable costs of basic garden maintenance, cleaning or domestic help, consideration will be given to establish if the person receiving care is solely responsible for the tasks and if they choose to live in a property that is under-occupied or with a large garden.

Basic gardening will be limited to prevent the property from appearing as though a vulnerable person lives there; grass cutting and minimal hedge trimming at an agreed hourly rate.

Cleaning will be limited to the rooms necessary for the use of the person receiving support and at an agreed hourly rate.

Home maintenance is not usually a disability related expense. If help is not available from family or friends there are agencies in the community, for example **Age UK Berkshire 0118 959 4242** specifically helping vulnerable and disabled people with DIY and tasks involving manual labour. These agencies give concessions to the people that they support or charge much less than private contractors. In contrast other people in the community would have to pay the full cost.

Future reassessments

We will revise your financial assessment in April each year in line with the increases in benefits and pensions that occur at that time.

In addition to this you will be contacted every year to ensure that your charge is still correct.

All changes in the financial information used in an assessment must be notified to the Financial Assessment & Charging Team as soon as they occur as they may affect the amount that you have been assessed to pay.

This includes increases/decreases in income and/or benefits and pensions or capital, changes in expenses and in the way that capital or investments are held.

Changes that may affect your charge

- Changes that may affect the amount you pay:
 - *we do not provide the service agreed*
 - *you give notice to the service provider that you don't require the service*
 - *you are sick or in hospital and don't require the planned support*
- If you fail to notify the service provider at least 24 hours in advance that you don't require the service you will be charged as though you have received the service.
- If a service provider has attended your home to provide care and support but is turned away by you, you will be charged a nominal amount which could be up to the cost of a 15 minute call.
- Small variations in the service that you get may not affect the amount that you are charged, especially if you get a lot of care but are assessed to pay a low maximum weekly charge.

How you will know whether you will be liable to a charge

You will be notified of the charge or that there is no charge for your service.

If there is an assessed charge this figure will represent the maximum amount that you might be required to pay in any charging week. A charging week runs from Monday to Sunday. Irrespective of the day on which your care begins, you may be required to pay your full assessed charge depending on the cost of the care.

For example you have a maximum assessed charge of £80.00 per week.

You receive 10 hours of personal care within a charging week, this support will cost the Council more than £80.00

You will be charged your maximum weekly charge of £80.00

If you received 2 hours of personal care, this will cost less than £80.00

You would pay the cost of 2 hours of personal care.

In this case if the amount of support increases the amount that you are charged will increase accordingly up to but not above your assessed maximum.

If you are unsure of how this will apply to you, please contact the Financial Assessment and Charging Officer dealing with your assessment.

The Council has a minimum assessed contribution of £1.25 per week - if your weekly assessed contribution is below £1.25 you will not be charged.

Invoices

You, or a person nominated by you, will receive invoices every four weeks and you will receive thirteen invoices a year. The charges will be for the care you received during the dates shown on the invoice. The reverse of the invoice will include instructions on how to pay.

Invoices can only be raised once a care provider has confirmed the amount of support that you have received. On occasion there may be a delay in the details of your support being processed that results in a delay in the issue of an invoice. If you have been informed that you will need to contribute towards your care you should ensure that you make provision to pay any invoice even if there is a delay in receipt.

If the invoice is for your contribution towards a Direct Payment you must not pay that invoice from the same bank account that is used to receive your Direct Payments.

What to do if you think your financial assessment is incorrect

The Council has a Charging for Adult Social Care Review and Appeals process - the process is two stage. The first stage is a review of the financial assessment by the Financial Assessment & Charging Team Manager to ensure the assessment has followed the Council's Adult Social Care charging policy and contains no errors. If you are not satisfied with any decision made in the first stage you will be able to progress to the second stage of the process where the case is considered by an appeal panel consisting of senior managers.

If you feel that we have not assessed you correctly please contact the Financial Assessment and Charging Team Manager on **01635 551111**

Where to find independent advice

If you need further guidance concerning local authority charging for care, independent advice can be obtained from:

- Citizens Advice Bureau
- charities for older people
- solicitors and financial advisors

Details of such agencies and organisations are available from West Berkshire Council's **Adult Social Care Helpline** on Tel: **01635 503050**.

Equal Opportunities

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you need this information in a different format, such as audio tape or in another language, please ask an English speaker to contact the Financial Assessment and Charging Team on **01635 551111** or email **adultcare@westberks.gov.uk**

Helpful information about your charges

The amounts below are the standard charges for the services listed.
The amount that you pay will depend upon the outcome of your financial assessment.

Charges for 2022–23

Community Support	- £17.15 per hour
Day Care	- £51.90 per day or Outreach session
Direct Payments	- cost of the service
Live-In Care	- cost of the service
Personal Care	- £21.14 per hour
Respite Care	- cost of the service
Sleep In Care	- cost of the service
Transport	- £9.30 per journey
Waking Night cover	- cost of the service

Meals taken at day care centres will be charged at £5.50 per meal in addition to the outcome of any financial assessment.

Housing Support Charges

The Council funds support in a number of Extra Care housing schemes in West Berkshire and residents will be financially assessed for a contribution towards the cost of the support provided in these schemes.

Alice Bye Court

Core care charge for on-site response service	£30.22 per week
Community Support and personal care	£17.89 per hour

Audrey Needham House & Redwood House

Core care charge for on-site response service	£29.00 per week
Community Support and personal care	£18.73 per hour

Shared Lives Charges

Bands	SL Full time (per week)	SL Respite (per day)	SL Over Night (per night)	SL Community Support (per hour)
Band 1	£250.96	£71.11	£50.19	£9.50
Band 2	£281.87	£78.31	£60.49	£11.39
Band 3	£312.78	£93.77	£70.80	£12.63