

CITY OF YORK COUNCIL

DRAFT Charging policy for non-residential care services

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Introduction to the City of York Council's charging policy for home care and other non-residential care services

This document sets out the City Council's policy for charging customers who receive care at home and other non-residential care services following an assessment of their individual need. The current policy was effective from 1st April 2007 and is compliant with the Government's guidance "Fairer Charging Policies for Home Care and other Non-Residential Services".

This policy also applies to the assessment of charges for Supporting People services where service users are not passported by virtue of claiming and receiving Housing Benefit.

1.0 Legal basis

- 1.1 Section 17 of the Health, Social Services and Social Security Adjudication Act 1983 gives local authorities discretionary power to charge adult recipients of day and domiciliary care services.
- 1.2 To ensure consistency and fairness, the Department of Health has issued guidance "Fairer Charging Policies for Home Care and other Non-Residential Services" using powers conferred under Section 7 of the Local Authorities Social Services Act 1970.

2.0 Diversity and equality

- 2.1 The council is fully committed to the broad principles of social justice and is opposed to any form of discrimination and oppression. It therefore willingly accepts not only its legal responsibilities but also wishes to embrace best practice in all areas of its work in order to secure equality of both treatment and outcome.
- 2.2 The council is committed to ensuring that no one is treated in any way less favourably on the grounds of personal differences such as age, race, ethnicity, mobility of lifestyle, religion, marital status, gender, sexual orientation, physical or mental impairment (disability), caring responsibilities and political or other personal beliefs.

3.0 Policy aims

- 3.1 The City Council's charging policy has been designed to comply with the Government's fairer charging guidance. Its aim is to provide a reasonable and fair charging framework for all service users. The income generated from the charges helps maintain and develop services for vulnerable people.

4.0 Definition of non-residential services

- 4.1 Examples of the services covered by this policy include:
 - Home care
 - Attendance at day centres
 - Transport to day centres

5.0 Principles

- 5.1 The principles underpinning the charging policy are:

- Generating income from charges is essential to maintain and modernise our services.
- The charges levied on customers are aimed to be fair and reasonable. Due care will be taken in assessing the customers finances and their ability to contribute towards the cost of their care according to their means.
- The charges should be easy for customers to understand.
- Integrating all charges will ensure a customers income stays above the levels set out by Central Government.
- A financial assessment offers the customer the opportunity to lower their charges. The financial assessment will ensure service users net incomes will not be reduced below the basic level of Income Support and/or Pension Credit plus a 25% buffer.
- The council will provide appropriate benefits advice and assistance in order to maximise our customer's incomes and improve quality of life and combat dependency.
- The costs of disability are recognised by our policy.
- Customers who work or wish to work will not have their earnings assessed as part of their financial assessment.
- Getting our financial assessment right first time will improve the service as well as helping the customer to understand the scheme and reduces the likelihood of loss of income to the council.
- Decisions about the provision of services will be taken independently of financial circumstances.
- Customers have the right to ask for a review of their charges if they consider the charge is unfair, or if they feel that they cannot pay the charges.
- Customers who refuse to pay their assessed charge will not have their services withdrawn. The council will recover arrears from charges in a sensitive way where service users clearly have the ability to pay but refuse to do so, taking legal action as necessary but only as a last resort.
- All customer financial information (verbal and in writing) will be treated in confidence, and due care will be given to disclosing information that is in the interests of the customer only.
- A customer who declines a financial assessment will be assumed to be able to meet the full contribution of their care package and will be charged accordingly.
- Charges will be based on planned care with regular adjustments to reflect any variations to the actual care received. Customers will be encouraged to establish methods of regular payment.

6.0 Charging Review

- 6.1 Government guidance recommends that local authority policies are reviewed annually and are subject to consultation with customers.
- 6.2 The Council reviews its charges annually and the latest charges are set out in appendix E.

Annual Financial Review

All charges and the charging policy will be reviewed annually in accordance with Government guidance.

There will be a rolling programme of annual reviews carried out (without a home visit unless thought necessary) of customers charges unless there has been a review within the last year due to changes in financial circumstances.

At any time a customer or their carer / representative can request a review of the charges.

Savings and capital limits will be maintained in line with changes in Charges for Residential Accommodation Guide (CRAG).

Backdating of changes

Customers income will be re-assessed in line with variations in the values of benefits as and when these values change. Expenses will be reviewed as and when changes in charges are made due to council tax variation or housing rent changes. Any changes in the assessed charge will be backdated to the date of the change in the customers financial circumstances. Where the customer feels they are unable to pay any backdated increase they are able to apply for a waiver under the appeals procedure outlined in Appendix B.

7.0 Procedures for charging

7.1 Day Care Meals service, Warden Call and Laundry

Customers who receive day care meals, warden call or laundry services are not financially assessed. They will be required to pay the set charge as outlined in appendix C as the charge constitutes ordinary living costs.

7.2 Home Care, Day Care and Transport

Customers assessed to receive Home Care Day care and / or Transport services will be referred by care managers to the benefits advice team for a benefits check. The advisor will collect financial information to be used in a financial assessment, which will determine their ability to pay a contribution towards their care. If they refuse to disclose their financial circumstances or do not complete a financial assessment within the given time period they will be asked to pay the full charge. Information explaining the charging guidance will be left with the service user by the care manager.

Benefits advisors will arrange a visit to the customer (or their financial representative) to complete a financial assessment form and conduct a welfare benefits check to encourage take up of benefits to maximise the customers income as well as maximising the income to the council.

In addition to advice about entitlement, staff will also help with the completion of benefit claim forms if the customer wishes.

Treatment of Income

All customers income and savings will be used in the assessment calculation with the exception of the following disregards:-

- All earned income
- Some housing costs

- Tax credits
- All war disablement / war widows pensions
- DLA mobility component
- DLA care component in full only where Independent Living Fund is being paid
- The value of compensation payments as detailed in CRAG will be disregarded indefinitely

The council may request written evidence of any income, expenditure or other assets declared as part of the financial assessment.

Customers will be asked to sign a form to authorise the Council to obtain benefits information from the Department of Work and Pensions, Jobcentre Plus, Disability Benefits Centres, Pensions Service and the council's benefits section.

Treatment of Savings

Savings will be treated on the same basis as CRAG (Charges for Residential Accommodation Guide) where customers with capital over a certain amount will be charged at the prevailing hourly rate for the service received. The current figures are included in Appendix E.

Deprivation of assets

Deprivation is the disposal of a capital asset (both property and investments) in order to avoid or reduce care charges. There are currently no deprivation issues for non residential care charges. However if a customer is considering gifting or transferring any capital assets, this may affect their eligibility to receive public funding of any future residential/nursing care. We would recommend that the customer seek independent legal advice prior to taking this course of action.

Disability Related Expenditure (DRE)

The council will disregard 35% of the middle rate Disability Living Allowance (DLA) care component or the lower rate Attendance Allowance, together with 35% of the severe disability premium when in payment to take account of disability related expenditure.

Customers are entitled to request an individual assessment of their disability related expenditure (DRE) if they feel that the payment of their assessed charge would cause financial hardship. Guidance on DRE is attached at Appendix A.

Basic Income Level

The assessment of charges will ensure that the customer's net income will not be reduced below the basic level of Income Support and / or Pension Credit Guarantee, plus a 25% buffer.

Treatment of Couples / Partners income and assets

For the purposes of this policy a service user will be financially assessed on their sole income, capital assets and disregards. However if there are savings and capital held jointly with a partner it will be assumed that 50% belongs to the social

care customer unless proven otherwise. A couple is defined (for administration of their financial affairs) as two people living together as spouses or partners.

Number of Care Staff

If a customer requires two care staff to carry out a care task, the charge will be based on the amount of time care is provided, and not the number of carers. For example ; Service users receive 10 hours of care per week provided by two carers at the same time – i.e. 20 hours total. The charge will be based on 10 hours per week.

Direct Payments / Individual budgets

Chargeable service users in receipt of direct payments or individual budgets (rather than provision of equivalent services) are financially assessed in the same way as other service users. The amount of the direct payment is reduced by the amount of the calculated charge and the payment is therefore made net.

Non disclosure of financial information

Customers will be asked to disclose full details of their financial circumstances in order for a financial assessment to be conducted. They have the right to withhold consent for this disclosure, but if they do so, this will be considered as formally declining their right to be financially assessed. A customer who declines a financial assessment will be assumed to be able to meet the full contribution of their care package and will be charged accordingly. If a customer later asks for a financial assessment, an assessed charge will be applied from the date of the financial assessment and not the start date of the service.

8.0 Notification of charges

8.1 Details of the charge will be sent to the service user in writing after all relevant information has been provided. Charges will commence from the date the service user is notified in writing. If they are unhappy with their charge then they will be informed of the appeals procedure they can follow (see Section 9).

9.0 Appeals procedure

9.1 Any customer who feels that the payment of their assessed charge would cause financial hardship may request a review of the charge.

9.2 They must first contact their care manager to explain why they feel they are unable to pay their charge and to provide documentary proof of this. The care manager will request a review of their charge by the finance team. If they are satisfied through the review process that the customer is unable to pay, the care manager can (if they think it is necessary) refer the customer's request to the Head of Adults Services.

9.3 The Head of Adults Services will consider the request and either reduce, waive, or uphold the charge in accordance with Section 17 (3) of the Health, Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983). Any decision to waiver will be reviewed on a regular basis.

The appeals procedure is attached – Appendix B.

10.0 Debt Management

10.1 The management of outstanding debt will be done in a sensitive manner and, as necessary, in a progressive manner with court action used as a last resort.

Stage 1 : Where payments are outstanding for over four weeks.

Internal checks will be made to ascertain that the care services have been provided.

Verification that the financial assessment was confirmed in writing will be made including that the customer and / or carer agreed to pay for the care services.

Checks will be undertaken to determine if the customer and / or carer have notified the council of any payment-related problems.

Personal contact with the customer and / or carer will be made to check that the weekly charge and outstanding debt recorded is correct and up to date i.e. check for actual provision of service, payments in transit or mis-recorded.

Enquire from the customer for any reason of non-payment. Determine whether the non-payment is temporary or that the customer has a problem relating to either paying or the care services provided.

Where the customer's financial circumstances have changed a new financial assessment will be undertaken. Any new financial assessment agreement will be confirmed in writing.

Stage 2 : No positive response

This stage starts if there is a lack of or insufficient response to the first stage of action and a further period of three weeks has elapsed. Personal contact will be made with customer and / or carer to determine why the previous agreement has not been complied with. Again verification that the information held is correct will be made.

Discuss with customer and / or carer regarding possible recovery actions available to the Council. Issue a letter setting out possible actions available to the Council.

Stage 3 : Final warning

After a further three weeks have elapsed and where payments are not being received. Again make personal contact with the customer and / or carer to ask for reasons for non-payment

Remind the customer and / or carer of possible recovery actions that might be undertaken.

Issue a formal final notice in writing to the customer and / or carer that formal debt recovery action will be undertaken if payment is not received within 15 calendar days.

Stage 4 : Court Action.

If payment still not received after a further 15 calendar days. The council will issue a written notice to the customer and / or carer that court action will be taken if payment is not received within 10 calendar days. If after 10 days payment has still not been received refer the matter to Legal Services for County Court action to be taken.

Appendix A
Charges for non-residential care services
Disability related expenditure 2007/08

This form may be used as part of your financial assessment to help us assess how much additional expenditure you incur due to your disability. The overall aim is to allow for reasonable expenditure needed for independent living. The following information is intended to help you think about your expenses. Please go through this information with the care manager when they visit you. They will help you through the process.

Note:

The items listed overleaf cannot possibly include all the disability related costs that apply to each individual customer. It is only a guide. It is expected that customers who qualify for the full range of allowances will be in the minority.

Guidance Notes

Fuel and heating

The rates shown below are based on average heating costs for properties in this area. They are inflated annually based on the latest RPI Fuel Index figures published by the National Statistics Office.

If you can prove that you spend more on fuel and heating (due to your disability) than the following allowances and can demonstrate why, we may take your additional expenditure into account:

Fuel costs - any amount of household fuel costs over and above that of the rates identified below for relevant accommodation type			
Accommodation type	Annual cost	Monthly cost	Weekly cost
Single people in flats and terraced housing	£584.00	£48.67	£11.23
Couples in flats and terraced housing	£769.00	£64.08	£14.79
Single people in semi-detached housing	£619.00	£51.58	£11.90
Couples in semidetached housing	£815.00	£67.92	£15.67
Single people in detached housing	£753.00	£62.75	£14.48
Couples in detached housing	£981.00	£81.75	£18.87

Community alarm

Subject to this being an assessed need, we will allow the actual cost, unless already paid for by Supporting People Grant.

Privately arranged personal care

Your care manager will need to assess whether this help is needed, and is not already included in the care the council provides. If your care manager confirms this requirement the actual cost will be allowed.

Private domestic help

We do not allow for domestic help costs.

Holidays

We do not allow for holiday costs.

Laundry

You may incur additional laundry costs as a result of your disability or illness. We will allow £2.81 per week if your laundry needs exceed four loads per week. This allowance includes the cost of specialist washing powders.

If you qualify for the laundry allowance we will also allow the cost of buying replacement, or additional sets of bedding, which is subject to wear and tear from frequent laundering. The allowance will be based on any reasonable expenditure incurred over and above the normal replacement cycle for bedding. We have estimated this cost at £40 per annum (i.e. we will only allow expenditure in excess of this).

Clothing

You may incur additional clothing costs due to abnormal wear and tear, or the purchase of specially made or adapted items for your disability. Any allowance we make will be discretionary.

Diet and food

Allowance for the cost of **special dietary needs** will be discretionary, as they may not exceed normal expenditure. The cost of freezer meals equates to everyday living costs and should not be regarded as an exceptional expense. We may use the Government's Family Expenditure Survey data to assess excess expenditure on food items caused by illness or disability. The threshold figures for normal food costs are:

One person retired household, mainly dependent on state pensions:

£25.04 per week

Two person retired household, mainly dependent on state pensions:

£42.24 per week

Gardening

We do not allow for gardening costs.

Transport and travel

Mobility cost should be met by benefits such as DLA Mobility component, and travel concessions. Only costs that exceed this allowance will be considered. The need for specialist transport should be evidenced in your care plan.

Communication needs

This will be a discretionary allowance based on evidence that costs exceed everyday living expenses, and are disability related. Examples of the type of cost we will allow are BSL interpreters. The cost of a telephone, or internet access is regarded as an everyday living expense and allowance will not be made unless it can be proved that additional costs have been incurred as a result of your disability.

Disability related equipment

No allowance will be made for disability related equipment if it has already been provided free of charge by the Community Equipment Loan Service, or the purchase has been supported by grant funding. This includes the purchase, maintenance and repair of such equipment.

If you have purchased an item of equipment privately we will only allow for this expenditure if we consider that it helps you to live independently or enter employment and has been endorsed by the council's occupational therapy service. We will not allow expenditure that we consider to be a lifestyle choice. We will consult your care plan to identify your needs.

Examples of items of equipment that are covered by this section include:

- Wheelchairs
- Powered beds
- Turning beds
- Powered reclining and lifting chairs
- Stairlifts
- Hoists

If you wish to claim an allowance for expenditure in relation to the above items we will consider your request based on the criteria already outlined. All claims should be supported by evidence of purchase.

Miscellaneous

You may have other disability related expenses that you think should be included. Please consider this and list the items. They will be considered, and an allowance will be made if it is deemed appropriate.

Note

All requests that are not covered above, or are subject to our discretion, will be considered by a panel of specialist staff.

Item	Things to consider	Evidence required	Total Cost (£)	Weekly Cost (£)
Fuel and heating	Do you feel the cold and need your temperature to be set higher? Is the heating on at night? Are you housebound and need the heating on all day?	Last 4 bills for all types of fuel		
Community Alarm System	Do you pay a provider privately (other than the council or your landlord) for a Community Alarm System?	Bills from provider		
Privately arranged personal care	Do you pay someone privately to look after your personal needs?	Signed receipts for at least 4 weeks/visits using a proper receipt book		
Laundry	Do you spend extra on washing clothes, or sending things to the dry cleaners due to your disability? Do you do more than 4 loads of washing per week?	See Care Plan to identify incontinence problem		
Clothing	Do you need special clothes or shoes to be made for you?	See Care Plan for reference to abnormal wear and tear		

	Do you need more clothes due to frequent laundering or wear and tear due to your disability?	on clothing. Show receipts		
Diet and food	Do you need a special diet or certain kinds of food to improve or maintain your health? Please give details	We may seek permission to ask your GP for confirmation of special dietary needs		
Transport and travel		Evidence in Care Plan of need for specialist transport		
Disability related equipment		Evidence of purchase if available. No allowance if provided free of charge		
Communication needs		Evidence of exceptional expenditure		
Miscellaneous	You may have other expenses that have not been covered in this form.	Evidence of exceptional expenditure		
Total				

Please use the space below if you wish to add any other information about your individual circumstances in support of your claim for disability related expenditure.

Appendix B

Charges for non-residential services

Guide to the appeals procedure

Customers have the right to request a review of their charges if they consider the charge is unfair, or if they believe they cannot afford the charge.

Their case will be put before the relevant Head of Service. It is important that as much information as possible is provided regarding household expenditure, and any other matters that may impact upon the customer's ability to pay. The Head of Service will be advised by the Group Manager and the Financial Assessments Team Leader.

The decision to waive or review a charge is based primarily on income and expenditure, and the relevant Head of Service will make their decision based on all the information and documentation provided.

There are three courses of action available:

- A temporary reduction in charge (maximum period 6 months)
- A temporary non payment (maximum period 6 months)
- The full charge should be upheld

Charges cannot be waived indefinitely and will be reviewed prior to the end date.

The customer, or their representative, will be informed of the decision in writing.

Customers may appeal against the decision. Appeals must be made within 28 days, in writing, addressed to:

Debbie Mitchell
Head of Finance
Housing & Adult Social Services
PO Box 402
George Hudson Street
YORK
YO1 6ZE

Appendix C – Financial assessment form (*currently being updated*)

Appendix D

What you can expect from us when we visit you

- Anyone who visits you at home will have had the appropriate training or induction and will be competent to undertake their particular role.
- We will treat you with courtesy and respect and will ensure that anything confidential will not be divulged without your consent. (Except in cases where it is required by law to do so, would prevent harm to you and/or it is judged to be in the public interest.)
- We will always give details of how to contact the service if you need to.
- Anyone who visits you at home must present you with an up to date photo identity card. Access should be denied to anyone professing to be a Council employee if they do not have a photo identity card to show you.
- We will ask whether you want to be called by your first or last name and we will respect your preference.
- We will listen to you and respect your privacy and dignity at all times.
- Copies of all forms completed during the assessment will be made available for you.

If you are in any way unhappy with the way our visiting staff have treated you please contact the Head of Housing & Adult Social Services Finance.

Appendix E

Charges for non-residential services

Current charges

The following charges will apply with effect from the 2nd April 2007 ;

Customers cannot or will not be charged if one of the following applies ;

If their total income is less than or equal to ;

Basic Income Support level plus 25% or
Guaranteed Pension Credit Level plus 25%

This is currently equivalent to £148.81 per week.

If customers suffer from Creutzfeldt Jacob Disease, they cannot be charged.

If customers are subject to Section 117 of the Mental Health Act 1983 , they cannot be charged.

If a customers care package has been accepted as 100% Health responsibility, the package is fully funded by Health and they will not have to pay these charges within the NHS Continuing Care Criteria.

Scale of Charges

The following scale of charges will apply from the 2nd April 2007

Home care : £15.00 per hour

Day Care : £3.00 per day or session

Transport : £1.70 per day

Laundry : £3.45 per load

Warden Call : £4.00 per week

Meals at Day Centres : £2.35 per meal

Treatment of savings

Customers with capital above £21,000 will be charged at the prevailing hourly rate on their actual hours of service.

Customers with savings over £12,750 but less than £21,000 will have a tariff applied to their savings on the basis of £1 for every £250 above £12,750 and up to £21,000.