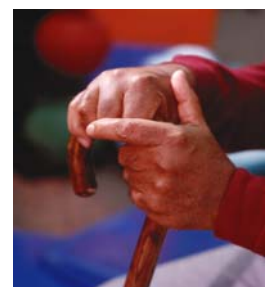


Blackpool Social Services Fairer Contributions Policy (Adults non-residential care) January 2012



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Document Control

Fairer Contributions Policy

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Scope of Document	The policy applies to adult non-residential social care support only. It covers services provided through a personal budget or services within a care plan.	
Objective	To provide a point of reference for staff and service users which sets out how the Council will calculate a person's contribution towards the cost of adult non-residential social care support.	
Responsibility	All management and social care staff.	
Documentation	<p>Fairer Charging Policies for Home Care and other non residential Social Services (September 2003)</p> <p>Fairer Contributions Guidance 2010</p> <p>The Health and Social Services and Social Security Adjudications (HASSASSA) Act 1983</p> <p>LA Circular (2001) 32 – Fairer Charging Policies</p> <p>LA Circular (2000) 1 – Intermediate Care</p> <p>LA Circular (2003)14 – Changes to Local Authorities charging regime for community equipment and intermediate care services</p> <p>Personal Budget Factsheets</p> <p>Review and Appeals Procedure (Adults non-residential care)</p>	
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Document Control

Fairer Contributions Policy

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29.02.2012	1.1	Liz Turner	Section 4.17 Assessment of couples
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Definitions

PERSONAL BUDGET

The amount of money the local authority has agreed it will cost to fund the support to meet the needs identified in the approved care and support plan. The personal budget is made up of money from the Council and the amount that you are financially assessed as able to contribute toward your support.

CHARGEABLE PERSONAL BUDGET

The value of the personal budget after adjustment to reflect services which are provided at no cost or at less than full cost.

DIRECT PAYMENTS

Payments made to an individual to allow them to meet their support needs rather than services being provided through the Council.

CONTRIBUTION

This is the amount a service user has to pay towards the cost of their personal budget or support package.

INCOME SUPPORT/UNIVERSAL CREDIT

A benefit for people with a low income.

GUARANTEE CREDIT OF PENSION CREDIT

If your income is below a certain level the guarantee credit makes up the difference for people who have reached the minimum qualifying age.

NET DISPOSABLE INCOME

This is calculated by obtaining the difference between assessed eligible income and eligible expenditure.

PROTECTED INCOME

The non-residential financial assessment process will always ensure that individuals will retain a level of income equal to basic levels of Income Support or the Guarantee Credit of Pension Credit plus a buffer of 25%.

TARIFF INCOME

Where individuals have capital over £14,250 and up to and including £23,250 (based on 2011-12 rates) an assumed level of income (£1 per week for every £250 or part thereof) will be included in the financial assessment. This is called tariff income.

SAVINGS CREDIT

For people aged 65 and over, this is intended to reward people who have made provisions for retirement above the basic state pension.

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1. Introduction

- 1.1. The purpose of this policy is to establish how Blackpool Council will calculate a person's contribution towards the cost of adult non-residential social care support. The policy addresses the introduction of personal budgets and sets out how an individual's contribution, if any, to their personal budget will be determined.

2. Principles of the Fairer Contributions Policy

National Policy and Regulatory Framework

- 2.1. Blackpool Council has a duty to meet local adult social care needs of those individuals who qualify under its current eligibility criteria. Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives councils the power to charge adult recipients of non-residential social care support. The Act provides that councils may recover such charges as they consider reasonable in respect of relevant support or services.
- 2.2. Blackpool Council provides a range of social care services to support people who need to help to stay independent and remain in their own homes, but is reliant on income from charges to help pay for them. Without this income, it would be difficult to maintain the provision of support.
- 2.3. This policy reflects guidance issued by the Secretary of State on how councils should charge for non-residential social care support. 'Fairer Charging Policies for Home Care and other non-residential Social Services' (Department of Health 2003) sets out a broad framework to help councils ensure that their charging policies are designed to be fair and to operate consistently with their overall social care objectives. In November 2010 the Department of Health issued best practice guidance for councils in England, entitled 'Fairer Contributions Guidance 2010: Calculating an Individual's Contribution to their Personal Budget'.

Key Principles

- 2.4. In line with Department of Health (DH) guidance, the key features of this policy are that:
 - The contribution people will be required to make to their personal budget or support package will be based on their ability to pay. Some people may be required to make a financial contribution up to the whole amount of their chargeable personal budget or support package. However, following a financial assessment some people may pay less than this or will not pay anything at all.
 - The appropriate financial contribution will be calculated fairly and promptly for all liable people.
 - Service users' net income will not be reduced below a defined basic level of Income Support or the Guarantee Credit of Pension Credit plus 25%. The contribution will not undermine peoples' independence by reducing their income to unsustainable levels. The review and appeals process will allow for the examination of special cases to check that this is not happening. Full details are contained in the Review and Appeals Procedure (Adults non-residential care).

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- Where disability benefits are taken into account as income an allowance will be made for disability related expenditure.
- Earnings will be disregarded in financial assessments. The contribution will not introduce disincentives to important elements of social inclusion such as employment.
- Comprehensive benefits advice will be available to all service users at the time of a financial assessment.
- Where people have savings or other capital (except the value of their main residence) these will be taken into account on the same basis applied to people in residential care and with reference to the Department of Health's 'Charging for Residential Accommodation Guide' (CRAG).
- People, who are able to choose, arrange and pay for their own care and support services will receive guidance about the options available to them if they wish.

3. Scope and Exclusions

3.1. This policy applies to non-residential social care support only. All long stay social care residential services are charged for under the Department of Health's 'Charging for Residential Accommodation Guide' (CRAG).

3.2. Exemptions – circumstances when people cannot be required to make a contribution

- People who have been diagnosed as having any form of Creutzfeldt Jacob Disease will be automatically exempt from charges.
- People receiving 'after-care' services will not be charged for support services provided under Section 117 of the Mental Health Act 1983.
- People receiving fully funded 'Continuing NHS Health Care' will not be charged.

3.3. Services provided free of contributions

- Advice and information and guidance provided by the Council about the availability of support will be available without a contribution.
- Assessments, including assessment of community care needs and financial assessments will be available without a contribution.
- The Council will not require any contribution towards community equipment and minor adaptations up the value of £1,000 e.g. grab rails where an assessed need has been identified.
- Where reablement services are provided at home, a contribution will not be required. If they are in addition to an established (albeit in some cases interrupted) package of support, contributions will continue against the established package. The individual's assessment will identify those services provided under reablement arrangements.

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- Services supplied directly to carers under the Carers and Disabled Children Act 2000.
- Respite services will be available without a contribution. Where residential respite services are provided there will be a flat rate charge, to cover ordinary living expenses, for a maximum of 8 continuous weeks or for 12 separate weeks cumulatively over a year. After this period, contributions will be calculated in accordance with the Department of Health's 'Charging for Residential Accommodation Guide' (CRAG).

3.4. Services subject to flat rate charges

- Unplanned admissions to short term residential care because of a change in personal circumstances or a crisis will be charged for at a flat rate for the first two weeks of the stay. After this period, contributions will be calculated in accordance with the Department of Health's 'Charging for Residential Accommodation Guide' (CRAG).
- Service users are expected to pay the full cost of meals at home to the provider of their choosing.
- Meals at day centres will be subject to a flat rate charge on the basis that this substitutes for ordinary living expenses.
- In some circumstances transport where provided will be subject to a flat rate charge.
- Service users requiring the lowest level of the Community Alarm service are expected to pay the full cost of the service to the provider of their choosing.

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4. Financial Assessment

The need for a financial assessment

4.1. The Council will positively seek to complete a financial assessment for people accessing funded care or support via the Council unless they:

- are exempt as described under section 3.2 of this policy
- choose not to be financially assessed.

People who choose not to be financially assessed will be required to pay the maximum charge for their care or support. This will be equivalent to the full amount of their chargeable personal budget or support package.

The financial assessment

4.2. A financial assessment will be undertaken at the earliest opportunity after the initial needs assessment.

4.3. The financial assessment will be based on information including details of income, expenditure and savings. Individuals will be asked to confirm that the information being used is correct.

4.4. Where appropriate or as requested a Finance Visiting Officer will arrange to meet people in a suitable place to gather information and provide advice on benefits maximisation.

4.5. People are expected to take advantage of all income available to them and assistance to maximise this will be available where needed. Following benefit maximisation advice, people who elect not to claim entitlement to allowances and benefits will be treated as receiving such income for the purpose of the Fairer Contributions Assessment.

4.6. Following the financial assessment people will be sent a letter informing them of the amount that they have been assessed as having to pay for support, how this figure has been calculated and the date from which the contributions will commence.

4.7. The Council will set an upper limit on the amount that any service user will be asked to contribute regardless of their disposable income. This is called the 'cap' or maximum weekly charge and will be set on an annual basis.

Assessing a financial contribution

4.8. The financial assessment will ensure that individuals:

- Retain their basic Income Support or Pension Credit Guarantee level plus 25% as "protected income" which is not included in the assessment calculation and
- Have sufficient money to meet their basic housing costs and any disability related expenditure.

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4.9. The assessment calculation is summarised as follows :

Assessable Income
Less: Protected Income
Less: Housing Costs
Less: Disability Related Expenditure
Equals: Assessed Contribution or Net Disposable Income

The assessed contribution or net disposable income is then compared to the amount of the chargeable personal budget or cost of the support package and the amount due will be the lower of the two figures.

4.10. **Assessable Income**

The assessment process will look at the total income an individual has available to make a contribution including tariff income (see next section). Income that is not taken into account in the financial assessment process includes:

- Earned Income as defined in the ‘Charging for Residential Accommodation Guide’
- The night care element of Disability Living Allowance and Attendance Allowance unless care and support is received during both day and night
- Mobility Component of Disability Living Allowance or Personal Independence Payment
- £10 of War Disability Pensions and War Widows Pension plus the Supplementary Premium if in payment
- Payments from the Independent Living Fund
- Savings credit element of Pension Credit
- £10 of Survivor Guaranteed Income Payments from the Armed Forces Compensation Scheme
- Guaranteed Income Payments made under the Armed Forces Compensation Scheme

4.11. **Tariff Income**

Where individuals have savings or other capital this may affect the assessed contribution. The levels of capital that will be taken into account when assessing a person’s ability to contribute towards the cost of their support are the same as specified in the Department of Health’s ‘Charging for Residential Accommodation Guide’ (CRAG). If a person’s capital exceeds the upper limit they will be required to contribute the full cost of their chargeable personal budget or support package. Capital up to and including the lower limit will be fully disregarded. If an individual has capital above the lower limit and up to and including the upper limit they will be asked to make a weekly capital

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contribution of £1 for each £250 (or part thereof). Capital will include all forms of cash savings as outlined in the CRAG guidelines.

4.12. Protected Income

The Policy by adhering to the Department of Health guidance will disregard the current value of basic Income Support or the Pension Credit Guarantee level plus 25%. The 25% buffer is added on to each service user's Income Support allowances and premiums according to age, level of disability and family status or the appropriate Guarantee Credit of Pension Credit.

4.13. Housing Costs

The following household expenses will be considered and may be taken into account in the financial assessment process depending on the individual's circumstances:

- Rent net of housing benefit or Rent net of universal credit
- Mortgage repayments
- Council Tax net of Council Tax Reduction Scheme
- Water rates
- Ground rent/maintenance charges
- Insurance premiums (buildings and contents)
- Board

4.14. Disability Related Expenses (DRE)

The amount a person is expected to contribute will take account of a person's additional living costs in relation to their disability. The Council applies a notional level of banded DRE based upon the level of a person's disability benefits. However, the maximum level of banded DRE can be exceeded in cases where the expense is justified and can be verified through evidence of expenditure such as receipts.

Where a service user is in receipt of a Personal Independence Payment, the care component will be treated as income in full, but an allowance will be made where any disability related expense can be identified in relation to any day and night care needs and costs, which are not being met by the Council and exceed the notional levels of banded DRE.

Service users will retain the right to have their assessment reviewed (or to appeal) when the whole or part of their impairment or disability related expense has not been included under the Policy's criteria.

4.15. Treatment of Property

The value of a property occupied by a person receiving care or support services funded by the Council, as their sole or main residence, will be disregarded. If the property is subsequently sold, such liquid capital that results for the person will be subject to financial assessment as per the Fairer Contributions Policy and the Department of Health's 'Charging for Residential Accommodation

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Guide'. The value of any other property owned, or part owned by such a person will be regarded as capital.

4.16. Dependants

The Policy will consider within the assessment, the financial implications for service users who have children up to 18 years of age, who are financially dependent on them. Young people will continue to be considered as dependants until their 19th birthday on receipt of proof that they remain in full time education.

4.17. Assessment of Couples

The financial assessment will apply to the individual receiving the service. In cases where the person receiving the service is one half of a couple, a joint financial assessment will be undertaken using half of the couple's allowance and half of all income, capital and expenditure. If both partners are receiving non-residential social care support, they will also be assessed as a couple.

Where a couple are living separately (for example one person is living in full time residential care) then an individual assessment will be made. Civil partners will be treated in the same way as spouses for all assessments.

Joint assessments are dependent upon disclosure of both parties' income and savings. Failure to disclose details of all the couple's income and capital will result in a full charge being applied.

A check will be made that the assessed contribution does not reduce the couple's income below the basic Income Support/Pension Credit for a couple plus the 25% buffer.

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5. Direct Payments and Personal Budgets

- 5.1. Direct payments are an option for people who would like to arrange and pay for their own care and support services instead of receiving them through the Council. A personal budget or a portion of a personal budget may be paid on a cash basis as a Direct Payment.
- 5.2. The Council will make Direct Payments net of people's assessed financial contributions.
- 5.3. Where a person opts to receive a Direct Payment their financial contribution will be determined through a Fairer Contributions Assessment. Where a person is assessed as being liable to pay a financial contribution towards their care and support, the relevant contribution will be deducted before each Direct Payment is paid to them. People receiving Direct Payments will be expected to regularly pay their assessed financial contribution or 'charge' in to their Direct Payment account and this will be monitored through regular account audits.
- 5.4. Where a person chooses to access a combination of support arranged by the Council and a Direct Payment and is assessed to make a financial contribution, the contribution will be deducted before the Direct Payment is paid. If the assessed contribution exceeds the amount of the Direct Payment then an invoice will be sent for the remaining amount due.

6. Effective Point of Charging

- 6.1. All service users will be informed at the earliest appropriate point that there may be a contribution required towards the cost of their support.
- 6.2. People will be sent a letter notifying them of the outcome of their financial assessment and the date from which contributions will be due.
- 6.3. If a person believes that there has been a mistake in the assessment process or that the assessment process has not taken full account of their circumstances they can request a review of their assessed contribution. If a person still feels that they cannot pay the assessed contribution they can use the Appeals procedure. Full details are contained in the Reviews and Appeals Procedure (Adults non-residential care).
- 6.4. When an individual's contribution to their personal budget or support package has been established, this is the amount that they will be required to contribute regardless of the service received unless the following circumstances apply:
 - Services cease to be provided for a period of more than 2 continuous weeks (e.g. a person moves out of the area) and the Authority is notified.
 - A person is admitted to hospital or there is another absence from home for a period of more than 2 continuous weeks. The Authority must be notified and the contribution and the budget or support package will be reviewed.
 - A person dies in which case a refund will be calculated from the date of death.

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7. Non Payment of Contributions

7.1. Failure to make payment will result in action being taken to recover the debt in accordance with the Council's corporate debt recovery procedures. If a person has been assessed as needing services these will not be withdrawn because a person refuses to pay the contribution, however, if appropriate the debt will be pursued. Arrangements with respect to service users in receipt of a Direct Payment who fail to make the required contribution into their account will be considered on an individual basis.

8. Transitional Arrangements

8.1. From 1 January 2012 the Fairer Contributions Policy will apply to :

- People in receipt of a personal budget
- All people accessing services for the first time
- People currently in receipt of services who have their support needs reviewed and are allocated a personal budget
- People currently in receipt of services who have not yet been allocated a personal budget

8.2. People receiving care before the 1 January 2012 who have not yet been allocated a personal budget, will continue to contribute towards the cost of their support based on the level of service provided and their assessed ability to pay.

9. Reviews and Appeals

9.1. A review of an assessed contribution can be requested if a person believes that:

- There has been a mistake in the assessment

Or

- The assessment has not taken full account of their circumstances.

9.2. Full details can be found in the Reviews and Appeals Procedure (Adults non-residential care).

9.3. Requests for a review should be made in writing, stating the reasons for the request, within 28 days of the notification of the outcome of the financial assessment.

9.4. If a service user is unhappy with the way their case has been handled, a formal complaint can be made using the Complaints Procedure. The complaints procedure cannot investigate the assessed contribution for services or complaints about general policy. It can however investigate concerns about the process by which the assessment has been made.