FAIRER CHARGING FOR NON RESIDENTIAL SERVICES

Halton Borough Council – Social Care, Housing & Health Directorate

JANUARY 2003
1. Introduction

This paper sets out Halton Borough Councils’ Charging Policy for non-residential services which is designed to make charging as fair and as reasonable as possible. It was designed using guidance from the following Department of Health (Central Government) guidelines and laws.

- Fairer charging polices for Home Care and other non residential services – August 2002
- The Health & Social Services and Social Security Adjudications (HASSASSA) Act 1983
- LA Circular (2001) 1 Intermediate Care

The policy was devised with the assistance of Members, Service Users, Carers and local Voluntary Organisations.
2. THE POLICY

2.1 STATEMENT OF INTENT

Halton Borough Council provides a range of community services to adults who are assessed as needing them. People who receive services and who have limited incomes and savings are helped by the Council to pay for the cost of the services that they receive.

The Council tries to keep the amount that people are asked to pay towards the cost of their services as low and as fair as possible.

Charges for home care and day care services are based on the charging policy which takes account of the ability of people to help pay towards the cost of the service.

All service users are provided with personal assistance to complete financial forms and to claim their correct benefit entitlement. The Council also helps service users to identify any additional expenditure that they have as a result of their special needs and this is taken into account before any charges for care services are worked out.

The Council does not charge the following categories of service users for any community services that they receive:

- People subject to Section 117 of the Mental Health Act 1983 who receive domiciliary care services that are not provided as part of the Supporting People Programme.
- Any service user with Creuzfeldt Jackob disease
- Service users who are only in receipt of basic Income Support plus 25% and who have no disability benefits
- Service users who are only in receipt of earnings from their job, who receive no disability benefits and have no savings or investments.
- Any service user whose charge for services is below £5.00 for a 4 weekly period.
- Any service user who is classed as needing intermediate care services to help them live in their own homes either on discharge from hospital or to prevent hospitalisation will not pay for the first 6 weeks of services that they receive.

SUPPORTING PEOPLE SERVICES
Service users who receive services under the Supporting People programme are not charged for any services that will last for 2 years or less.

MEALS
All service users are charged for any meals that they receive at home or in a day centre.

The Council reviews charges made for all non-residential services on an annual basis.
3. CALCULATING CHARGES FOR SERVICES

3.1 INCOME THAT IS TAKEN INTO ACCOUNT

All income is taken into account, except that which is received as

- Council tax benefits
- Housing benefit
- Any amount paid in Income Tax or National insurance contributions
- The first £10.00 of a War Disability or War Widows Pension is not taken into account
- Mobility component of Disability Living Allowance
- War Pensions mobility Supplement
- Any earnings a partner has
- Any earnings from current employment
- Any payment of working families tax credit
- Any payment of disabled person tax credit
- Any Independent Living Fund Payment
- Earned Income

Income that is taken into account includes

- Income Support
- State Retirement Pensions
- Occupational or Private pensions
- Income from Annuities and Trust Funds
- Income from tenants and boarders – this is treated the same as under the Government’s Charging for Residential Accommodation Guide (CRAG)

3.2 WEEKLY LIVING EXPENSES

The Council sets an amount of money that is considered to be sufficient to meet normal weekly living costs. This amount is called the Disregard Figure. The Disregard Figure is reviewed on an annual basis and is never set lower than the applicable basic Income Support level + 25%.

The Disregard Figure for 2002/03 is
£120.00 for service users less than 60 years of age
£141.00 for service users more than 59 years of age

Service users are currently asked to pay 32 pence for every pound of income that they receive above the Disregard Figure. The amount payable is reviewed on an annual basis.
### 3.3 Disability Benefits

The following are classed as Disability Benefits:

- Disability Living Allowance - **DLA** - (care component only)
- Attendance Allowance - **AA**
- Severe Disability Premium of Income Support – **SDP**
- Constant Attendance Allowance – **CAA**
- Exceptionally Severe Disablement Allowance – **ESDA**

The Council realises that people in receipt of these benefits have additional expenditure as a result of their special needs and in 2002/03 disregarded £12.41 from amounts received as Attendance Allowance or Disability Living Allowance. The Council charges 32 pence for every pound of disability benefit that is received above £12.41. The benefits disregard is reviewed on an annual basis. The night care element of any disability benefit is defined as the difference between lower and higher rate Disability Living Allowance and is automatically disregarded.

The Council does not levy charges against any amount received as

- Severe Disability Premium of Income Support – **SDP**
- Constant Attendance Allowance – **CAA**
- Exceptionally Severe Disablement Allowance – **ESDA**

As service users in receipt of these benefits get them as a result of their very high special needs.

Benefits that are paid to a couple are not automatically halved and when the charge for non residential services is calculated the Council ensures that the charge does not reduce a couple’s income below the basic Income Support level plus 25% for a couple.

### 3.4 Earned Income

The Council does not count any income that is received from paid employment when they are worked out how much service users should be charged for their care services.

### 3.5 Savings and Investments

If service users have total savings and investments of more than £19,000.00 then they are asked to pay the full cost of the non-residential services provided to them. If service users have savings in excess of £11,750.00 and less than £19,000.00 then they are charged £1.00 for every £250.00 or part thereof that they have in excess of £11,750.00.

Savings and investments include all forms of cash saving:

- Money held in banks and building societies current and deposit accounts
- Post Office/National Savings and Premium Bonds
- PEP’S, TESSAS and ISA’s
- Stocks, Shares, and Unit Trusts
- Money owed by third parties
- The value of all trust funds will be dealt with as specified under CRAG
• Any other forms of cash savings
• The value of any property that is owned or part owned by the service user that is not used as their sole or main residence.

The value of any shares is estimated as their value in the newspapers at the time the charge is being assessed.

The surrender value of any life insurance, private pensions or annuities will be disregarded unless they have been taken out to avoid payment of charges for care services.

Savings limits are reviewed annually and are consistent with the limits set in Central Governments Charging for Residential Accommodation Guidance (CRAG).

Treatment of a spouses/partners income and savings

Parents and other members of an adult service users family are not asked to pay charges, except in certain legal circumstances where for example a family member manages the service users finances and other resources for them or where a Power of Attorney has been granted to a family member.

Where care services are not provided as part of the Supporting People programme then if social services think that a service user may have a legal right to a share of an asset such as a partners bank account to whom they may or may not be married, then the partner of the service user will be asked to disclose the asset.

Where people are in receipt of care services as part of the Supporting People programme, then the income and savings of all members of the household is looked at when working out how much to charge for the service that is provided.

Joint Savings

Jointly held savings are treated as if they are divided equally between the owners unless it can be demonstrated that this should not be done. Charging for Residential Accommodation Guidance (CRAG) rules will apply to all jointly held savings.

3.6 PURCHASE OF DISABILITY RELATED AND EMPLOYMENT EQUIPMENT

If savings are set aside for the purchase of disability related equipment or equipment needed to remain or enter work then the amount required that is above £11,750.00 is disregarded for a period of 6 months, or, longer if reasonable so that the equipment can be purchased. The Council will ask service users to confirm when the equipment has been purchased.
4. DISCRETIONARY ALLOWANCE PROCEDURE

4.1 DISABILITY RELATED EXPENDITURE

The Council knows that many service users may have additional expenditure because of their special needs and encourages them to outline any extra spending that they have. Any user who receives Disability Living Allowance or Attendance Allowance automatically has an amount of £12.41 (2002/03) disregarded to cover the costs of disability related expenditure. The benefits disregard is reviewed on an annual basis. Service users in receipt of disability benefits can also claim any additional disability related spending that they have above the £12.41 threshold.

All service users whether they are in receipt of disability benefits or not are entitled to ask the Council to take their disability related spending into account when their charge for services is being assessed.

The Council currently takes account of expenditure on the following items:

- Specialist washing powders or additional laundry costs
- Special dietary requirements
- Special clothing or footwear or high cost of replacement due to wear and tear
- Additional bedding costs
- Additional heating costs above average levels for the area
- Additional lighting costs above average levels for the area
- The purchase, hire, maintenance and repair of disability related equipment, including equipment or transport needed to enter or remain in work, this may include computer costs or hire of specialist equipment that the service user is waiting for the Council to supply.
- Transport costs where people are not currently in receipt of the Mobility Component of Disability Living Allowance.
- Expenditure on items of clothing to help service users in training find a job
- The cost of working with a personal assistant
- Additional expenditure on medicines and toiletries
- Housing related support payments for example the cost of a community alarm system

In response to National Guidance the Council will also take account of any extra spending on the following items:

- Additional transport costs over and above the mobility component of Disability Living Allowance (DLA), for example taxi costs to go shopping or transport costs to maintain social contacts, where these are greater than those incurred by an able bodied person are allowed where no other alternative is available or practicable.
- Holiday costs – where it can be shown that respite is not taken and holidays are used to provide a break for the service user with their carer.
- Costs of privately arranged care services that are agreed as a necessary part of your care plan, including respite and night care services where these are not provided by the Council.
- The additional costs of metered water above average levels for the area
- Reasonable costs of basic garden maintenance
• Reasonable costs for cleaning and domestic help not met by Halton Borough Council
• Any amount of money that is paid to purchase supporting people services

The list above details items of expenditure that service users may have additional spending on but should not be regarded as exhaustive.

All service users who receive a home based financial assessment visit are sent a letter in advance of the visit that gives examples of items of disability related expenditure that they may have. This gives service users time to think about their spending prior to the assessment visit. Service users who have literacy or vision issues are read the guidance at their first meeting with the finance officer. All service users are encouraged and assisted to specify the additional spending that they have as a result of their special needs. The cost of purchasing night care services not provided by the Council will only be taken into account where the total cost of purchase exceeds the night care element of Disability Living Allowance. Any amount of money that is agreed as additional disability related expenditure is not included as income when charges for care services are calculated.

4.2 PROOF OF EXPENDITURE

The Council will ask for proof of actual past expenditure and require the production of receipts. If receipts are not provided despite a request by the Council to keep receipts to evidence additional expenditure, then the Council may, if there is doubt about the level of expenditure, choose to ignore it when the charge for services is worked out.

The Council may point out how disability related expenditure could be reduced if the service user chose another reasonable alternative option. If a service user chooses to pay for a higher quality product or service than that which is available from the public sector then that will be considered to be a matter of the service users choice and not one of additional expenditure.

The Council cannot take account of what additional spending would be incurred if users had more income available.

4.3 INCREASES IN ADDITIONAL EXPENDITURE DUE TO SPECIAL NEEDS

A service user may ask the Council to review the amount they are paying for non-residential services at any time that their additional expenditure rises due to increased need.

If benefits are newly awarded then it may take some time for a service user to become accustomed to having more money and to develop their pattern of disability related spending as a result of their special needs. In these cases the Council will ensure that service users are contacted by letter 6 months after their benefit was awarded so that their charges can be looked at again.

Service users will also be reminded during the annual reassessment process about the discretionary charging scheme and their right to apply to have their additional disability related spending taken into account when their charge for services is being calculated.
5. THE ASSESSMENT PROCESS

Service users who are only in receipt of Community Meals or frozen food delivery services will not need an assessment of their finances and will receive invoices for their meals based on the number of meals that were delivered to them.

When a care plan for non residential services other than meals is agreed with a service user the social worker will ask whether they want somebody to contact them to provide assistance to

- Complete a financial form
- Receive advice about Benefits that they could claim and completion of benefits claim forms
- Outline their additional expenditure due to their special needs.

so that their charge for services can be calculated.

Financial assessment officers will provide advice to both the service user and carer to help them make decisions where there are potential areas of conflict, for example where Invalid Care Allowance (ICA) and Severe Disability Premium (SDP) are options and only one can be claimed.

If a service user states that they do not want to have a financial assessment and therefore do not want to receive advice about benefits or how they could possibly lower charges due to additional expenditure as a result of their special needs then they will be asked to fill in a financial form and return it so that their charge for services can be assessed. Service users may wish to seek independent advice on benefit claims and the charging process (see Section 9). If service users seek independent advice then they should make arrangements for the information they provide to be shared with the Council so that their charge for services can be assessed.

Failure to return a completed financial form will result in service users being charged the full cost of the services provided to them.

The charge for any services is set against the amount of income that a service user has after any accepted additional disability related expenditure has been taken into account. Service users are asked to pay either the standard charge of the service delivered to them, or, their assessed charge for service, whichever is the lower.

The financial assessment officer will work closely with Benefits Agencies to ensure that benefits claims are processed quickly and efficiently and therefore financial information provided by Service Users may be shared with appropriate Benefits Agencies.
6. SERVICE USERS CHARTER

HELPING US TO WORK OUT HOW MUCH YOU SHOULD PAY FOR YOUR CARE SERVICES

If you want help with your financial forms a financial assessment officer will contact you within 10 days of your Care Plan, joint council tax, housing benefit or supporting people grant application being agreed to arrange a date and time to visit you at a place convenient to you.

During the visit the financial assessment officer will help you to fill in your finance form, give you information and advice about benefits and help you to fill in any relevant benefit claim forms.

If additional benefits are applied for and subsequently refused then the financial assessment officer will provide assistance with any benefits appeals that you want to make.

The financial assessment officer will also talk to you about any extra spending that you have as a result of your special needs. The information you give will help us to work out how much you should be asked to pay for your care services.

YOUR BILLS FOR SERVICES

We will write to you and tell you what your charge for services is before any bills are sent to you. Your invoices will be always be sent to you 4 weeks in arrears.

If you receive services as part of the Supporting People programme and services provided by Social Services then we will send you one invoice for all the services provided to you.

If you are only in receipt of services as part of the Supporting People programme then we will tell how much Supporting People grant you will get. This money will be sent direct to the provider of your services as payment for services that you receive. Your provider will arrange to credit your account with this money in advance on a monthly basis.

If you have helped the financial assessment officer to fill in your financial forms, or, filled them in yourself and returned them promptly then the Council will bill you for the care services that you receive, no later than 6 weeks after the care service started.

YOUR BENEFITS

If your benefits change then you MUST contact the Council, as this will affect the amount you are asked to pay for your care services. The Council reserves the right to backdate any increase or decrease in charges to the date from which your benefits were changed.
ASKING FOR YOUR CHARGE TO BE REVIEWED

You have the right to ask that the amount that you are asked to pay for care services is reviewed. You may think that your charge should be changed because the extra spending that you have as a result of your special needs has increased.

You can supply details about why your charge should be changed in writing to the Executive Director of Social Services or by phoning 01928 704314 and asking them to write down the reasons why you think your charge should be changed.

The information you provide will be discussed and we will decide whether your charge for services should be changed or not. The team will write to you to tell you what they have decided.

If you still do not agree with the amount you are being asked to pay for your care services then you have the right to ask that the matter be referred to an Appeal Panel.

An Appeal Panel consists of Elected Members and the Review Team. You will be invited to attend the Appeal Panel and bring a representative of your choice with you. You will be able to tell the Appeal Panel why your charge should be reviewed. The Appeal Panel will consider the information and write to you about their decision.

HOUSING BENEFIT AND SUPPORTING PEOPLE SERVICE APPEALS

Any appeals about your right to receive Housing Benefit and your entitlement to the full Supporting People subsidy should be made using the Housing Benefit Appeal System.

COMMENTS, SUGGESTIONS, COMPLAINTS

Comments, suggestions and complaints are important as they help us to improve and develop the services that we provide. You have the right to complain if you are not happy about the services that you receive. You can write with details of your complaint to:

The Complaints Administrator (Freepost CS/3)
Social Care, Housing & Health Directorate
Halton Borough Council
Grosvenor House
Halton Lea
Runcorn
Cheshire
WA7 2ED

Or e-mail: ssdcomplaints@halton-borough.gov.uk

You can also ring us on 01928 704327 to outline why you are not happy with the services you receive. Alternatively, you could ask for a Complaint Form, fill it in and send it to the same address.
Your complaint will be investigated and we will write to you in 28 days to tell you what action we have taken.

You should have received a copy of our Complaints leaflet when we arranged to visit you to collect your financial details. If you need another copy of the complaints leaflet please contact the Complaints Administrator on 01928 704327.

**NON PAYMENT OF BILLS**

If you do not pay your bill we will want to work with you to find out how we can help you to pay your bills, this may include you making an arrangement to repay your debt over a longer time period.

Continued non-payment of your bills will result in the Council taking recovery action through the Courts and this will mean that you will have to pay the additional costs of the Council taking legal action. Legal action may include obtaining permission to obtain money from a service users bank account through the courts, retrieval of goods to the value of the debt, determination of a payment schedule, a charge being placed on a person’s property or a Garnishee order by 3rd party attachment.

**ANNUAL INCREASES**

The Council will review its charging policy every year and any proposed increase in your charges will be sent to you in a letter.

**CONSULTATION**

The Council will consult the Charging Review group if it plans to change the charging policy. The Charging Review Group consists of officers, elected members, service users, carers and representatives from voluntary organisations.
7. PERFORMANCE

The Council will monitor its performance on the charging process to ensure that value for money is obtained and that service users are in receipt of a quality charging assessment service. The Council will monitor the following quality standards.

- 85% of service users visited will be told how much they will be initially asked to pay at the time that they provide their financial information.
- All service users who agree to receive a home based financial assessment will be visited within 10 working days of their application for services being received, unless the service user cannot agree to a visit during the first 10 days.
- All service users will be told in writing how much they will be asked to pay for their care services.
- All service users who receive a home based financial assessment visit will receive their invoice within 6 weeks of the charge being set.
- Service users will be asked to comment on the quality of the financial assessment visit that they received.
- The Council will monitor how much it costs to collect income from service users against the amount of income that is raised.
- The Council will monitor the:
  - number of home finance assessment visits made
  - number of benefits claims made and their type
  - number of successful benefits claims and the amount of income that this produces, both for the Council and Service Users.
  - The number of service users who decline to receive a service because of the charges they would have to pay.
8. FEES AND CHARGES 2002/03

Standard fees and charges for services are reviewed annually by the Council

Meals and Frozen Food

Meals eaten at a day centre or delivered to a service users home are charged for regardless of the amount of income that they have.

The current charge for a meal is £2.10

Day Care

The Council charges for all types of social day care that is provided either in centres run by social services or purchased for the service user from the voluntary or private sector.

Community Day Care services provided by volunteers are not charged for.

Charges for Day care will be for a full or ½ day.

Any service user who is paying for respite or residential care services is not charged for Day Care whilst they are in residential care.

The current charge for day care is
Full Day £11.05
½ Day £5.53

Personal Home Care Services

The Council charges for home care services that are provided by its own home care service, or, which are purchased from the private sector.

Services are charged for on the basis of 15 minutes or part thereof. For example 10 minutes of care will be charged as a block of 15 minutes. 20 Minutes of care will be charged as a block of 30 minutes.

Where 2 or more care staff are provided then the service user will only be asked to pay a charge based on the time care was provided for, irrespective of the number of carers present.
**Cost of Home Care**

1 Hour £8.44  
More than 30 minutes up to 45 minutes £6.33  
More than 15 minutes up to 30 minutes £4.22  
Up to 15 minutes £2.11

**Teleshop Delivery**

The Council charges for each delivery of meals that is made to a service users home. The current charge for delivery is £3.30

**FEES AND CHARGES FOR SUPPORTING PEOPLE SERVICES**

These vary depending on what the service is and which provider supplies the service.
9. WHERE TO GET FURTHER INFORMATION, HELP OR ADVICE ABOUT CHARGING

If you need further advice or information about charges for non-residential services then you can contact:

Income & Assessment Team, Social Care, Housing & Health – 01928 704314

Age Concern –

Citizens Advice Bureau –

Carers Centre –

Halton Citizen Advocacy Services –

MENCAP -

Halton Borough Council, Welfare Rights Service – 0151 471 7448
Direct Link
Halton Lea
Runcorn

Halton Borough Council, Welfare Rights Service – 0151 471 7448
Direct Link
Widnes