

Cabinet – 26 April 2017

Update of the Contributions Policy for Community Based Social Care

Portfolio: Councillor Diane Coughlan – Social Care

Related portfolios: All

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

- 1.1 On 23 February 2017, Council approved the budget for 2017/18 and the Medium Term Financial Plan for the following 2 years.
- 1.2 That approval included budget option 82 (for 2017/18) relating to the proposed development of an improved charging and collection process to generate income valued at £475k.
- 1.3 It is evident that income generation in Walsall is lower than other comparable local authorities, and that a change in policy, procedure and practice could substantially improve the income trends.
- 1.4 A refresh of the Contributions Policy and a renewed focus on systematically collecting debt owed to the Council is required to reduce the levels of debt incurred.
- 1.5 This will require resources to be targeted consistently in notifying, and enforcing debt collection as in other areas of the Council.
- 1.6 This report seeks to amend the Contributions Policy for Community Based Social Care in accordance with two requirements: to improve and expedite the charging process to ensure customers can make an informed view of the care they need and what it will cost them; and secondly, to pursue the non-payment of invoices to customers for their care, consistently as for all other Council charged services.

2. Recommendations

- 2.1 That Cabinet approves the cessation of the existing contribution policy for community based services and approves a revised Contributions Policy for Community Based Social Care, effective from 1 May 2017 for new and existing clients.

3. Report Detail

- 3.1 The Care Act 2014 established a new framework of duties on local authorities in relation to the provision of social care. It included revised financial assessment guidance, which councils with responsibilities for Social Services are required to implement when designing charging mechanisms for community based services.
- 3.2 In December 2014 through to February 2015, the Council undertook an extensive consultation in relation to the community based model of charging. Over 1300 people were engaged and the feedback from that was reported to Cabinet on 18 March 2015.
- 3.3 That consultation was used to shape the current contributions policy for community based social services.
- 3.4 A set of key principles were established in the Charging Policy which came into effect on 6 April 2015:
- A person's individual charge is calculated incorporating all of the costs of services arranged by the Council, in accordance with the policy and eligibility criteria alongside their ability to pay. This will remain the same in the new Policy.
 - Contributions are to be calculated with a person's input, via a financial assessment. This will be the case in the new Policy. However, the onus will shift to the individual to complete the financial information rather than this being carried out by the Financial Assessor.
 - People will contribute what they can reasonably afford, retaining at least the basic Income Support or Pension Guarantee level plus a protection of 25%, before making contributions against services for eligible needs. This will not change.
 - Contributions will not exceed the actual cost of provision of all Council funded social care. This will not change.
 - Contributions will not be required for the cost of the assessment. This will not change.

4 Diagnosis of Issues

- 4.1 To inform what the customer experiences in the assessment for charging, the payment processes and to understand the accumulation of the current level of debt a cross-Council transformation team has been established.
- 4.2 Its remit has been to:
- Review the start to end processes of financial assessment for community based social services.
 - To review the existing contributions policy.
 - To expedite the way people partake in a financial assessment.
 - To improve recording and the overall time taken to produce timely and accurate bills.
 - To understand the approach taken to customers, who have a debt for unpaid contributions towards their social care support.

- 4.3 All of the above is with a view to improving the customer's experience; increasing the income levels for the local authority in accordance with local comparators; and reducing the levels of debt.
- 4.4 The analysis has highlighted a number of issues which this new Policy addresses.
- 4.5 It takes approximately 4 months for the whole process to be concluded. This involves assessing a new customer for social care support, undergoing a financial assessment and for the first bill to be received by the customer. At that stage a customer may have received over 4 months of care and not received any notification of the contribution they need to pay towards the care. Their contribution cannot be backdated.
- 4.6 Therefore, it is proposed that a financial form is given to the customer either in advance of, or during (where the care required is urgent) their social care assessment. This means the information to calculate their contribution is available at the first contact with the customer, which will be during a face to face social care assessment.
- 4.7 The completion of the financial information will be undertaken by the customer. Customers will be required to provide their own financial information into an agreed format and to return this to the Council within a set timeframe (14 days). This will be forwarded to the Welfare Rights Team in the Council who will review the details and input the information in to Mosaic. Once received and reviewed the financial assessment is complete.
- 4.8 The details held in Mosaic will then be used to determine what a person will contribute towards their care costs and a Contribution Notification will be produced by Financial Administration Team and sent to the customer.
- 4.9 If customers require additional support to complete the financial information this will be offered but this will be by exception only. It will be based on a set of criteria assessing vulnerability, (for example, help will always be given where someone is isolated or does not have family or friends to help them to fill out the forms or retrieve the relevant information) and will include a face to face support from the Financial Assessment Team.
- 4.10 Failure to return the completed form at all, or with missing information within the timeframe will result in a full charge being applied. This will be applied until the information is provided.
- 4.11 If the information is never provided the customer will be classed as a 'non disclosure' and the full charge will stand. If it is produced later, the charges will be adjusted to take account of that change from the date the information was provided in full.
- 4.12 Any customer who has reasonable grounds for not completing the financial information within the established time period will be asked to explain those circumstances and a reasonable extension will be granted. The charge, however will commence from day 15.

- 4.13 Customers will be advised that completing information that is dishonest will result in prosecution.
- 4.14 Customers who go through the reablement pathway are entitled to up to 6 weeks of free care. In the analysis phase of this project, it was established that significant numbers of people are receiving free care way beyond the 6 week maximum. This creates inequality and is contrary to their entitlement.
- 4.15 Operational changes are now ending that practice and people will in future only receive up to the maximum 6 week period of free care. This policy will reinforce that legal position. Once the period of reablement is concluded, a person still in receipt of social care services (after their exit review from reablement and a further assessment of need to establish their ongoing support plan) will be subject to a financial assessment and paying a contribution in accordance with this new Policy.
- 4.16 As the Financial Assessment and Welfare Benefits Service reduces (budget saving no. 74), there will be less resource to support individual customers who require social care support. The requirement for individuals to complete their own financial information, to enable the assessment to be completed (other than by exception for those who need additional help) will ensure that backlogs of customers do not accumulate.
- 4.17 At the time of this analysis, and over a 6 month period, between 461 and 902 customers per month were in the process of being assessed financially. Without a change to the way financial assessments are conducted, it would be impossible to improve the timeliness of financial assessments.
- 4.18 Benefits maximisation: one of the ways in which social care income generation is improved is by increasing the benefits that a customer can access. As that team is reduced there is a need to be more focused on those for whom an eligible benefit can support their care needs.
- 4.19 The Welfare Rights Service will therefore change its eligibility to concentrate on those with social care needs who are missing one or more benefits. Adult Social Care staff will facilitate this by introducing clarity on who gets a benefit maximisation visit, and eradicating duplicate referrals, which will enable those customers to be targeted who are most in need. This will end **all** customers being offered a benefit check.
- 4.20 Also in the analysis of the work, it was identified that the council currently seeks to reconcile actual invoiced costs for each client as the basis for charges, and that one of the disadvantages to individuals, providers of care and the Council is the number of variations that occur in someone's care delivery. Every time care is delivered that varies from the calculations of the support plan, it makes it more difficult to reconcile the invoices from providers, and an updated notification is required for the client to set out the impact on their charge. This is inefficient in processing time and resource, and can mean that the provider is not paid in a timely manner and the individual sees changes in bills from one month to the next. The updated policy therefore seeks to move to charging against the costs set out and agreed in the support plan, and the introduction of Mosaic Financials in conjunction with this Policy will improve the timeliness and accuracy of

reconciliation, payment to providers, and raising of consistent charges to individuals.

- 4.21 Customers will have a right to ask for their financial information to be reviewed at any time if they are concerned that variations in care are affecting their contributions.

5. Implementation

- 5.1 It is proposed to implement this new charging policy with effect from the 1st May 2017. The Cabinet decision will terminate the existing contributions policy with effect from 30 April 2017. This is for all new customers; and for existing customers as from the date of their next review or re-assessment.
- 5.2 The current project team will be responsible for ensuring that a detailed plan for implementation is in place which covers: training and awareness raising for staff; stakeholder engagement (e.g. health, voluntary sector, provider colleagues); new forms, processes/and procedures in place to provide assurance, and performance systems to check delivery against the policy and report on progress.
- 5.3 As at February 2017 there were 1,930 clients receiving some form of community based care in Walsall (including those in receipt of a direct payment). Of these 1,127 already have a support plan cost figure populated in Mosaic, and 803 who have not (this is linked to the legacy of transferring cases from PARIS to MOSAIC, whereby the figure for the individuals support plan cost is likely to be included in a separate file attached to the system rather than the specific field in Mosaic being populated).
- 5.4 The community based charging policy identifies each individual client's level of disposable income (the maximum they will contribute toward the cost of their care). As the vast majority of individual clients do not pay the full cost of their care, and only make a contribution towards the total costs, any change to the charging policy will only see a small number of clients see an actual increase in the level of their charges. These will be individuals who are either full cost contributors, or those who are not currently paying 100% of their disposable income as a contribution – as the cost of their care is below this level.
- 5.5 As such we have identified 108 clients who may potentially be impacted by the proposed changes. These are broken down as follows:

Individuals with a support plan figure populated in Mosaic who will see an increase in the actual amount payable of up to £100 per year	5
Individuals with a support plan figure populated in Mosaic who will see an increase in the actual amount payable of between £100 and £1,000 per year	22

Individuals with a support plan figure populated in Mosaic who will see an increase in the actual amount payable of more than £1,000 per year	41
Individuals without a support plan figure populated in Mosaic who have remaining disposable income of up to £100 per year therefore could potentially see an increase in the actual amount payable	1
Individuals who are Full Cost payers without a support plan figure populated in Mosaic who could therefore potentially see an increase in the actual amount payable	39

- 5.6 For each of these 108 clients, further work will be undertaken to ensure that the costs included in the support plan are accurate and up to date, and meet their needs, before the new Policy comes into effect.
- 5.7 For those clients without a support plan figure populated in Mosaic, as there is no potential for them to see an increase in the actual amount paid (as they are already contributing 100% of their disposable income) an 'estimated support plan cost' will be used for the calculation of their charge – this will be based upon the costs of service currently included in the community based charging model, and this will be utilised in place of the actual support plan cost until each individual has undergone their next planned review (at which point an updated support plan figure will be available to populate in Mosaic and be used for charging from that point onwards). This process will be communicated with each of these individuals before the new policy comes into effect.
- 5.8 For those with a support plan figure populated in Mosaic, as there is no potential for them to see an increase in the actual amount paid (as they are already contributing 100% of their disposable income), this support plan figure will be utilised for the calculation of their charge. This process will be communicated with each of these individuals before the new policy comes into effect.

6. Transport

- 6.1 Transport will be excluded from the charging policy as it is included in the Assisted Transport Policy. As such, transport costs are viewed as an ordinary, everyday living cost and are met through personal resources. Exceptional circumstances are covered in that policy.

7. Equipment

- 7.1 All equipment and minor adaptations costing less than £1500 are provided free of charge. Packages of equipment and adaptations costing more than £1500 are classified as Disabled Facilities Grants (DFG) and would therefore go through the relevant process for a DFG application. The council has streamlined the DFG processes to help residents faster and for less money, therefore helping more. Many housing associations in Walsall also seek, whilst their funds permit, to help their tenants with adaptations including low cost ones or in seeking to provide part funding for works.

8. Direct Payments/Personal Budgets/Individual Service Funds

- 8.1 These will continue to be calculated using a menu of unit costs for each component service. This ensures the level of resources allocated to meet the eligible need of everyone is sufficient. It will means consistency and fairness in resource allocation. There is no change to Direct Payment calculations as a result of this Policy.

9. Appeals

- 9.1 There is a right of appeal and the details are available in the policy attached.

10. Council Priorities

- 10.1 Implementing the 2015 charging policy for community based social services enabled the Council to become Care Act compliant. This new policy reviews and updates that position.
- 10.2 It was difficult to predict how the Care Act changes would impact in the longer term, and two years on the Council has carried out a review to inform that position.
- 10.3 The financial climate has continued to be difficult and the Council has just agreed to a budget plan for the next four years.
- 10.4 In line with the Corporate Plan, this also contributes to the priority of “Make a positive difference to the lives of Walsall people: Increasing independence and improving healthy lifestyles so all can positively contribute to their communities.”

11. Risk Management

- 11.1 This project currently has a score of 12 on the Adult Social care Risk Register under the heading “Impact of potential changes to the charging policy (including reduced levels of debt recovery)”
- 11.2 Mitigation will be achieved through the new contribution policy and the reworking of manual procedures initially but then through Mosaic Financials. There will also be a refresh of the Assisted Transport Policy to ensure colleagues and service users understanding dependencies in this area.
- 11.3 Following the publication of the policy, a new suite of training sessions will be available to all staff.

12. Financial Implications

- 12.1 The 2017/18 budget approved by Council on 23 February 2017 included a budget option relating to the proposed introduction of an improved charging and collection process for Adult Social Care with a related value of £475k.

- 12.2 Financial modelling of current clients receiving support in the community indicates that the recommendation set out in this report would support the achievement of this saving. (with the financial impact of the delay in implementation to May 2017 offset by the investment of £44k for 2017/18, referred to in 15.3 below, no longer being required).
- 12.3 Additionally the amendments to the policy would speed up the timeliness of raising bills and develop a formal process in relation to debt recovery, which should contribute toward limiting the accumulation of new debt and reducing the current level of outstanding debt.

13. Legal Implications

- 13.1 It is appropriate that there is an estimated charge for those service users who do not currently have a current, assessed, support plan cost within their documentation.
- 13.2 The Local Authority are permitted to complete a “light touch” financial assessment (Care And Support (Charging and Assessment of Resources) Regulations – Reg 10 and Care Act Guidance 8.22 - 8.26) under the following circumstances:
- The person consents to a light touch assessment, and outcome;
 - The person has sufficient income left following the charge for community care services and the charge is clearly affordable,
 - That the person has significant resources;
 - That a full financial assessment would be disproportionate.

14. Property Implications

- 14.1 There are none.

15. Health and Wellbeing Implications

- 15.1 The new charging process should be more equitable and will therefore be more supportive of people's income and ability to pay. The policy in itself should not be seen as an effect on Health and Wellbeing as it encourages a quicker conclusion to financial assessments, and limits the amount of debt a person can accrue through its efficiency.

16. Staffing Implications

- 16.1 Additional, unbudgeted, staffing resources were put in place within the finance service during 2015/16 and 2016/17 to support the current community based charging policy, at a cost of circa £120k per year, whilst an automated billing process was developed as part of the implementation of Mosaic Financials.
- 16.2 Until the development of Mosaic Financials is completed, these additional staffing resources are likely to still be required to support the amended community based charging policy during 2017/18.

- 16.3 The savings option for 2017/18 included an investment of £44k to fund additional posts that may be required within finance to support the interim charge. As the proposals set out within the report now recommend an amendment to the existing policy the need for additional resources will continue be monitored throughout the year before the investment is committed.

17. Equality Implications

- 17.1 This proposal has its own EQiA which has scored the proposal at a level B (Adjustments needed to remove barriers or to better promote equality).
- 17.2 The primary reason for this is the table in 5.5 above where it has been identified that a cohort of people (142) would be liable to pay more.
- 17.3 The proposal's "B" rating is reflective of a neutral impact on protected characteristics, i.e. the people are impacted on because of their income and service needs as opposed to their disability, gender, sexuality or age.

18. Consultation

- 18.1 There was no formal feedback upon this proposal during the corporate consultation between October and December 2016. No further consultation is required for these changes; but individuals will be reviewed in line with the policy and engaged in any planned changes.

Background papers

Contributions Policy
Flow Chart

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10 April 2017

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10 April 2017



Walsall Council

Adult Social Care Community Based Contributions Policy

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Introduction

Unlike health care, adults have always had to pay, or contribute towards the cost of social care. By social care we mean services and support, such as domiciliary care, direct payments, respite, extra care, personal assistants, placements and personal budgets, which support adults to remain independent at home. Councils use the contributions adults have paid towards the cost of these services, to reinvest in social care services that they would otherwise not be able to provide.

This document sets out Walsall Council's policy on how adults, who are eligible for social care and support and their carers, contribute towards the cost of these services. Our policy reflects major changes in the way local authorities are providing social care. It is based on Government legislation and national guidance, most notably the Care Act 2014 and is underpinned by core principles to ensure it is fair, equitable, and based on the ability to pay. The Care Act 2014 introduces a new charging framework for care and support. Section 14 of the

Care Act 2014 provides local authorities with a power to charge for care and support provided to adults. This includes a power to charge for carers services: the Care Act 2014 introduces a carer's legal right to both assessment and support to meet eligible needs.

There is a separate policy setting out how adults contribute towards the cost of residential care services.

We have set out the policy as simply as possible. Financial affairs can be complicated but it is important that everyone can understand how the contribution they are asked to make has been arrived at, as this will support an adults' ability to have greater control over their finances and ultimately, over how they live their lives.

Legislation and guidance underpinning our policy

The policy has been prepared in accordance with the following government legislation and guidance:

The Care Act 2014, specifically sections: 14

– Power of Local Authority to Charge; 17 –

Assessment of Financial Resources; 69 –

Recovery of Charges, Interest etc;

70 – Transfer of Assets to Avoid

Charges; 72 – Part 1 Appeals

The relevant regulations and, in particular, the Care and Support (Charging and Assessment of Resources) Regulations 2014;

The Care and Support Statutory Guidance and in particular, chapter 8 entitled „Charging and financial assessment“ and Annexes B-E, which the Council is required to act under, pursuant to section 78 Care Act 2014.

Contribution Principles

In order to comply with the requirements of the Care Act 2014, this policy seeks:

To be comprehensive and to reduce variation in assessment and charge;

To be clear, transparent and applied equally;

To promote wellbeing, social inclusion and supports the vision of personalisation, independence, choice and control;

To be focused, reflecting the variety of care and caring journeys and the variety of options available to meet their needs;

To enable and encourage those who wish to stay in/take up employment, education or training is sustainable for local authorities.

The Council adopts the following over-arching principles to ensure fair contributions from adults:

Contributions from adults will be fair and reasonable and calculated with their input through an individual financial assessment;

To ensure that adults contribute only what they can reasonably afford, adults will retain at least their basic Income Support or Pension Credit Guarantee level, plus a buffer of 25%, before they are asked to make any contributions towards the costs of their care;

Contributions will not exceed either the cost of the annual support plan or, if lower, 100% of an adults 'disposable income'.

The vulnerability of citizens and their personal circumstances will always be taken account of in regards to:

The application of the policy
And the pursual of Debt

Cost of support

This will be based on the annual costs of your support plan agreed with your Social Care Practitioner. This cost will change when your needs change, or at the point of the annual review. This method will ensure that generally your charges are consistent and you will pay the same every month regardless of the amount of services which you actually receive. This is an easier system to understand.

Contributions will not exceed the costs set out in the current support plan (where there significant variations between support plan costs and actual services the policy includes an appeals procedure to account for this).

In some cases we may use monthly actual cost data to calculate your annual cost of support.

The Council has the power to make an additional charge for the cost of arranging services in the following situations: where an adults resources exceed

the national financial limit (**£23250 excluding property**), but they ask the Council to meet their needs anyway; or where an adults resources exceed the financial limit, but their carer requests the Council to meet their needs anyway. The Council at this point has decided not to exercise its power in charging additionally for the cost of arranging services. Contributions will therefore not be required for the cost of arranging services, these will be funded by the Council.

The Council will take into account the following principles when making decisions on charging:

- ensure that adults are not charged more than it is reasonably practicable for them to pay by the Care Act 2014;
- be comprehensive, to reduce variation in the way people are assessed and charged;
- be clear and transparent, so people know what they will be charged;
- promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
- support carers to look after their own health and wellbeing and to care effectively and safely;
- be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet their needs;
- apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings;
- encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so; and
- be sustainable for local authorities in the long-term

The following services will be exempt from charging:

Intermediate care, including reablement for up to a maximum of six weeks. If your support extends beyond six weeks you will be charged subject to your ability to pay.

Care and support provided to people with Creutzfeldt-Jacob Disease;

Aids and minor adaptations of less than £1000;

NHS Services;

After care and support provided under section 117 Mental Health Act 1983;

Services that the Council is required to provide under other Acts.

Your Social care practitioner will signpost you to Benefits advice and this will help you claim all the benefits you are entitled to.

Services to meet assessed needs will not be refused or withdrawn if an adult does not pay their assessed contribution, or lodges an appeal against the assessed contribution. However, debt recovery (including court action) may be pursued for all outstanding verified contributions.

Transport is excluded from this policy and is covered by the Assisted Transport Policy, whereby transport costs are classed as an everyday expense for all people and as such should be met through personal resources or

associated benefits.

Community Alarms Services is exempt from charging for all users.

All equipment and minor adaptations costing less than a £1500 are provided free of charge. Packages of equipment and adaptations costing more than £1500 are classified as Disabled Facilities Grants (DFG) and would therefore, go through the relevant process for a DFG application. The council has streamlined the DFG processes to help residents faster and for less money, therefore helping more. Many housing associations in Walsall also seek, whilst their funds permit, to help their tenants with adaptations including low cost ones or in seeking to provide part funding for works.

Calculating a fair contribution

Our procedures for determining how much an adult or their carer should contribute to the cost of their care are broken down as detailed below. The first three steps cover assessing the need for community based social care services, allocating a personal budget or services and assessing individual financial circumstances, to determine ability to contribute to social care services. The final steps cover how Walsall Council will collect the contribution, the process for reviewing any contributions over time and the appeals procedure.

Assessing need

When an adult first comes into contact with the Council, they will be offered an assessment of their need ('needs assessment') for social care services. The assessment covers various aspects of the adult's lives such as the need for support with personal care and other day to day activities, health and well-being, sense of personal safety, contact with others, and what support relatives, friends or neighbours provide.

At the time of the needs assessment, the Council must establish whether the adult has the capacity to take part in the assessment. If the adult lacks capacity, the Council must find out if the adult has any of the following as the appropriate adult will need to be involved:

Enduring Power of Attorney (EPA);
Lasting Power of Attorney (LPA) for Property and Affairs;
Lasting Power of Attorney (LPA) for Health and Welfare;
Property and Affairs Deputyship under the Court of Protection; or
Any other adult dealing with that adults' affairs (for example someone who has been given appointeeship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).

Adults' who lack capacity to give consent to a financial assessment and who do not have any of the above people with authority to be involved in

their affairs, may require the appointment of a Property and Affairs Deputyship. Family members can apply for this to the Court of Protection or the Council can apply if there is no family involved in the care of the adult. While this takes some weeks, it then enables the adult appointed to access information about bank accounts and deal with financial affairs.

The eligibility threshold for adults needs is set out in the Care and Support (Eligibility Criteria) Regulations 2014 (the 'Eligibility Regulations'). The threshold is based on identifying how an adults needs affect their ability to achieve relevant outcomes and how this impacts on their wellbeing.

If an adults needs meets the Councils' eligibility criteria for community based social care services, the Council will undertake an assessment of the adults ability to contribute to the cost of their care. This is done through a Financial Assessment calculation, which will be undertaken by a member of the Welfare Rights Team. The calculation telling you how much you need to contribute towards the cost of the support you receive will be based on information which you have provided to your Social Care Practitioner during your assessment of needs.

Where an adult has a representative, i.e. Deputy, Power of Attorney or Appointee that deals with their financial affairs, they must be present at the visit to sign the documentation. If there is no legal representative, an adult may wish to have a carer, relative or friend present.

If, following a financial assessment, an adult is found to have sufficient funds to meet the full cost of their care themselves (that they can fund their own care), the adult is still entitled to ask the Council to commission and organise care and support services, on their behalf or arrange their own care.

Where an adult does not meet the Council's eligibility criteria for community based social care services, they will be given information and advice about other sources of support including, where appropriate, mainstream services and voluntary sector services.

Gathering Financial Data, Benefits Maximisation and Effective Charge date

During your visit from your Social Care Practitioner they will discuss your Income and savings details with you and the support which you are receiving. You will be given a form to fill in to outline the income which you are currently receiving plus relevant expenditure you incur in relation to your needs. You will be given the form in advance of, or during the social care assessment.

It is important that the form is completed correctly and in full as this information will be used to calculate your ability to pay towards your care fees.

The financial information from which you have completed will be passed on to our Welfare Rights team who will undertake some basic checks and will complete a Financial Assessment calculation to determine how much you can afford to pay.

Once a Financial Assessment has been completed a Contribution Notification will be produced by Financial Administration Team and sent to the customer

If you have savings below £23,250 (the current rate for self funding your care) you will be required to make a financial 'contribution' towards the planned cost of your care needs. If you have over £23,250 you will be required to fund the full cost of your care needs yourself, although the Council can help you arrange the care if needed.

It is important that you return the form within 14 days of the initial visit from your Social Care Practitioner.

If you do not return your form then your charging notification will show the full cost of your care. You will have a period to clarify your charge prior to receiving your actual bill. If you are struggling to complete the form then you need to contact your Social Care Practitioner or Welfare Rights for assistance.

If you do not wish to disclose your personal financial details, you should return the form and mark on it 'Non Disclosure'. If you choose to do this then your notification will show that you are required to fund the full cost of your care needs. You can notify the relevant details prior to receiving your bill and your bill will be adjusted.

The effective date of your charge will be 15 days after you have received your form.

If as part of the information you have provided the Council believes you are entitled to receive further benefits, you will be signposted to agencies who may be able to give information and advice on how to apply for them.

The charge which you pay towards your care needs will be based on current benefit income information until there is evidence of any changes.

Where , based on your circumstances the Welfare Rights service feel that you are

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missing one or more key benefits they should be able to advise you.

The Financial Assessment Calculation

The Financial Assessment process involves collecting financial information which will allow the Council to make an assessment of an adult's ability to contribute towards the cost of their care.

The Council will first calculate an adult's assessable income (section A below). From that figure the Council will subtract both allowances and disregards (section B below) and disability related expenditure and housing costs (see section C). The figure at the end of this calculation will be the adult's "disposable income". The maximum charge for services will either be the cost to provide such services, or if lower, 100% of the adult's disposable income.

Assessable Income

The financial assessment process will look at the total income an adult has available to make a contribution. National guidance dictates that we include certain sources of income and exclude other sources of income.

The following income will be taken into account in the financial assessment process:

Attendance Allowance including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
Bereavement Allowance
Carers Allowance
Disability Living Allowance (Care Component)
Employment and Support Allowance
Incapacity Benefit
Income Support
Industrial Injuries Disablement Benefit or equivalent benefits
Jobseekers Allowance
Maternity Allowance
Pension Credit
Personal Independence Payment (Daily Living Component)
Severe Disability Premium
State Pension
Universal Credit
Working Tax Credit

Where a Social Security benefit payment has been reduced (other than a reduction because of voluntary unemployment), the amount taken into account should be the gross amount of the benefit before reduction

All Annuity Income (other than where it is purchased with a loan secured on the person's main or only home, or a gallantry award (see attached link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315993/Care-Act-Guidance.pdf))

Schedule 1 to the 2014 Regulations and Statutory Guidance details sums to be disregarded in the calculation of income – (see attached link: <http://www.legislation.gov.uk/ukpga/2014/23/schedule/1/enacted>)

The following income will be disregarded in the financial assessment process:

Christmas Bonus;

Mobility Component of Disability Living Allowance or the Personal Independence Payment; Mobility Supplement of War Disablement Pension;

Other War Widows Pension - £10 disregard applies;

The night care component of DLA / Attendance Allowance (unless services are provided during the night);

The Savings Credit element of Pension Credit;

Trust Funds;

Wages / Earnings (including income from self-employment);

War Widows or Widowers Special Payments

Capital / Savings

Savings will be considered in the following ways:

£0 - £14,250 - This will not be taken into account

£14,250 - £23,250 - This is taken into account in full to calculate tariff income. Tariff income is calculated at a rate of £1 for every £250 or part thereof on capital between 14,250 and £23,250

Over £23,250 - Required to pay the actual cost of the services provided (see attached link

If you hold joint savings accounts 50% of the amount will be taken into account

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31599/3/Care-Act-Guidance.pdf

Capital will include cash, savings and other forms of investments, as outlined in the 2014 Regulations and Statutory Guidance (specifically Annex B) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315993/Care-Act-Guidance.pdf

The capital value of an adult's home will not normally be taken into account in the financial assessment, where they continue to occupy the dwelling as their home. The capital value of any other property owned or part owned will be regarded as capital. All decisions about the treatment of property will be made in accordance with the 2014 Regulations and Statutory Guidance provisions.

Deprivation of Capital

The question of deprivation of capital should only be considered when the adult ceases to possess capital which would otherwise have been taken into account.

If an adult knowingly reduces their capital with the intention of avoiding or reducing the charge (for example by excessive spending or gifting), this will be taken into account in the assessment and the contribution may be calculated as if that adult still holds the capital that has been disposed of. The Council will apply the approach detailed in Regulation 70 of the 2014 Regulations and Statutory Guidance Act.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315993/Care-Act-Guidance.pdf

Ownership: The Authority will decide from available evidence whether the adult owned the capital and if applicable, the timing of a disposal prior to the provision of care services.

Has deprivation occurred? It is up to the adult to prove that they no longer have a resource. Failure to do so will result in the Authority treating the adult as if they still possess the actual capital.

Examples of acceptable evidence of disposal of capital would include:

- A trust deed
- Deed of gift
- Receipts for expenditure
- Proof that debt has been repaid.

Allowances and Deductions regarding the amount you will pay

All adults will retain income equivalent to their basic Income support or Pension Credit Guarantee level plus 25% as 'Protected Income', which is included in the assessment calculation.

The personal disregard will be calculated by adding together:

- Basic Income Support Allowance;
- Age related disability or other premiums;
- A buffer of 25%, based on the total amount of the basic income support allowance Employment and Support Allowance including carer premium where applicable;
- An allowance in respect of Maintenance Orders determined by the Court or Child Support Agency;

Where an adult lives with another carer other than his/her spouse or partner no Housing Related expenditure will be given as it is assumed that any contributions toward household spending will be made from the adult's personal allowance disregard;

An allowance will be applied to cover house insurance costs.

It is expected that the basic income support allowance will cover costs such as:

- Food

Drink
Hairdressing
Bedding
Clothes
Spectacles
Dentistry
Alternative Therapy/Treatment
Physiotherapy and other treatments/services/products normally available on the NHS
Items available on Prescription
Utility bills such as gas, electricity and telephone (landline and mobile)
Internet
Water Rates
Window Cleaners
TV Licence and subscriptions to satellite or digital TV companies
Repair and replacement of household items
Repair and maintenance of Buildings
Gardening – other than Basic Gardening costs allowable under Disability Related Expenditure
Other expenditure such as personal debt (including County Court Judgements) and arrears
This list is neither exhaustive nor exclusive

Welfare Benefits

It is important that you are provided advice and information on the benefits available to you in order to maximise your entitlements.

You will be signposted to relevant agencies to make sure you maximise your entitlements.

Disability Related Expenditure (DRE)

If an adult incurs additional expenses due to their disability, additional allowances can be given to reflect the additional cost. The adults Support Plan should identify disabilities or medical conditions, that indicate that additional allowances should be given.

Disability related expenditure is applied based on a standard allowance approach, with an option for an individual assessment. A graduated scheme is in place linked to percentage based on Disability Living Allowance benefit received. A

10% DRE component is applied against each of the three rates detailed below:

Care Component Lowest

Care Component Middle Rate

Care Component Highest Rate

An individual assessment will be considered, when DRE costs greater than the above, on an exception, evidenced based and case by case basis. Receipts may be requested for all items/services when a reassessment of charge is carried out or there is a dispute in the amount of any DRE allowed by the Welfare Rights Officer.

Additional Personal Assistance/Care costs not provided by the Council, will only be allowed if carried out by a registered Agency, or evidence to show that they are formally registered with HMRC. Receipts must also be provided, together with a list outlining duties undertaken, which will be checked against the Support Plan to ensure duplication of tasks are not being carried out.

Any monies paid to family, friends (or “cash in hand” to unregistered companies/sole traders) for providing additional personal care/assistance will not be allowed in the financial assessment.

If there is a duplication of care being provided privately and by the Council, no DRE will be given for that particular service item.

If the adult requests any additional items/services be included in the assessment after the financial assessment has been undertaken and the adult has been advised of their weekly contributions, receipts and supporting evidence will be required.

No allowances will be given for:

Alternative therapy/treatments.

Medication/Drugs, Physiotherapy, treatments or products(for example - incontinence items) which should be available from the National Health Service.

This list is neither exhaustive nor exclusive

Disposable Income / Maximum Contribution

When all of the adults allowances and disability related expenditure have been calculated, they will be deducted from his/her total Assessable Income. This will give an amount of Disposable Income.

The contribution levied will be equivalent to 100% of disposable income or cost of service, whichever is the lowest.

Couples and Civil Partnerships

Couples and Civil Partnerships will not be assessed according to joint resources, but each individual will be assessed in their own right.

Calculating the contribution and notification

Once your support plan has been finalised and a personal budget has been agreed, the financial contribution can be finalised and confirmed in writing to you or your legal representative.

Where you have not co-operated with collecting the financial assessment information (or choose not to sign the relevant documentation) it will be assumed that the adult has the ability to pay the full cost of their care.

Failure to disclose appropriate information in the financial assessment could result in legal action against you or your named representative.

Contributions will apply from the date of the financial assessment which will be normally be applied upto 5 days from the receipt of your correct financial information. Walsall Council does reserve the right to require contributions from the date service commences, if there is any unnecessary delay in returning your correct information.

This new system is intended to inform adults up front what money they are entitled to from the Council for their support and how much they will have to contribute themselves.

Collection of contributions

Where an adult receives their Personal Budget in the form of a Direct Payment to pay for their support, any contribution payable will be netted off before payment is made.

Where services are purchased by the Council on behalf of the adult, an invoice will be issued 4 weekly in arrears for any contributions payable.

The Councils preferred method for income collection is by Direct Debit.

Non Compliance and Recovery action (see Appendix 1)

The Council will at all times require adults to pay the assessed contribution.

Any adult refusing to provide financial information will be required to contribute the full cost of any services provided.

Recovery action will be taken where non payment occurs. Follow up reminders and recovery action will be taken on all outstanding unpaid invoices.

Whilst an adults personal circumstances will be considered with sensitivity, to ensure fairness to those adults who pay the required financial contribution, non-payment will be handled in line with the Councils overall policy on unpaid

invoices. Any adult failing to pay or refusing to pay the assessed contribution, who is unable to come to an arrangement with the Council about payment, will be subject to a financial recovery approach consistent with Section 69 and Annex A of the 2014 Regulation and Statutory Guidance (see attached link)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315993/Care-Act-Guidance.pdf

The overall approach will be to obtain current compliance while at the same time working with any adults experiencing difficulty in making payment.

Unpaid contributions will only be written off where there is evidence that there are insufficient monies within an estate for recovery to take place.

The Council is entitled to recover the costs incurred by it in recovering or seeking to recover the sum due.

Adjustments to planned provision and contributions

Your support plan will outline the components of service/s and the cost of these services. Contributions will be calculated on the basis of planned service provision and applied on a weekly basis.

Variations to planned service will occur from time to time for a variety of reasons, such as:

- where an adult is unwell;
- where an adult is away visiting relatives and does not require a homecare service.
- where additional care support is required

A reduction of the assessed weekly contribution will only be considered if there is a significant variation in regard to the services you are receiving when compared to those stated in your annual support plan. Evidence of these variations will need to be provided to your Social Care Practitioner and the Financial Administration section. We would not normally consider queries in relation to small adjustments as most people do not contribute the full cost.

Review of Contributions and care needs

The Financial Assessment of an adult's ability to contribute towards the cost of their social care will be reviewed at least annually based on benefit rates and earlier if there are significant changes in either the financial circumstances of the adult or the amount of care they receive. Adults have a duty to notify the Financial Administration Team, if there is a change to their financial circumstances.

Change in Financial Circumstances

The adult or their carer must inform the Council's Financial Administration Team, if there is a change in their financial circumstances (**this includes any state benefit awards including universal credit award**), as this may result in an adjustment to contribution that is required. It is important that you specify the date the change is effective from

Any additional contributions identified in a reassessment of charges will be backdated to the date of the change in the financial circumstances.

Adults contributions will be adjusted each year and the effective date will be in line with Department for Work and Pensions (DWP) and HM Revenue and Customs changes.

A standard amount or percentage increase will be levied in line with DWP changes or inflation rates to avoid unnecessary paper work being completed by the adult.

Appeals Procedure

Adults have the right to ask the Council for a review of a contribution for which they have been assessed, if they consider that they cannot pay it.

Adults or their representative may request for a review of a contribution or appeal against a contribution in full or part, which will be carried out by Senior Officers of the Council.

This may happen either when initial assessment or annual review has taken place or when an individual's circumstances change.

The Council's Appeals process is shown at **Appendix 1**.

Court of Protection

The council's charges for Court of Protection Administration are shown in **Appendix 2**.

APPENDIX 1

Appeals Process - Charging Policy for Community Based Social Services

Where an adult believes that either their assessed contribution is incorrect, unreasonable, or that it would cause financial hardship, the adult has a right to appeal the Council's decision.

If you do not return your form

Any customer who has reasonable grounds for not completing the financial information within the established time period, will be asked to explain those circumstances and a reasonable extension will be granted. The charge, however will take place from the date the 15th day after the form was given to you or your representative.

Gaps in service delivery

Where there are significant gaps in the care you receive (say due to a Hospital admission) the Council will review any adjustment that may be required to your charge if you inform us and provide relevant evidence. We would not normally consider queries in relation to small adjustments (for example a carer being a few minutes late for an appointment) as the majority of individuals will not be contributing the full costs of their care, and therefore in these instances small adjustments would not see a reduction in the actual amount of contribution that is required to be paid.

Refund where you have been incorrectly charged full cost

Where you have been incorrectly charged the full amount of your care due to not returning your form and you inform us this is incorrect:

If the appeal is upheld

The Council will refund the amount of overpayment

Or adjust your bill accordingly

STAGE 1 REVIEW

Stage 1 of the appeals process will be undertaken through a review process. The adult has 1 calendar month from the date of their contribution notification letter to request a detailed review of their charge and circumstances.

The adult will have their charge and financial assessment reviewed by an Independent Officer, other than the one who completed the original assessment

and charging calculations. The Officer will be a Senior Officer within the Welfare Rights section of Walsall Council. The adult will be notified of the outcome of their review within 10 working days of receipt of the original request. This could result in a changed / amended contribution, for example adjustment to elements of the contribution such as Disability Related Expenditure.

STAGE2 **REVIEW**

If the adult is not satisfied with the outcome of their review, they may within 1 calendar month of the outcome of the review, formally appeal against their contribution. The appeal will be heard at an appeals panel, constituting a Senior Welfare Rights Officer, an Officer from Charging and Payments Team and a Team Manager and/or Service Manager from Social Care and Inclusion. The panel will meet within 15 working days of an adult's request for an appeal. The appeals panel will consider the appeal together with the assessment process and calculation of contribution due and will make a decision as to whether or not to uphold the appeal. The adult and/or their representative are entitled to attend the appeals hearing and will be notified in writing of the outcome of the appeal panel's decision within 15 working days of the appeal panel meeting.

The appeal panel has the authority for the adjustment of the contributions up to delegated levels within Social Care and Inclusion

To appeal please contact Social Care Business support by
e mailing IBPSTeam@walsall.gov.uk or telephoning 01922 655400

Any write off of Debts must be agreed by the Council Section 151 Officer, the Assistant Director of Finance.

Appendix 2

Court of Protection Fees

Varies fees and charges are applicable in relation to court appointed deputies.

- £400 Application fee
- £100 Assessment fee
- £320 / £85 Annual Supervision fee dependent on the level of supervision.

The following fixed rates of remuneration will also apply where the court appoints a holder of an office in a public authority to act as deputy:

An amount not exceeding

Category I	Work up to and including the date upon which the court makes an order appointing a deputy for property and affairs.	
		£670
Category II	Annual management fee where the court appoints a local authority deputy for property and affairs, payable on the anniversary of the court order	
	(a) for the first year:	£700
	(b) for the second and subsequent years:	£585
	Where the net assets* of P are below £16,000, the local authority deputy for property and affairs may take an annual management fee not exceeding 3% of P's net assets on the anniversary of the court order appointing the local authority as deputy	
	Where the court appoints a local authority deputy for personal welfare, the local authority may take an annual management fee not exceeding 2.5% of P's net assets* on the anniversary of the court order appointing the local authority as deputy for personal welfare up to a maximum of £500.	
Category III	Annual property management fee to include work involved in preparing property for sale, instructing agents, conveyancers, etc or the ongoing maintenance of property including management and letting of a rental property.	£270
Category IV	Preparation and lodgement of an annual report or account to the Public Guardian	£195

