



## Report to Health and Social Care Scrutiny & Performance Panel

**Date:** 6<sup>th</sup> December 2005

### FAIRER CHARGING POLICY REVIEW

**Portfolio:** Social Care and Supported Housing – Councillor Alan Paul

**Service Area:** Adult Services

**Wards:** All

### Summary of report:

In October 2002 the Government introduced Fairer Charging Legislation which provides a framework for Councils to charge for Non Residential Care Services.

In February 2004 Cabinet approved the current policy (Appendix 1) which included charging for Home Care and Day Care services. At the Cabinet meeting it was agreed to review the policy after a period of consolidation with a view to moving to charging for all costed packages of care.

A Fairer Charging Review Board was formed in June 2005, consisting of members of staff and service user representatives. The Board meeting consisted of a series of 4 planned workshops. These workshops have developed and agreed a new draft charging policy (Appendix 2) which was presented at an information event to the Adult Services Partnership Boards. The feedback that was gathered from this event is included in Appendix 3.

In conjunction with the review Walsall Council commissioned Walsall Service User Council to undertake an independent survey of the views of existing service users. This was carried out in the form of a supported questionnaire and a summary of the findings are detailed in Appendix 4.

### Recommendations:

- (1) To approve the proposed new charging policy with effect 5<sup>th</sup> June 2006.

**Signed:**.....

**Executive Director:**

**David Martin**

**Date:**

**28<sup>th</sup> November, 2005**

**Reason for scrutiny:**

For consideration before submission to Cabinet in February 2006

**Resource and legal considerations:**

The new policy has been developed to maintain the current levels of income with regard to client contributions towards non residential care services. It is not envisaged that there would be any additional staffing resources required as a result of the implementation of the policy.

**Citizen impact:**

This report will impact on non residential care services.

**Environmental impact:**

None arising directly from this report.

**Performance management:**

This report adheres to legislation with regard to charging for non residential care.

**Equality Implications:**

The report aims to ensure equality of charges in respect of non residential care.

**Consultation:**

The proposed changes to the charging policy have been developed and agreed in partnership with service user representatives as part of the Fairer Charging Review Board Workshops. The proposed policy has also been presented to the Adult Services Partnership Boards and feedback obtained.

**Contact Officers:**

Ian Tuft  
Business Development Manager  
Tel. 01922 658215  
[tufti@walsall.gov.uk](mailto:tufti@walsall.gov.uk)

Iain Horan  
Business Support Manager  
Tel. 01922 652707  
[horani@walsall.gov.uk](mailto:horani@walsall.gov.uk)

***Finance***

***Social Care & Supported Housing – Business Service Division***

**Social Care and Supported Housing**

**Charging Policy**

**For**

**Non Residential Care Services**

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<b>Section Number</b>	
<b>1</b>	<b>Purpose of the Charging Policy</b>
	The purpose of this document is to set out the charging policy for Walsall MBC Social Care and Supported Housing non residential care services.
	The introduction of the Fairer Charging for Home Care and Other Non Residential Care Services legislation in October 2002 gave Councils a framework within which charges for non residential care services could be made.
	The Cabinet meeting of 27 November 2002 approved the continuation of charging for non residential care services and agreed the key principles of the charging policy, as set out in section 2 of this policy.
	The policy complies with the legal requirements for Fairer Charging for Home Care and Other Non Residential Care Services as set out in Local Authority Circular LAC (2001)32 issued 23 November 2001 and the more detailed Guidance issued on that date under s7 of the Local Authority Services Act, 1970.
<b>2</b>	<b>Principles of the Charging Policy for Walsall MBC</b>
	<ul style="list-style-type: none"> <li>• To charge for non residential care services , on a contribution basis.</li> <li>• To seek a contribution from service users for the services which they receive.</li> <li>• To ensure that the contribution which a service user will be expected to make will be based on their ability to pay. The calculation will be based on the principles for residential care charges.</li> <li>• To adopt a phased approach to the introduction of new charges.</li> <li>• To adopt arrangements that seeks to maximise the benefits of service users.</li> </ul>
<b>3</b>	<b>Exemptions Under the Fairer Charging for Home Care and Other Non Residential Care Services Legislation</b>
	<ul style="list-style-type: none"> <li>• Service users suffering from Creutzfeldt Jacob Disease.</li> <li>• Service users subject to Section 117 of the Mental Health Act 1983.</li> <li>• Service users under the age of 18 years.</li> <li>• Services provided as an integral part of a time limited package of intermediate care.</li> <li>• Services defined as continuing health care.</li> <li>• NHS sessional services.</li> </ul>

<b>4</b>	<b>The Assessment Process</b>
	<p>Service users receiving non residential care services, will receive an assessment, which comprises of 3 elements:</p> <ul style="list-style-type: none"> <li>• Financial assessment.</li> <li>• Disability related expenditure assessments.</li> <li>• Welfare benefits check.</li> </ul> <p>The Department promotes a policy of self assessment, but will undertake an assessment in the service users own home, at the service users request. The service users may have a friend, family member or advocate present during the assessment process.</p> <p>Following the completion of the assessment process the service user will receive a contribution notification letter showing the weekly contribution which the service user is required to pay.</p> <p>Where the assessing officer has identified that a service user may be entitled to additional benefits, they will contact the service user again approximately 12 weeks after the initial assessment to confirm if the benefit has been awarded. A revised weekly contribution amount will be calculated based on the updated benefit information; the revised contribution will take effect from the date of the notification letter.</p> <p>Service users should notify the Home Support Income Team immediately on any of the telephone number shown in Appendix 5 if there circumstances change.</p>
<b>5</b>	<b>Financial Assessment</b>
<b>5A</b>	<p><b>Principles</b></p> <p>Each service user will complete a financial assessment form, which details income and expenditure. This form together with the information on disability related expenditure will be used to calculate the contribution which a service user will be required to make towards the cost of the services they receive.</p> <p>Only the service user's income will be taken into account and no-one with income below basic income support plus 25% will be required to make a contribution.</p> <p>If a service user does not wish to have a financial assessment they will be asked to sign a non disclosure form and their contribution will be based on the maximum contribution for the services they receive.</p>
<b>5B</b>	<p><b>Assessable Income</b></p> <p>The following sources of income will count in full as a service users assessable income:</p> <ul style="list-style-type: none"> <li>• Income Support.</li> <li>• Attendance Allowance.</li> <li>• Disability Living Allowance Care Component.</li> </ul>



	<ul style="list-style-type: none"> <li>• Constant Attendance Allowance.</li> <li>• Exceptionally Severe Disablement allowance.</li> <li>• Retirement Pensions.</li> <li>• Occupational or Private Pensions.</li> <li>• Other Benefits such as Incapacity Benefit or Severe Disablement Allowance.</li> <li>• Income from tenants and boarders, such income will be treated the same as it is under the Government's Charging for Residential Accommodation Guide (CRAG).</li> </ul>
<b>5C</b>	<p><b>Treatment of a Partners Income and Savings</b></p> <ul style="list-style-type: none"> <li>• Parents and other members of an adult service user's family cannot be required to pay the charges, except in certain legal circumstances. An example would be where a family member may be managing the service user's own resources.</li> <li>• If Social Care and Supported Housing Services consider that a service user may have a legal right to a share of an asset, such as a bank account of a partner, then the partner will be asked to disclose that asset, this is to allow the department to accurately assess if the service user has the means to pay their contribution.</li> <li>• Where a couple are entitled to, or are receiving income support paid as a couple, the assessment process will identify the couple element of income support and include 50% of the income support top up as income support. (This excludes the savings element of the pension credit).</li> <li>• Jointly held savings will be treated as divided equally between the owners, unless the contrary is demonstrated by, or on behalf of, the service user. The Government's document Charging for Residential Accommodation Guide (CRAG) rules will be adopted in these circumstances.</li> </ul>
<b>5D</b>	<p><b>Disregarded Income</b></p> <ul style="list-style-type: none"> <li>• All earnings (the definition of earnings is as in CRAG).</li> <li>• Any partner's earnings.</li> <li>• Mobility Component of Disability Living Allowance.</li> <li>• War Widows 'Special' Payments.</li> <li>• War Pension - £10.00 disregard.</li> <li>• Guardian's Allowance.</li> </ul> <p>The amounts of Attendance Allowance and Disability Allowance Care Component that are paid for night-time care, if no night-time care is being provided by Social Care and Supported Housing Services. In these cases any disability related expenses claimed for night-time care will be reduced by the payment of the benefit made for night-time care.</p>

5E	<p><b>Capital</b></p> <p>The principles adopted within the Charging for Residential Accommodation Guide (CRAG) will apply and be adopted for charging for non residential care services. The capital thresholds are updated in April each year, the information detailed below reflects the rates for April 2003, but the principles will apply in future years, based on the annual updated rates:</p> <ul style="list-style-type: none"> <li>• Capital up to and equal to £12,000 will be disregarded.</li> <li>• For capital between £12,001 and £19,500 a weekly income of £1 for every £250 or part thereof, will be assumed.</li> <li>• People with capital over £19,500 will contribute the maximum amount, based on the services which they receive.</li> <li>• Capital includes all forms of cash savings, bank/building society current and deposit accounts, stocks &amp; shares, unit trusts, etc.</li> <li>• Post Office/National Savings and Premium Bonds.</li> <li>• PEP's, TESSA's, and ISA's.</li> <li>• Money owed by third parties .</li> <li>• Any other cash savings .</li> <li>• The value of all Trust Funds will be treated in line with Charging for Residential .Accommodation Guide (CRAG).</li> <li>• The surrender value of any life insurance, private pensions or annuities will be disregarded, unless taken out in order to avoid payment of charges.</li> <li>• Where a person transfers any capital to a third party to avoid paying charges, they will be assessed as retaining that capital.</li> </ul>
5F	<p><b>Treatment of Property</b></p> <p>The value of a property occupied by a service user as their sole or main dwelling will be disregarded.</p> <p>The value of any other property owned or part owned by the service user will be regarded as capital.</p>
5G	<p><b>Allowable Expenditure</b></p> <p>From the income identified from sections 5B – 5F above, a number of deductions will be made to reflect the service user's expenditure, these are:</p>
5H	<p><u>Basic Income Support Rate</u></p> <p>This is defined as the Income Support “applicable amount” for the individual service user and will not include any Severe Disability Premium which the service user may be entitled to.</p> <p>The “applicable amount” is the amount that the income support guidance says a person needs each week to live on . The Severe Disability Premium is an addition to the “applicable amount” for people with Attendance Allowance or one of the higher rates of Disability Living Allowance care component and is paid where there are no non-dependants living with the claimant and</p>

	where there is no-one claiming Invalid Care Allowance for looking after the claimant.
<b>5I</b>	<p><u>A 25% Buffer</u></p> <p>This is the amount equal to 25% of the service user's income support rate and provides a "buffer" over and above the minimum amount set under the income support guidance.</p>
<b>5J</b>	<p><u>Housing Costs</u></p> <p>These are:</p> <ul style="list-style-type: none"> <li>• Rent.</li> <li>• Mortgage interest payments unless covered by Income Support. If any Income Support housing costs payment or Housing Benefit is claimed the deduction will be net of these payments Council Tax - If any disability reduction, single person discount, Council Tax benefit or second adult rebate has been claimed (or could be claimed) the deduction will be made net of these payments.</li> <li>• When a service user is living with a relative or for another reason is unable to claim Housing Benefit or Income support housing costs, the Housing Benefit and Council Tax benefits non-dependent deductions towards housing costs will be allowed.</li> </ul>
<b>5K</b>	<p><u>Disability Related Expenses</u></p> <p>Section 6 of this policy provides more detailed information on this area.</p>
<b>6</b>	<p><b>Disability Related Expenditure</b></p> <p>Disability related expenditure (DRE), as outlined in the Governments policy for Fairer Charging for Home Care and Other Non Residential Care Services, will form the second part of the assessment process.</p> <p>Allowances will be made in accordance with the approved guidelines set by Social Care and Supported Housing services for disability related expenditure, where the service user is in receipt of either attendance allowance, the care component of disability living allowance or more exceptionally severe disablement allowance or constant attendance allowance.</p> <p>Service users who are not in receipt of these benefits will not have a disability related expenditure assessments.</p> <p>Appendix 1 of this document shows the allowable areas for disability related expenditure and the evidence which a service user will be asked to produce to support their claim. This list is not exhaustive and entitlement to disability related expenditure will be based on the assessment of the service user's individual circumstances, by the assessing officer in conjunction with the service user.</p>
<b>7</b>	<p><b>Welfare Benefits Check</b></p> <p>As part of the assessment process, the service user will be entitled to a welfare benefit check. This process will involve an assessing officer identifying those benefits which he/she believes the service user may be entitled to.</p>

	<p>The assessing officer will also issue the appropriate forms together with a list of the claimable benefits; there will also be a facility for the assessing officer to assist the service user in claiming for those benefits shown below:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Incapacity Benefit</li> <li>• Pension Credit</li> <li>• Carers Allowance</li> <li>• Housing Benefit</li> <li>• Council Tax Benefit</li> </ul>
<b>8</b>	<b>Reviews and Appeals</b>
<b>8A</b>	Where the service user believes that either their assessed contribution is incorrect, unreasonable or that it would cause financial hardship, the service user has a right to challenge the council's decision.
<b>8B</b>	<p>In the first instance this should be done through the review process. The service user has 1 calendar month from the date of their contribution notification letter to request a review.</p> <p>The service user will have their assessment reviewed by assessing officer other than the one who completed the original assessment. The service user will be notified within 10 working days of receipt of their request for a review of its outcome.</p>
<b>8C</b>	<p>If the service user is not satisfied with the outcome of their review, then they may within 1 calendar month of the outcome of the review, appeal against their contribution. The appeal panel will meet within 10 working days of a service user's request for an appeal.</p> <p>The service user's case will be presented to an independent appeal panel that 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.</p> <p>The service user 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.</p>
<b>8D</b>	A flow chart detailing both the review and the appeals procedure can be found in Appendix 2 of this document.
<b>9</b>	<b>Complaints Procedure</b>
<b>9A</b>	<p>A service user may use the complaints procedure for Social Care and Supported Housing in the following circumstances:</p> <ul style="list-style-type: none"> <li>• To object to the outcome of an appeal.</li> <li>• To challenge the structure of the charging policy or the administrative systems that support the policy.</li> <li>• To comment or compliment any part of the process.</li> </ul>

<b>9B</b>	If a service user wishes to comment, compliment or to make a complaint they should in the first instance contact the Consumer Relation section either by telephone on 01922 455239 or in writing to Baytree Staff House, Erdington Road, Aldridge, WS9 8UH.
<b>9C</b>	If a service user's complaint relating to benefit payments or entitlement they should contact the Department of Works and Pensions direct.
<b>10</b>	<b>Services for Which a Service User May Be Required to Make a Contribution</b>
	<p>Social Care and Supported Housing Services current non residential care charging policy includes the services shown in the next 5 sections of this document.</p> <p>Those services detailed in Sections 11 - 14 are those which will be subject to the assessment process detailed in Section 4 of this policy. Charges for these services will only be levied following the assessment process and based on the service user's ability to pay.</p> <p>This charging policy is continually evolving and may be subject to update at any time.</p> <p>Following their assessment all service users will receive a contribution notification letter, which will detail their weekly contribution amount. The charge notification will detail the number of units of each type of service that is being received.</p> <p>A current scale of charges can be found in Appendix 3, these charge are subject to an annual review.</p>
<b>11</b>	<b>Arrears Policy</b>
	The arrears policy for the collection of non residential care is shown at Appendix Three of this policy.
<b>12</b>	<b>Home Care Contributions</b>
	<p>The home care charge is based on unit of 30 minutes or part thereof. The service user will be notified in writing of their weekly contribution to their home care services.</p> <p>Where the service user fails to receive a service or doesn't require the service for whatever reason, for example a stay in hospital, respite care or a holiday, then they should contact their care manager who will arrange for the care to be cancelled and the service user will not be charged, for the relevant period.</p>
<b>13</b>	<b>Day Care Contributions</b>
<b>13A</b>	The chargeable unit for day care will be on a daily basis or part day thereof.
<b>13B</b>	The definition of day care for the purpose of charging is where the service user attends a day centre for over 2 hours per day and for at least 1 day per week and the service is structured and planned. To receive a day care service the service user will go to a building away from their own home and will get help from staff paid by the Social Care and Supported Housing Service.

<b>13C</b>	<p>Informal drop in services and sessional activities are not chargeable services. The definition of a informal drop in is:</p> <ul style="list-style-type: none"> <li>• The service user attends, at their own discretion, rather than at set times, and the service is unplanned, less structured and more flexible.</li> <li>• The service includes self-help, a self support group or is a direct referral to voluntary groups.</li> <li>• The service is preventative</li> <li>• The service user has access to a range of sessional activities.</li> </ul> <p>The definition of a sessional activity is where a service user attends a day centre to receive a service such as:</p> <ul style="list-style-type: none"> <li>• An NHS service.</li> <li>• A leisure activity.</li> <li>• A therapeutic service.</li> <li>• Health promotion.</li> <li>• A specific session of less than 2 hours per day.</li> </ul>
<b>14</b>	<b>Community Alarm Service</b>
	<p>A charge for the community alarm service will be implemented in April 2005. The charge will be a weekly one and will be subject to VAT.</p> <p>Service users may be exempt VAT if they meet the criteria as set out in the Chronically Sick and Disabled Act. Service users will be required to sign a declaration form to this effect, the declaration forms part of the overall financial assessment form.</p>
<b>15</b>	<b>Supporting People</b>
<b>15A</b>	<p>There are 2 ways in which the Fairer Charging for Home Care and Other Non Residential Care Services legislation may affect supporting people tenants, these are:</p> <ul style="list-style-type: none"> <li>• Tenants who are paying for their supporting people services and request an assessment (tenants only).</li> <li>• Tenants who receive both supporting people and Social Care and Supported Housing services (dual users).</li> </ul>
<b>15B</b>	<p><b>Tenants Only</b></p> <p>Where a tenant wishes to request an assessment they should in the first instance contact either their landlord or the supporting people team in writing at 9<sup>th</sup> Floor Townend House, Walsall, WS1 1NS or by telephone 01922 658984.</p> <p>This request will be referred to the home support services income team, who will arrange for the assessment to be completed and for Supporting People Team to be notified of the assessed charge.</p> <p>The home support services income team will then notify both the Supporting People Team and the tenant's landlord who will collect the assessed charge directly from the tenant on a weekly basis.</p>

<b>15C</b>	<b>Dual Users</b> Tenants who are receive a non residential care service from Social Care and Supported Housing Services will automatically receive an assessment as set out in Section 4 of this policy.
<b>15D</b>	More information on supporting people can be obtained from the Supporting People team, either by telephone on 01922 or in writing at 9 <sup>th</sup> Floor Townend House, Walsall, WS1 1NS
<b>16</b>	<b>Other Non Residential Care Charge s</b>
<b>16A</b>	<b>Meals</b> The Department charges for meals both through the meals on wheels services and for meals taken in day centres and other establishments a scale of current charges can be found in Appendix 4. Contributions for meal charges are collected either directly by the meals on wheels driver or by the day centre staff.
<b>16B</b>	<b>Respite</b> The Department charges for respite care based on scale of charges shown in Appendix 4. Service users will receive an invoice approximately 1 month after their respite care stay, for the relevant contribution amount.
<b>17</b>	<b>Contribution Collection</b>
<b>17A</b>	When a service user commences receiving a non residential care service, they will be issued with a swipe card which allows them or their representative to pay their contribution at any Post Office.
<b>17B</b>	On a bi monthly basis service users will be issued with a statement which shows contributions due and amounts paid. Service users may pay any balance outstanding either at the Post Office or by sending a cheque to the Home Support Services Income Team.

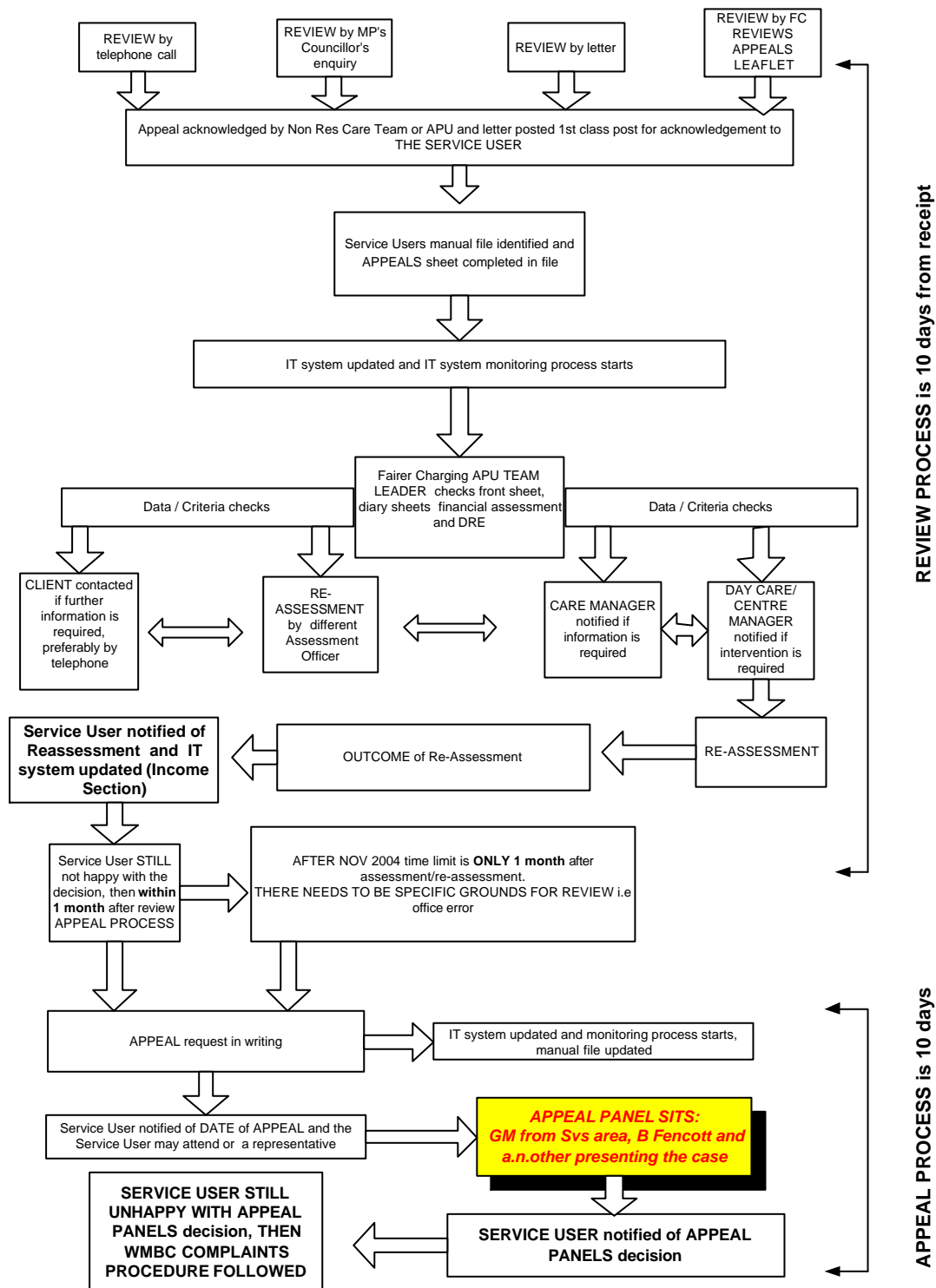
## **Appendix One**

The following is a list of disability related expenditure, which is considered as part of the assessment process, it should be noted that this list is not exhaustive. Some of the items will only be allowed where the agreed criteria is met and evidence of expenditure may also be requested by the assessment officer.

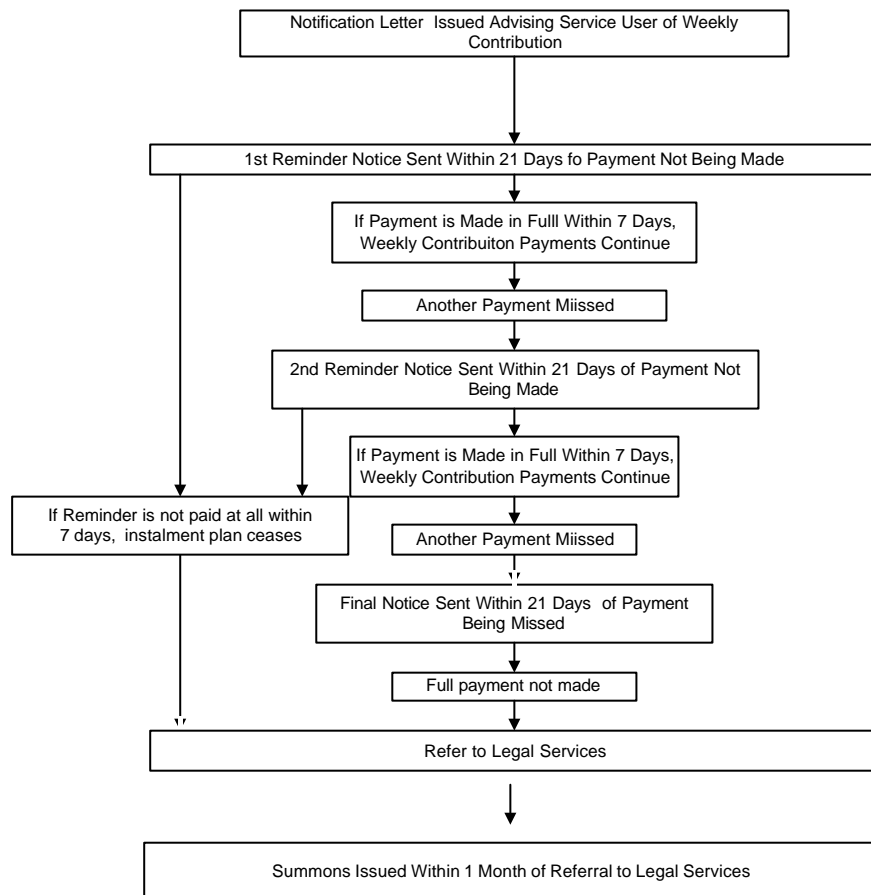
- Community alarm
- Privately arranged personal care
- Privately arranged domestic care (including window cleaning)
- Gardening
- Heating costs
- Water charges
- Laundry
- Bedding
- Clothing
- Wheelchairs
- Specialist equipment
- Prescription charges (including chiropody)
- Travel/transport
- Extra food costs as consequence of special diet
- Specialist holidays
- TV license



## Appendix Two



**Non Residential Care Income - Arrears Policy**



**Scale of Charges for Non Residential Care Services**

**At 1 April 2004**

**Home Care**

Contribution of £2.50 per 30 minutes or part thereof

**Day Care (with effect from 6 December 2004)**

Contribution of £8 per day or part day thereof

**Community Alarm Charge (with effect from 4 April 2005)**

A Contribution of £2.25 per week, plus VAT. If a service user meets the requirements of the Chronically Sick and Disabled Person Act, then they may sign a disclaimer which exempts them from VAT element of the contribution.

**Meals**

The table below shows the scale of charges for meals:

<b>Charge</b>	<b>Charge £</b>
Meals on Wheels	2.05
Luncheon Clubs	2.05
Breakfasts	0.41
Lunches	2.05
Tea Time Meal	0.64

**Respite**

The following charges are weekly charges, which will be broken down into a daily rate or part day thereof for respite stays of 7 days or less:

Service Users in Receipt of MIG      £84.60

18-24 year olds      £25.75

25-60 year olds      £37.15

**Contact List**

**Non Residential Care Team**

This team will be able to assist you with queries regarding your weekly charge, your statement balance or if you wish to request a re-assessment.

Home Support Services Income Team:

Finance - Social Care and Supported Housing

The Civic Centre

Darwall Street

Walsall WS1 1 RG

Telephone (01922) 652713 (01922) 658216

**Financial Assessment Team**

This team will be able to assist you agreeing a home visit to complete your assessment and assist you with completing forms including benefit claim forms.

Financial Assessment Team – Anti Poverty Unit

Dartmouth House

First Floor

Dartmouth House

Ryecroft

Walsall

WS3 1SW

Telephone number (01922) 627247

**Supporting People Team**

If you are a supporting people tenant and wish to request a Fairer Charging for Home Care and Other Non Residential Care Services assessment, you should contact:

Supporting People Team

9<sup>th</sup> Floor Townend House

Walsall WS1 1NS

Telephone 01922 658984

**Area Teams**

If your care needs have changed or you did not receive a service you should contact your care manager as soon as possible.



# Walsall Council

Appendix 2

## **Finance**

Social Care & Supported Housing – Business Service Division

## **Social Care and Inclusion**

### **Charging Policy For Non-residential Care Services DRAFT 0.3**

**DRAFT 0.3  
NOVEMBER 2005**

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# Appendices

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Section Number	
<b>1</b>	<b>Purpose of the Charging Policy</b>
	<p>The purpose of this document is to set out the charging policy adopted by Walsall Council for charging for non-residential social services.</p> <p>The policy complies with the detailed Guidance issued by the Secretary of State for Health under Section 7 of the Local Authority Social Services Act, 1970.</p> <p>This policy does not cover charges for meals or respite care. Flat rate charges are made for these services. The current flat-rate charges are laid out in Appendix 4.</p>
<b>2</b>	<b>Principles of the Charging Policy</b>
	<ul style="list-style-type: none"> <li>• To have a transparent charging policy which is easy to understand and challenge.</li> <li>• To ensure equality in the charging policy.</li> <li>• To charge for non-residential care services , based on the assessed package of care and the service users ability to pay.</li> <li>• To ensure service users have an opportunity to maximise benefit entitlement.</li> <li>• To ensure that service users are exempt from charging where they satisfy the exemption criteria.</li> </ul>
<b>3</b>	<b>Services for Which a Charge is Made</b>
	<p>Under this policy service users may, depending on their financial circumstances, be required to contribute towards the cost of any non-residential care paid for by Walsall Council. This includes the cost of care provided directly by the Council, care commissioned from third parties or for care where the Council has made a payment to the service user e.g. direct payments. The only exceptions are those listed in sections 4, 5 and 6 below.</p>
<b>4</b>	<b>Non - Chargeable Services</b>
	<ol style="list-style-type: none"> <li><b>1. Concessionary Travel Passes</b></li> <li><b>2. Transport</b></li> <li><b>3. Community Alarm Service</b></li> <li><b>4. OAP Clubs</b></li> <li><b>5. Lifeline Telephone Payments</b></li> <li><b>6. Aids and Minor Adaptations</b></li> <li><b>7. Drop Ins and Sessional Activities at Day Centres</b></li> </ol> <p>The definition of a drop in is:</p> <ul style="list-style-type: none"> <li>• The service user attends for a total of less than 2 hours in any one day.</li> <li>• The service user attends, at their own discretion, rather than at set times, and the service is unplanned, less structured and more flexible.</li> </ul>

Section Number	
	<ul style="list-style-type: none"> <li>• The service includes self-help, a self support group or is a direct referral to voluntary groups.</li> <li>• The service is preventative.</li> <li>• The service user has access to a range of sessional activities. The definition of a sessional activity is where a service user attends a day centre to receive a service such as: <ul style="list-style-type: none"> <li>• The service user attends for a total of less than 2 hours in any one day.</li> <li>• An NHS service.</li> <li>• A leisure activity.</li> <li>• A therapeutic service.</li> <li>• Health promotion.</li> </ul> </li> </ul>
5	<b>Exemptions Under Statute or the Secretary of State's Guidance</b>
	<ul style="list-style-type: none"> <li>• Service users suffering from Creutzfeldt Jacob Disease.</li> <li>• Service users subject to Section 117 of the Mental Health Act 1983.</li> <li>• Service users under the age of 18 years.</li> <li>• Services provided as an integral part of a time limited package of intermediate care.</li> <li>• Services defined as continuing health care.</li> <li>• NHS funded sessional services.</li> </ul>
6	<b>Exemptions Granted By Walsall Council</b>
	<ul style="list-style-type: none"> <li>• Service users receiving assistance from the Independent Living Fund.</li> <li>• Carers receiving services under the Carers and Disabled Children Act 2000.</li> </ul>
7	<b>The Assessment Process</b>
	<p>Service users receiving non residential care services, will receive an assessment, which comprises of 3 elements:</p> <ul style="list-style-type: none"> <li>• Financial assessment.</li> <li>• Disability related expenditure assessment.</li> <li>• Welfare Benefits check.</li> </ul> <p>The Department promotes a policy of self assessment, but will undertake an assessment in the service users own home, at the service users request. The service user may have a friend, family member or advocate present during the assessment process.</p> <p>Following the completion of the assessment process the service user will receive a contribution notification letter showing the weekly contribution which the service user is required to pay.</p> <p>Where the assessing officer has identified that a service user may be entitled to additional benefits, they will contact the service user approximately 12</p>

Section Number																															
	<p>weeks after the initial assessment to confirm if the benefit has been awarded. A revised weekly contribution amount will be calculated based on the updated benefit information; the revised contribution will take effect from the date of the notification letter.</p> <p>Service users should notify the Home Support Services Income Team immediately on any of the telephone numbers shown in Appendix 5 if their circumstances change.</p>																														
8	<b>Financial Assessment</b>																														
8.1	<p><b>Principles</b></p> <p>Each service user will complete a financial assessment form, which details their income, expenditure and capital. This form together with the information on disability related expenditure will be used to calculate the contribution which a service user will be required to make towards the cost of the services they receive.</p> <p>Only the service user’s income will be taken into account. No-one with income below the basic income support level plus 25% will be required to make a contribution.</p> <p>If a service user does not wish to have a financial assessment they will be asked to sign a non disclosure form and their contribution will be the maximum contribution for the services they receive.</p> <p>If a service user makes an incorrect disclosure of their financial circumstances, then the Council has the right to backdate the charge to the date that the original information was supplied.</p>																														
8.2	<p><b>The Financial Assessment Calculation</b></p> <p>The financial assessment will be calculated as described below; each element of the process is detailed further in the relevant section within this policy.</p> <table><tr><td></td><td></td><td>Section Number</td></tr><tr><td>1</td><td>Relevant Weekly Income</td><td>8.3</td></tr><tr><td>2</td><td>Less: Basic Income Support + 25% Buffer</td><td>8.4</td></tr><tr><td>3</td><td>Less: Disability Related Expenditure (DRE)</td><td>8.5</td></tr><tr><td>4</td><td>Less: Housing Costs</td><td>8.6</td></tr><tr><td>5</td><td><b>Equals = Maximum Available Income</b></td><td></td></tr><tr><td>6</td><td>Weekly Cost of Care Package Received by Service User</td><td>8.7</td></tr><tr><td>7</td><td>Less: Discount</td><td>8.8</td></tr><tr><td>8</td><td><b>Equals = Maximum Contribution</b></td><td></td></tr><tr><td>9</td><td><b>Service Users Contribution = Lesser of Maximum Available Income (line 5) and Maximum Contribution (line 6)</b></td><td></td></tr></table>			Section Number	1	Relevant Weekly Income	8.3	2	Less: Basic Income Support + 25% Buffer	8.4	3	Less: Disability Related Expenditure (DRE)	8.5	4	Less: Housing Costs	8.6	5	<b>Equals = Maximum Available Income</b>		6	Weekly Cost of Care Package Received by Service User	8.7	7	Less: Discount	8.8	8	<b>Equals = Maximum Contribution</b>		9	<b>Service Users Contribution = Lesser of Maximum Available Income (line 5) and Maximum Contribution (line 6)</b>	
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Section Number	
8.3	<b>Relevant Weekly Income</b>
8.3.1	<p data-bbox="384 286 647 315"><b>Assessable Income</b></p> <p data-bbox="384 338 1241 398">The following sources of income will count in full as a service user's assessable income:</p> <ul data-bbox="384 421 1359 1115" style="list-style-type: none"> <li>• Income Support.</li> <li>• Attendance Allowance.</li> <li>• Disability Living Allowance Care Component.</li> <li>• Pension Credit.</li> <li>• Constant Attendance Allowance.</li> <li>• Exceptionally Severe Disablement Allowance.</li> <li>• Retirement Pensions.</li> <li>• Occupational or Private Pensions.</li> <li>• Other Benefits such as Incapacity Benefit or Severe Disablement Allowance.</li> <li>• Income from tenants and boarders, such income will be treated the same as it is under the Government's Charging for Residential Accommodation Guide (CRAG).</li> <li>• Assumed income from savings and other capital assessed in the same way as under the Government's Charging for Residential Accommodation Guide (CRAG) – see 8.3.3 below.</li> </ul>
8.3.2	<p data-bbox="384 1149 659 1178"><b>Disregarded Income</b></p> <ul data-bbox="384 1200 1321 1653" style="list-style-type: none"> <li>• All earnings (the definition of earnings is as in CRAG).</li> <li>• Any partner's earnings.</li> <li>• Mobility Component of Disability Living Allowance.</li> <li>• War Widows 'Special' Payments.</li> <li>• War Pension - £10.00 disregard.</li> <li>• Guardian's Allowance.</li> <li>• The amounts of Attendance Allowance and Disability Allowance Care Component that are paid for night-time care, if no night-time care is being provided by Social Care and Inclusion Services. In these cases any disability related expenses claimed for night-time care will be reduced by the payment of the benefit made for night-time care.</li> </ul>
8.3.3	<p data-bbox="384 1682 480 1711"><b>Capital</b></p> <p data-bbox="384 1733 1347 1912">The principles laid down in the Government's Charging for Residential Accommodation Guide (CRAG) will be adopted for charging for non-residential care services. The capital thresholds are updated in April each year, the information detailed below reflects the rates which apply as at April 2005, but the principles will apply in future years, based on the annually updated rates:</p>

Section Number	
	<ul style="list-style-type: none"> <li>· Capital up to and equal to £12,500 will be disregarded.</li> <li>· For capital between £12,501 and £20,500 a weekly income of £1 for every £250 or part thereof, will be assumed.</li> <li>· People with capital over £20,500 will contribute the maximum amount, based on the services which they receive.</li> <li>• Capital includes all forms of cash savings, bank/building society current and deposit accounts, stocks &amp; shares, unit trusts, etc.</li> <li>• Post Office/National Savings and Premium Bonds.</li> <li>• PEP's, TESSA's, and ISA's.</li> <li>• Money owed by third parties.</li> <li>• Any other cash savings.</li> <li>• The surrender value of any life insurance, private pensions or annuities will be disregarded, unless taken out in order to avoid payment of charges.</li> <li>• The value of all Trust Funds will be treated in line with CRAG.</li> <li>• Where a person transfers any capital to a third party to avoid paying charges, they will be assessed as retaining that capital.</li> </ul>
8.3.4	<p><b>Treatment of Property</b></p> <p>The value of a property occupied by a service user as their sole or main dwelling will be disregarded.</p> <p>The value of any other property owned or part owned by the service user will be regarded as capital.</p>
8.3.5	<p><b>Treatment of a Partner's Income and Capital</b></p> <ul style="list-style-type: none"> <li>• Parents and other members of an adult service user's family cannot be required to pay the charges, except in certain legal circumstances. An example would be where a family member may be managing the service user's resources.</li> <li>• If Social Care and Inclusion consider that a service user may have a legal right to a share of an asset, such as a bank account of a partner, then the partner will be asked to disclose that asset, this is to allow the department to accurately assess if the service user has the means to pay their contribution.</li> <li>• Where a couple are entitled to, or are receiving income support paid as a couple, the assessment process will identify the couple element of income support and include 50% of the income support top up as income support. (This excludes the savings element of the pension credit).</li> <li>• Jointly held savings will be treated as divided equally between the owners, unless the contrary is demonstrated by, or on behalf of, the service user. The Government's document Charging for Residential Accommodation Guide (CRAG) will be adopted in these circumstances.</li> </ul>

Section Number	
8.4	<b>Basic Income Support Plus 25% Buffer</b>
8.4.1	<p><b>Basic Income Support</b></p> <p>This represents the assessment of the amount required by the service user for basic living costs. It is defined as the Income Support “applicable amount” for the individual service user and will not include any Severe Disability Premium to which the service user may be entitled.</p> <p>The “applicable amount” is the amount which the income support guidance says a person needs to live on each week. The Severe Disability Premium is an addition to the “applicable amount” for people with Attendance Allowance or one of the higher rates of Disability Living Allowance care component and is paid where there are no non-dependants living with the claimant and where there is no-one claiming Invalid Care Allowance for looking after the claimant.</p>
8.4.2	<p><b>25% Buffer</b></p> <p>This is the amount equal to 25% of the service user's income support “applicable amount”. By including this “buffer” in the assessment it is ensured that the service user will be able to retain this amount over and above the minimum amount set under the income support guidance.</p>
8.5	<b>Disability Related Expenditure</b>
	<p>Disability related expenditure (DRE), as outlined in the Governments policy for Fairer Charging for Home Care and Other Non-residential Care Services, will form the second part of the assessment process.</p> <p>Allowances will be made in accordance with the approved guidelines set by Social Care and Inclusion services for disability related expenditure, where the service user is in receipt of either attendance allowance, the care component of disability living allowance or more exceptionally severe disablement allowance or constant attendance allowance.</p> <p>Service users who are not in receipt of these benefits will not have a disability related expenditure assessment.</p> <p>Appendix 1 of this document shows the allowable areas for disability related expenditure and the evidence which a service user will be asked to produce to support their claim. This list is not exhaustive and entitlement to disability related expenditure will be based on the assessment of the service user's individual circumstances, by the assessing officer in conjunction with the service user.</p>
8.6	<b>Housing Costs</b>
	<p>These are:</p> <ul style="list-style-type: none"> <li>• Rent.</li> <li>• Mortgage interest payments unless covered by Income Support. If any Income Support housing costs payment or Housing Benefit is claimed the deduction will be net of these payments . Council Tax – If any disability reduction, single person discount, Council Tax benefit or second adult rebate has been claimed (or could be claimed) the deduction will be made net of these payments.</li> </ul>

Section Number	
	<ul style="list-style-type: none"> <li>When a service user is living with a relative or for another reason is unable to claim Housing Benefit or Income support housing costs, the Housing Benefit and Council Tax benefits non-dependent deductions towards housing costs will be allowed.</li> </ul>
<b>8.7</b>	<b>Weekly Cost of Care Package Received by Service User</b>
<b>8.7.1</b>	<b>Weekly Cost of Care</b> <p>The weekly cost of care will be calculated by adding together the costs paid by the Council for every individual non-residential care service provided to the service user. In assessing the costs of homecare and day care the calculations shown in 8.7.2 and 8.7.3 will be applied.</p>
<b>8.7.2</b>	<b>Weekly Cost of Homecare</b> <p>Homecare will be charged in units of 30 minutes or part thereof. To calculate the cost of homecare the total number of units will be multiplied by the unit cost.</p> <p>The unit cost will be the lowest rate paid by the Council to an independent sector primary provider of homecare under the Council's contracts for 30 minutes of homecare.</p> <p>Chargeable units may be amended to reflect any changes in the Councils contracting arrangements with the independent sector.</p>
<b>8.7.3</b>	<b>Weekly Cost of Day Care</b> <p>The chargeable unit for day care will be a daily basis or part day thereof.</p> <p>The definition of day care for the purpose of charging is where the service user attends a day centre for over 2 hours per day and for at least 1 day per week and the service is structured and planned. To receive a day care service the service user will go to a building away from their own home and will get help from staff paid either directly or indirectly by the Social Care and Inclusion Service.</p> <p>The cost of day care will be calculated based on the number of units multiplied by the unit cost.</p> <p>To maintain the charging principles and ratio of charging approved in the charging policy of February 2004, the unit cost will be calculated based on the unit cost from 8.7.2 above multiplied by 3.2.</p>
<b>8.8</b>	<b>Discount</b>
	<p>The Council will not charge any user the full cost of providing their care. The weekly cost of care calculated at 8.7 above will be multiplied by the discount rate set by the Council.</p> <p>The discount rate will be subject to an annual review but from the date of implementation through to 31 March 2007 the rate will be 52%</p>
<b>9</b>	<b>Welfare Benefits Check</b>
	<p>As part of the assessment process, the service user will be entitled to a welfare benefit check. This process will involve an assessing officer identifying those benefits which he/she believes the service user may be entitled to.</p>

Section Number	
	<p>The assessing officer will issue the appropriate forms together with a list of the claimable benefits; there will also be a facility for the assessing officer to assist the service user in claiming for those benefits including those shown below:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance.</li> <li>• Disability Living Allowance.</li> <li>• Incapacity Benefit.</li> <li>• Pension Credit.</li> <li>• Carers Allowance.</li> <li>• Housing Benefit.</li> <li>• Council Tax Benefit.</li> </ul> <p>Where additional benefits have been identified, then an assessing officer will contact the service user approximately 12 weeks after the original visit to ascertain any change in circumstances.</p>
10	<p><b>Reviews and Appeals</b></p> <p>Where the service user believes that either their assessed contribution is incorrect, unreasonable or that it would cause financial hardship, the service user has a right to challenge the Council's decision.</p> <p>In the first instance this should be done through the review process. The service user has 1 calendar month from the date of their contribution notification letter to request a review.</p> <p>The service user will have their assessment reviewed by an assessing officer other than the one who completed the original assessment. The service user will be notified of the outcome of their review within 10 working days of receipt of the original request.</p> <p>If the service user is not satisfied with the outcome of their review, then they may within 1 calendar month of the outcome of the review, appeal against their contribution. The appeal panel will meet within 15 working days of a service user's request for an appeal.</p> <p>The service user's case will be presented to an independent appeal panel that 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.</p> <p>The service user 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.</p> <p>A flow chart detailing both the review and the appeals procedure can be found in Appendix 2 of this document.</p>
11	<p><b>Complaints Procedure</b></p>
	<p>A service user may use the complaints procedure for Social Care and Inclusion in the following circumstances:</p> <ul style="list-style-type: none"> <li>• To object to the outcome of an appeal.</li> <li>• To challenge the structure of the charging policy or the administrative systems that supports the policy.</li> <li>• To comment or compliment any part of the process.</li> </ul>



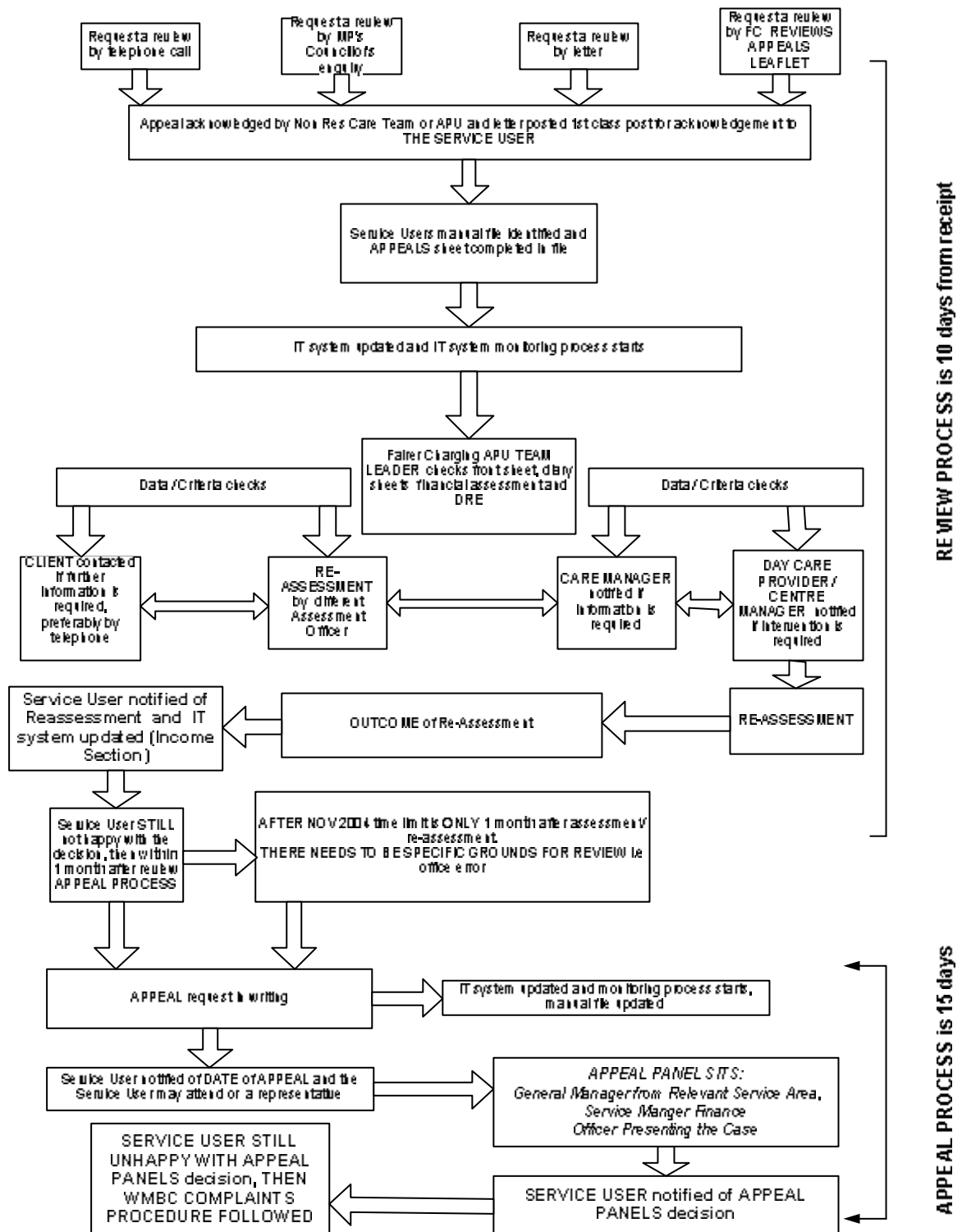
Section Number	
	If a service user wishes to comment, compliment or to make a complaint they should in the first instance contact the Consumer Relation section either by telephone on 01922 650487 or in writing to 7 <sup>th</sup> Floor Tameway Tower – North Wing, Bridge Street, Walsall, WS1 1JZ.
	If a service user's complaint relating to benefit payments or entitlement they should contact the Department of Works and Pensions direct.
12	<b>Arrears Policy</b>
	The arrears policy for the collection of non-residential care is shown at Appendix 3 of this policy.
13	<b>Supporting People</b>
13.1	<p><b>The 2 types of Supporting People Contributions</b></p> <p>There are 2 ways in which the Fairer Charging for Home Care and Other Non-Residential Care Services legislation may affect supporting people tenants, these are:</p> <ul style="list-style-type: none"> <li>• Tenants who are paying for their supporting people services and request an assessment (tenants only).</li> <li>• Tenants who receive both Supporting People and Social Care and Inclusion services (dual users).</li> </ul>
13.2	<p><b>Tenants Only</b></p> <p>Where a tenant wishes to request an assessment they should in the first instance contact either their landlord or the Supporting People Team in writing at 7<sup>th</sup> Floor Tameway Tower – North Wing, Bridge Street, Walsall, WS1 1JZ. or by telephone 01922 650474.</p> <p>This request will be referred to the Home Support Services Income Team, who will arrange for the assessment to be completed and for the supporting people team to be notified of the assessed charge.</p> <p>The home support services income team will then notify both the Supporting People Team and the tenant's landlord who will collect the assessed charge directly from the tenant on a weekly basis.</p>
13.3	<p><b>Dual Users</b></p> <p>Tenants who receive a non-residential care service from Social Care and Inclusion Services who are also receiving supported housing services will automatically receive an assessment as set out in Section 8 of this policy.</p>
13.4	<p><b>More Information</b></p> <p>More information on supporting people can be obtained from the Supporting People team, either by telephone on 01922 650474 or in writing 7<sup>th</sup> Floor Tameway Tower – North Wing, Bridge Street, Walsall, WS1 1JZ.</p>
14	<b>Collection of Service Users' Contributions</b>
	When a service user commences receiving a non-residential care service, they will be issued with a swipe card which allows them or their representative to pay their contribution at any Post Office.

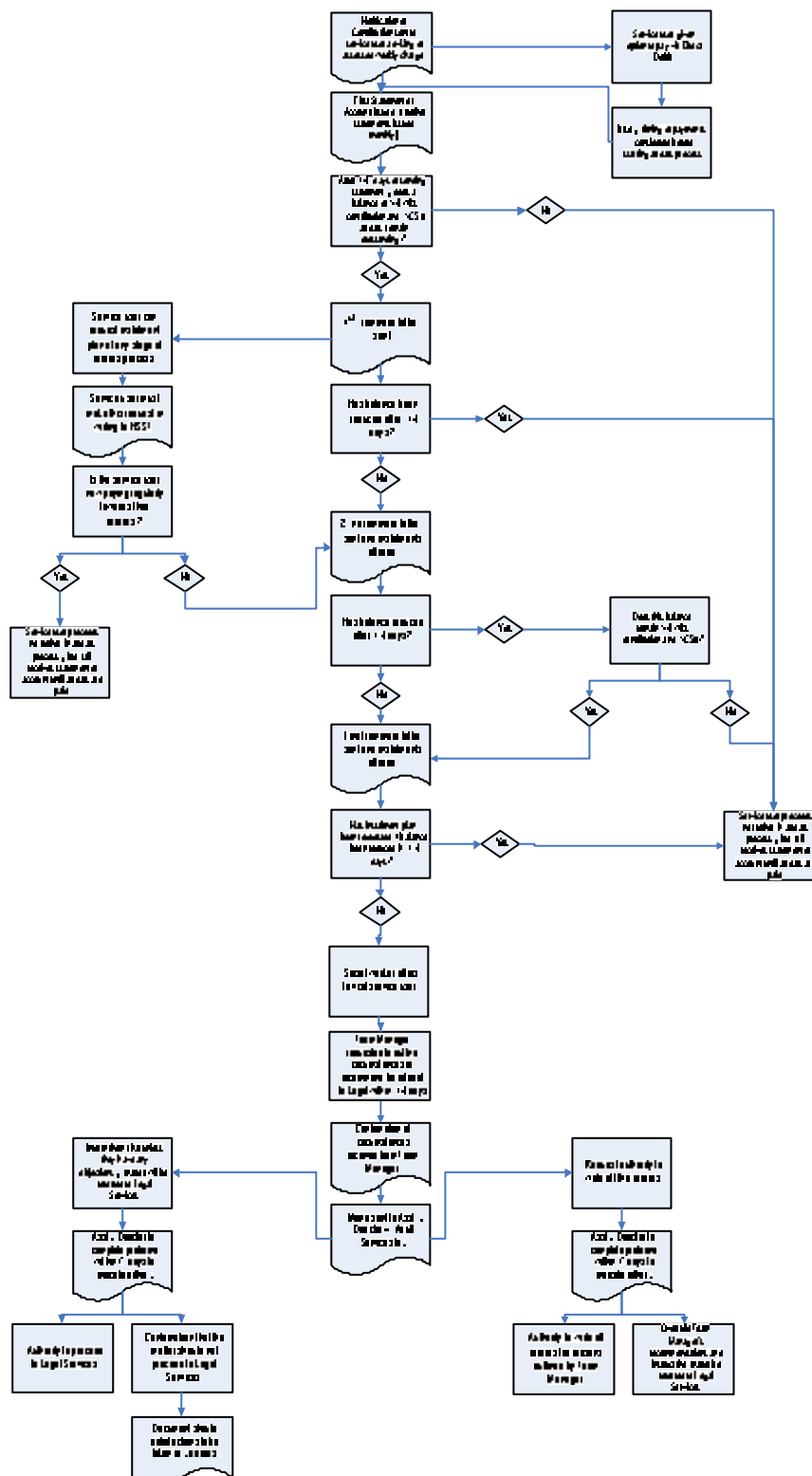
<b>Section Number</b>	
	On a monthly basis service users will be issued with a statement which shows contributions due and amounts paid. Service users may pay any balance outstanding either at the Post Office or by sending a cheque to the Home Support Services Team.
	Service users will also be offered the option of paying by direct debit The Council may offer other payment facilities.
<b>15</b>	<b>Other Non-residential Care Charges</b>
<b>15.1</b>	<b>Charges for Meals</b>  The Department charges for meals both through the meals on wheels services and for meals taken in day centres and other establishments a scale of current charges can be found in Appendix 4.
<b>15.2</b>	<b>Charges for Respite</b>  The Department charges for respite care based on scale of charges shown in Appendix 4.  Service users will receive an invoice approximately 1 month after their respite care stay, for the relevant contribution amount.
<b>16</b>	<b>Charging for Variations to Care</b>
	Upon receipt of information where it is known in advance that a service will not be required, or upon receipt of subsequent information confirming that a service has not been received, the charge to the Service User will be amended accordingly to ensure they are only required to pay for the actual care that has been received.  In order for the charge to be amended so that the next statement issued to the Service User reflects the actual level of care received, it will be the responsibility of the Provider, Social Worker, Carer, Service User or Representative to inform the Local Authority that a service is either not required or has not been received.
<b>17</b>	<b>Backdating of Charges for Incorrect Information</b>
<b>17</b>	Where it is proven that financial information has been incorrectly supplied to the Local Authority, the charge to the Service User will be amended accordingly to reflect their true financial circumstances and the charge will be backdated to when the original incorrect information was supplied.  The decision to backdate the charge will be at the discretion of the Local Authority and will take into account the individual circumstances of the Service User.  The Service User has the right to appeal against the decision to backdate the charge under the Review and Appeals process shown in Appendix 2.
<b>18.</b>	<b>Review and Monitoring</b>
<b>18.1</b>	An initial review of the policy will take place 12 months following its implementation.  A further review will be take place 3 years after the initial 12 month review unless 18.2 or 18.3 apply.

Section Number	
18.2	A review of the policy will take place should there be any significant change in Government Legislation or any relevant changes in respect of Local Government issues.
18.3	A review of the policy will also take place if it considered necessary in respect of monitoring service user feedback.

The following is a list of disability related expenditure, which is considered as part of the assessment process, it should be noted that this list is not exhaustive. Some of the items will only be allowed where the agreed criteria are met and evidence of expenditure may also be requested by the assessment officer.

- Community alarm
- Privately arranged personal care
- Privately arranged domestic care (including window cleaning)
- Gardening
- Heating costs
- Water charges
- Laundry
- Bedding
- Clothing
- Wheelchairs
- Specialist equipment
- Prescription charges (including chiropody)
- Travel/transport
- Extra food costs as consequence of special diet
- Specialist holidays
- TV license





## Appendix Three



**Charges applicable for the period 01/04/2005 – 31/03/2006****Charges for Meals**

<b>Description</b>	<b>Rate</b>	<b>Unit</b>
Meals on wheels	£2.05	Per Meal
Meals taken in day centres	£2.05	Per Meal

**Charges for Respite**

<b>Age Group</b>	<b>Rate</b>	<b>Unit</b>
18-24	£25.70	Per Week
25-59	£37.40	Per Week
60 +	£90.00	Per Week



**Home Support Services Income Team**

This team will be able to assist you with queries regarding your weekly charge, your statement balance or if you wish to request a re-assessment.

Finance - Social Care and Inclusion  
The Civic Centre  
Darwall Street  
Walsall WS1 1 RG  
Telephone 01922 652765

**Financial Assessment Team**

This team will be able to assist you agreeing a home visit to complete your assessment and assist you with completing forms including benefit claim forms.

Financial Assessment Team – Anti Poverty Unit  
The Civic Centre  
Darwall Street  
Walsall WS1 1 RG  
Telephone number 01922 658239

**Supporting People Team**

If you are a supporting people tenant and wish to request a Fairer Charging for Home Care and Other Non-residential Care Services assessment, you should contact:

Supporting People Team  
7th Floor, Tameway Tower  
Bridge Street,  
Walsall, WS1 1JZ  
Telephone 01922 650474

**Locality Teams**

If your care needs have changed or you did not receive a service you should contact your care manager as soon as possible.