**North Somerset Council**

**Care and Support (Charging and Assessment of Resources) Policy**

**Introduction**

This policy outlines the principles and procedures used when assessing Service Users’ contribution towards the cost of their non-residential community care services.

Section 14 of the Care Act 2014 gives Councils a discretionary power to charge adult recipients of non-residential services such amounts as they consider reasonable.

The Department of Health issued “Care and Support Statutory (CASS) Guidance in October 2014.

North Somerset Council’s policy draws on the above guidance and applies to all financial assessments for non-residential community care services.

**Principles of the Policy**

Service Users should be asked to contribute a realistic amount towards the service they receive reducing the Council’s subsidy.

Service Users should only be asked to contribute what they can afford to pay. A means tested assessment is guided by the overriding principles that:

- A person’s income is **not** reduced below a specified level after charges have been deducted. The amounts are set out in the Care and Support (Charging and Assessment of Resources) Regulations.
- The outcome does **not** result in the user being left without the means to pay for any other necessary care or support within their care plan.

Income gained for the Council from service contributions are used to offset costs of providing social care.
**Services covered by the Policy**

All non-residential community care services commissioned by North Somerset Council are covered by this policy. These services include:

- **Domiciliary Care** – Personal care provided in a person’s own home to maintain independence
- **Community Based Day Services** - care provided outside of the home setting and traditional centre based day care, usually commissioned from domiciliary care providers.
- **Day Care (Buildings Based)** – care provided outside of the home in a day centre
- **Extra Care** - care provided in an extra care setting, either commissioned from the extra care provider (registered) or partner domiciliary care provider.
- **Personal Budgets/Direct Payments** – Service Users can choose varied forms of care or support which meet their specific agreed outcomes, as defined in their support plan.
- **Shared Lives** – A Scheme for adults with learning disabilities which aims to provide support to people in an ordinary home in the community.
- **Supported Living** – A combination of care and support for adults with disabilities.
- **Supporting People** – A programme which helps vulnerable people to live their lives more independently.
- **Carers/Sitting Services** – provided to the ‘cared for’ person.

**Exemptions from Charging**

Services are free if the Service User is:

- Diagnosed with Creutzfeldt-Jakob Disease
- Entitled to the provision of S117 after care, Mental Health Act 1983
- Receiving reablement (free up to 6 weeks)
- Receiving CHC funded care

**Financial Assessment**

People receiving local authority arranged care and support other than in a care home need to retain a certain level of income to cover their living costs. This is known as the Minimum Income Guarantee (MIG).

A financial assessment will be undertaken for all Service Users in receipt of chargeable services. Applicable charges will commence from the start of the service, or after reablement ceases, whichever is sooner.
The financial assessment is based on information supplied by the Service User. We look at income, savings, assets and capital. Some income is ignored and some is counted towards the contribution. The assessment is based on individual circumstances.

The assessment calculation is represented as:

Actual income \textbf{less} Minimum Income Guarantee (MIG) \textbf{less} housing costs not covered by other benefits \textbf{less} disregarded income \textbf{less} Disability Related Expenditure = Assessed Contribution

The financial assessment may be undertaken by North Somerset Council’s Visiting Team or by phone or post.

Financial assessments will be reviewed at regular intervals as directed by North Somerset Council or when variations arise in a Service User’s financial situation.

\textbf{Refusal to co-operate with a financial assessment / non-disclosure of financial details}

If a Service User refuses to co-operate with a financial assessment they will be required to pay the full cost of their care, regardless of how much income or savings they have.

\textbf{What counts as Income?}

The weekly income counted in a financial assessment includes all benefits, allowances and pensions, all private and occupational pensions (including annuities) and any tariff income (explained in next section)

Some money is then ignored either totally or in part (disregards):

- All earnings from employment
- The first £10 per week of War Widows and War Widowers pension
- Armed Forces Independence Payments and Mobility Supplement
- Payments to veterans under the War Pension Scheme (excluding Constant Attendance Allowance element)
- Carers Allowance and Child Benefit
- Mobility component of Disability Living Allowance (DLA) or Personal Independence Payment (PIP)
- The night care element of DLA or Attendance Allowance (AA) or equivalent if in receipt of PIP (unless the service is funded by North Somerset Council)
- Savings Credit element of Pension Credit
Notional Income

In some circumstances a person may be treated as having income that they do not actually have. This is known as notional income. This may include income that would be available to the Service User but has not been applied for (for example Pension Credit). It could also be income that the Service User has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care.

In all cases North Somerset Council must satisfy itself that the income would or should have been available to the Service User.

What counts as Savings?

Savings and capital includes savings and current accounts, investments, property and land (other than the home you normally live in). If a Service User has joint savings we would only take half of the savings into account. We do not count savings and capital of less than £14,250. If you have between £14,250 and £23,250 we work out a tariff income.

Tariff Income

The standard tariff income is calculated as £1 for every block of £250 (or part thereof) over £14,250. For example if a Service User has savings of £17,000 we would assume a tariff income of £11.00 per week which we count towards the financial assessment

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\begin{align*}
\text{£17,000 - £14,250} &= \text{£2,750} \\
\text{£2,750 ÷ £250} &= 11 \\
11 \times £1 &= £11.00
\end{align*}
\]

Deprivation of Assets

The Council may consider a Service User has deprived themselves of a capital asset in order to reduce their charges. The Council may treat the Service User as still possessing the asset.
The Council may request further details if:

- The Service User ceases to possess capital which would otherwise have been taken into account for the purpose of assessing their contribution towards their care services.
- The Service User purposely deprives themselves of capital which would otherwise have been available to them, i.e. ownership of a property other than their main residence is transferred to another person or the beneficiary of an insurance policy is changed so that the monies are not available to the Service User.

It is up to the Service User to prove that they no longer possess the capital asset. Failure to do so will result in the Council considering that the Service User still possesses the actual capital.

**Disability Related Expenditure (DRE)**

Disability Related Expenditure (DRE) is expenditure which Service Users incur in addition to their day to day living costs where the cost is more than normal expenditure and incurred due to disability rather than choice.

The amount of DRE is deducted from the financial assessment when determining the Service Users charge.

The general principles for DRE allowances are that:

- They should be considered in conjunction with the individual’s support plan.
- They should be the lowest cost alternative
- Evidence of payment may be requested if higher costs are involved
- Exceptional circumstances will be considered

**Exceptional Circumstances**

If the Service User feels that they are unfairly disadvantaged by this policy because of their exceptional circumstances they can request that their individual circumstances are reviewed by the Care Charging & Client Debt Manager.

**Cancellation of service due to the charging policy**

If the Service User wishes to cancel their service due to the level of the charge they must inform their Care Manager / Commissioning Team immediately.
**Right to appeal**

If the Service User disagrees with their assessed contribution calculation, or feels that they have insufficient funds to pay the charge, they have the right to appeal against the amount of their assessed contribution.

The Service User or their authorised representative have 30 days from the date that the charge is advised to them in which to start the appeal. They can start the appeal process by writing to:

Sharon Brigden  
Care Charging & Client Debt Manager  
North Somerset Council  
Town Hall  
Weston-super-Mare  
BS23 1UJ

**Useful websites/links**

**North Somerset Council**  
[www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

**Department for Work & Pensions**  
[www.dwp.gov.uk](http://www.dwp.gov.uk)

**Directgov**  
Information about public services  
[www.direct.gov.uk](http://www.direct.gov.uk)

**Department of Health**  
For the Care Act 2014 and the Care and Support (Charging and Assessment of Resources) Regulations 2014  
[www.dh.gov.uk](http://www.dh.gov.uk)