

Non-Residential Charging Policy

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Introduction

Rotherham Metropolitan Borough Council provides a range of services for people with disabilities but is reliant on income from customer contributions to help pay towards the services they deliver.

Without this income, service levels may not be maintained. All Rotherham Metropolitan Borough Council’s non-residentialsocial care contributions are determined in accordance with the Non-Residential Charging Policy, which has been written in line with the following statutory documents:

* The Care Act 2014, Sections 14, 17, 69 and 70
* The Care and Support (Charging and Assessment of Resources) Regulations 2014
* The Care and Support Statutory Guidance 2014

This document is the formal charging policy for non-residential social care services and incorporates decisions made on how charges will be applied by Rotherham Metropolitan Borough Council on areas where there is discretion within the legislation.

Further information leaflets summarising and explaining the non-residential charging policy are available for customers and their representatives.

## Objectives and Scope

### Objective of the Policy

The objectives of the charging policy are consistent with the council’s core values and priorities to promote independent living, social inclusion, accessible quality services, sustainability, anti-poverty and fairness and equality.

### Scope of the Policy

Contributions will be made in respect of the following support:

* Home care (this includes help with personal care including practical tasks, shopping, bathing, day sitting, night visiting and night sitting).
* Day care, whether in a day centre or other day activities.
* Home support work
* Housing Related Support.
* Direct payments
* Community support work
* Shared lives services
* Supported living services
* Befriending services
* Personal budgets
* Extra care housing

The following services cannot be charged for by law:-

* Social work support
* Occupational therapy
* After care services provided under section 117 of the Mental Health Act 1983.
* Enablement services
* Intermediate Care
* Equipment and minor adaptations costing less than £1,000

The following services are either substitutes for normal daily living costs or a small nominal charge and are charged on a flat rate basis.

* Meals at Day Centres
* Transport to Day Centres
* Blue Car parking badges
* Community Alarms

The following services can be charged for but are provided free:

* Services provided for carers to enable them to care effectively and safely
* Assistive Technology other than community alarms

The following services are not included within the scope of this policy:

* Residential and nursing care
* Respite care
* Equipment and adaptation costing in excess of £1,000.

# Information and Legislation

## Existing Legislation

The Care & Support (Charging & Assessment of Resources) Regulations 2014 gives councils the power to decide whether to charge for care and support services. If a decision is taken to charge, the Care & Support Statutory Guidance issued by Department of Health in 2014 has provided councils with a framework to ensure that charging policies are fair, reasonable, transparent and consistent. Social care services are provided in such a way as to promote wellbeing and social care and to support the vision of personalisation, independence, choice & control.

The Care Act 2014 provides a single legal framework for charging for care and support under Sections 14 and 17. It enables a Local Authority to decide whether or not to charge a person when it is arranging to meet a person's care and support needs or a carer’s support needs. The new framework is intended to make charging fairer and more clearly understood by everyone. This policy has been written in accordance with that guidance and will apply to all chargeable care services, whether taken as a Direct Payment, personal budget or a managed service arranged by the Council.

## Who is Liable to Pay Charges

Only the person receiving the services is liable to pay charges and charges are only based on the financial resources legally owned or due to that individual.

A spouse/partner is not required to make a contribution towards their partners care costs, however couples can volunteer to be jointly assessed.

## Data Protection, Confidentiality and Information Sharing

Adult Services collects information to enable the assessment of need, calculate contributions relating to services provided and provide statistical data to the Government on its performance.

Information collected depends on the type of help, advice, support and care that a customer requires.

The information may also be shared with other relevant people and agencies with the consent of the customer.

In certain circumstances information may be shared with other relevant people or agencies without the consent of the customer, for example to prevent a crime being committed and where this is permissible in law.

The Welfare Reform Act & the Social Security (information sharing in relation to Welfare services etc.) regulations 2012, enable Rotherham Metropolitan Borough Council to access DWP data directly. The purpose of this access is to support the financial assessment process and to assist in some claims to state benefits that the customer may be entitled to. This will also enable the council to deliver a more streamlined process by reducing the time taken to complete the financial assessment and the need for the customer to continually provide the same information.

A customer has the right to see information held by Adult Services.

# The Financial Assessment Process

## The Initial Financial Assessment

A financial assessment (means test) will be undertaken for all customers who receive chargeable non-residential services to establish their ability to contribute towards the cost of the services they receive. If a customer declines a financial assessment or refuses to disclose full financial information, they will be required to pay the full cost of their non-residential care services, up to the maximum charge.

A financial assessment will be carried out by specialist financial assessment officers as soon as possible following the completion of the care assessment, usually by a personal visit. A provisional indication of the charge will be notified immediately. This will be confirmed in writing as soon as possible following the completion of the financial assessment and any checks that may be necessary.

Customers will be advised that they can be assisted by a relative, friend or other representative during the financial assessment and of the availability of the contracted Advocacy Service for those who wish to use the services of an Advocate.

The service will also provide paid advocates to act as Relevant Person’s Representative for those people who have been deprived of their liberty under schedule A1 of the Mental Capacity Act 2005.

The Council will wherever possible, work in partnership with the Department for Works and Pensions to reduce intrusion for customers and this will involve the sharing of information.

Welfare benefit checks should be made available to all customers. The policy provides for this to be done automatically unless the customer indicates that they wish to opt out. This is to help customers to maximise their incomes to offset as far as possible the impact of the charges.

The financial assessment officer will offer to check that the customer is receiving the right welfare benefits and tell him/her how to claim any additional benefits that he/she may be entitled to claim but isn’t already receiving.

Where appropriate, the financial assessment officer will refer the customer to the in-house Advocacy and Appeals Service, to assist them in appealing a decision.

At the visit the financial assessment officer will calculate how much each customer will have to pay for non-residential services identified in their support plan. Written confirmation will be sent to the customer and/or their authorised representative within 7 days.

## Reviews of the Financial Assessment

Customer charges will be re-assessed in April each year in line with benefit and pension increases; though a customer can request a review at any time if they feel there has been a change in their circumstances.

Customers who have a change in their financial circumstances must inform the Financial Assessment Team and a reassessment will be undertaken. This will include ‘life changes’ which affect their financial circumstances such as the death of a partner; a partner moving out or into permanent residential care; the birth of a child or a child they are currently maintaining leaving home.

Any reduction in the customer’s contribution due to a change in financial circumstances will take effect from the date the Financial Assessment Team is notified.

Any increase in charges will usually be implemented from the Monday following the change in circumstances except where information relevant to the assessment has not been previously declared in which case the increase will be backdated to an appropriately determined date.

# Calculation of the Charge

The actual charge to the customer is either the cost of the services in the support plan or the customer’s financially assessed charge, whichever is less.

The maximum charge payable as at April 2022 is £550.00 per week.

The amount someone can afford to pay will be calculated by a financial assessment. This will determine how much a customer will need to pay towards the cost of their support plan up to the set maximum charge.

Charges will not be higher than the cost of the service provided/the value of the support plan.

The value of the support plan will be calculated using uniform unit costs i.e. the weighted average costs charged by different service providers. This removes some of the variations in provider charges.

The financial assessment is undertaken to determine the customer’s net disposable income, which is the difference between a customer's assessable income, assessable capital and their eligible expenditure and allowances. The customers financially assessed charge is 100% of their net disposable income.

People who refuse or do not wish to provide financial information will be required to pay maximum charge.

## Income Included in the Financial Assessment

The following income is taken into account:

* All state benefits **with the exception** of Personal Independence Payment (PIP) (mobility), or Disability Living Allowance (DLA) (Mobility), Armed Forces Independence Payments, War Pensions and Savings Credit.
* All occupational pension income
* Tariff income from capital and savings based on £1 per week for every £250 or part of £250 above the lower capital limit set out in the Care & Support Statutory Guidance issued by the Department of Health
* PIP Daily Living Component, DLA (care) and Attendance Allowance (AA) is taken into account with the exception of the night-time care enhanced element of the higher rates which will be disregarded unless care is available/provided at night
* Any other income other than earnings and interest from savings and investments

## Capital

The lower capital limit, as set out in the Care & Support Statutory Guidance issued by the Department of Health will be disregarded from the financial assessment. For savings over this amount and up to the upper capital limit we will charge £1 for £250 worth of savings. People with savings over the upper capital limit will be required to meet the full cost of their care.

## Treatment of Property

Where a customer owns property, the Council will disregard the value of the main residence in which they live but will include capital value of additional properties or properties in which they do not live in the financial assessment.

## Minimum Income Disregarded

In accordance with Care & Support Statutory Guidance issued by the Department of Health, people who receive non-residential services need to retain a certain level of income to cover their living costs. Therefore, a mandatory minimum allowance is disregarded within the financial assessment. It is expected that this allowance will cover costs such as food, clothing, fuel bills, water rates, insurance, leisure activities, TV license, telephone and subscriptions for satellite/digital television etc.

## Housing Costs

Where a customer is the registered owner or tenant of a property, an allowance will be made for housing costs such as mortgage interest and repayments, rent and council tax net of any housing, council tax or other benefit received including payments made under a mortgage protection scheme.

Where a customer lives with a spouse/partner, a housing allowance will be given to cover 50% of the couple’s total joint liability.

Where a customer lives with another adult carer other than their spouse/partner no housing allowance will usually be made as it is assumed that any contribution towards housing costs will be made from the customer’s income disregard. This is the general position but there may be exceptions to this that could be considered if evidence was provided.

## Disability Related Expenditure (DRE)

During the financial assessment any reasonable costs resulting from the customer’s disability will be taken into consideration. The additional costs should be over and above those of a person without a disability and it is expected that evidence of the costs would be provided.

The customer’s care plan should also indicate that additional allowances are justified. Our policy is to assess customers on an individual basis that takes account of individual need and circumstances.

A list of disability related expenses with an indication of amounts to be allowed is attached in Appendix A. This is used as a guide to calculate DRE allowances and the list is not exhaustive.

## Minimum/Maximum Charge

A minimum assessed contribution of £1.00 per week will be necessary for charges to be payable.

The maximum contribution payable will be based on 100% of the current standard cost of residential care services £550.00 per week.

Contributions will not exceed the full cost of the service.

## Treatment of Couples

Normally each person will undergo a separate financial assessment based on his or her individual income, savings and expenditure (household related expenditure being split 50/50). However, subject to agreement of all parties a joint assessment can be undertaken and the resultant charge split 50/50.

Welfare benefits and household costs are difficult to apportion. A 50/50 split of household costs may result in an unreasonable charge if the partner who is not the customer holds the bulk of the resources.

## Date of Commencement of Charges

Charges will apply from the date services commence.

## Customers with Exemption from Charges

Customer suffering from Creuzfeldt Jacob Disease will not undergo a financial assessment and the service, by law will be provided free of charge.

Where services are provided specifically as part of a Section 117 of Mental Health Act 1983 After Care Plan, will not undergo a financial assessment and the service, by law will be provided free of charge.

# Non-Residential Services

Services are charged on a weekly basis from Monday to Sunday.

## Home Care

If a customer misses the entire planned care package for any reason over a week from Monday to Sunday no charge will be levied for that week.

Where a customer pays for the full cost of their care and they receive a part week service, the charge will only be levied for the services received.

Where a customer pays an assessed contribution and therefore services are subsidised by the Council and they receive a part week service, they will be charged either the cost of service or their assessed charge, whichever is the lower.

## Direct Payments

Where a customer receives a Direct Payment, the cost of service as quoted in the support plan will be calculated at the rate for which the council can procure those services. When the financial assessment is undertaken the actual charge to the customer is either the cost of the services in the support plan or the customer’s financially assessed charge, whichever is less.

Should the customer wish to procure their services from a more expensive provider, this is their choice, but they will have to pay any additional costs themselves as well as their financially assessed charge.

## Multiple Carers at a Visit

If a customer requires multiple carers at a visit the cost of all carers is included when calculating the customer’s contribution.

## Extra Care Housing Charges

Extra care housing is an extension of traditional supported housing for people aged 65 and over.

The charges for Extra Care are:

* Housing charge, payable to the housing provider - the cost of buying, renting or shared ownership of your home
* Service charge, payable to the housing provider - for home maintenance and communal facilities
* Care charge, for the assessed care hours identified in the customer’s care plan, payable to Rotherham Metropolitan Borough Council
* Housing Related Support Charge, is subject to a financial assessment and payable to Rotherham Metropolitan Borough Council (for exceptions see 5.7 below)

Dependent on your income, you may be entitled to housing benefit towards your housing charge.

### Treatment of Couples in Extra Care

Where a couple take up a tenancy, they will be assessed as individuals and as a couple and offered a choice of which assessment to accept. For a couple, there will only be one housing charge and one service charge included in the calculation of the charge. When a couple includes only one customer and that customer pre-deceases the spouse/partner, the housing charge and service charge will continue to be payable. In the absence of any assessed hours in the care plan, these will be the only charges for care payable.

### Temporary Absences from Extra Care

Temporary absences, for example hospital or holidays will not affect payment of the housing charge or support charge, but the charge for the care hours will be for the actual service received.

## Day Care Charges and Transport

Where a customer arrives at a day care session and leaves early, the session will deemed to have been attended.

Where a customer pays for the full cost of their care and they miss some day care sessions, the charge will only be levied for the sessions attended.

Where a customer’s service is subsidised by the Council and they miss some or all day care sessions, unless they receive no services at all in that given week then their weekly charge will still be levied in full.

Charges for lunch and refreshments are outside of the scope of the financial assessment. This is in line with the Care & Support Statutory Guidance issued by the Department of Health which considers this a substitute for ordinary living costs.

Charges for the meal or transport element of the service are not levied when service is cancelled.

## Community Alarms Services

There is a flat rate weekly charge for a monitoring and response service, also known as Rothercare. However, customers renting a council owned property and receiving housing benefit will receive a free service.

## Housing Related Support

Any customer in receipt of any amount of Housing Benefit, Guarantee Credit or Income Support will receive free Housing Related Support.

Anyone not in receipt of the benefits mentioned above, is entitled to a financial assessment to work out a contribution towards Housing Related Support. The assessed weekly contribution has to be paid during temporary absences from the accommodation. The maximum charge will be the amount of payment made by the commissioning body to the Registered Social Landlord and will change every April.

## Supported Living Services

Supported living is for people with a learning disability, physical disability or mental health problem who want to live as independently as possible. Each placement is individually constructed from a range of care options to suit different levels of needs and is subject to a financial assessment.

### Temporary Absences from Supported Living

Temporary absences, for example hospital or holidays will not affect payment of the charge which will still be levied in full.

## Intermediate Care/Enablement Services

These services are free for a period of up to six weeks where specific qualifying criteria are met. If care continues after the period of intermediate care or enablement there will be a charge for services.

# Collection of the Assessed Charge

After the financial assessment, if the customer has a contribution to be make, the financial assessment visiting officer will explain the different methods available to the customer to pay the charge.

Whilst Direct Debit is the preferred method of payment, other payments methods such as payment by cash, cheque, credit or debit card, at a council office, over the phone or by post or at any Pay Point.

All customers will receive a periodic invoice or statement of account to inform them of charges falling due.

For Direct Payments, the customers charge is netted off the amount payable prior to it being paid out.

If a customer fails to pay his/her assessed charge recovery action will be taken in accordance with the Council’s Debt Recovery Policy.

# Appeals, Complaints and Feedback

## Appeals against the Level of the Assessed Charge

The Appeals Process (Appeals against the level of assessed charge or other issues relating to the financial assessment) is as follows:

In the first instance the appeal will be considered by the Team Leader of the Financial Assessment Team who will review the financial assessment taking account of evidence provided by the customer or their financial agent.

If the customer is not happy with the outcome, the appeal will be considered by a panel of officers.

The panel will consist of three senior officers from Adult Services, chaired by a Service Manager. The Director of Health and Wellbeing will ratify decision.

The Panel will have the power to waive charges in full.

## Complaints

At any stage a customer has the right for representation to be made through the Statutory Complaints Procedure.

## Feedback

We are always interested in hearing the views of customers on our charging policy, the service provided by the Financial Assessment Team and the ways customers can pay their charges. If you wish to make a comment you can contact us at the address and telephone number below:

Rotherham Metropolitan Borough Council

Financial Assessment Team

Riverside House

3rd Floor, Wing C

Main Street

Rotherham

S60 1AE

Tel: 01709 823505 or visit our website: www.rotherham.gov.uk

# Glossary of Terms

|  |  |
| --- | --- |
| **Abbreviation** | **Explanation** |
| DWP | Department of Works and Pensions |
| PIP | Personal Independence Payment |
| DLA | Disability Living Allowance |
| AA | Attendance Allowance |
| DRE | Disability Related Expenditure |

# Reference Documents

|  |  |  |
| --- | --- | --- |
| **Ref. No.** | **Document Title** | **Document Ref.** |
|  | The Care Act 2014, Sections 14, 17, 69 and 70 | <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted/data.htm> |
|  | The Care and Support (Charging and Assessment of Resources) Regulations 2014 | <http://www.legislation.gov.uk/uksi/2014/2827/pdfs/uksi_20142827_en.pdf> |
|  | The Care and Support Statutory Guidance 2014 | <https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation> |

# Change History

|  |  |  |  |
| --- | --- | --- | --- |
| **Issue** | **Owner** | **Date** | **Change Details** |
| Issue 1 Draft 1 | Gillian Buckley | 20/10/2015 | Initial Draft |
| Issue 1 Draft 2 | Gillian Buckley | 16/11/2015 | Updated to include additional content |
| Issue 1  Draft 3 | Gillian Buckley | 17/11/2015 | Updated following feedback from M Scarrott and A Bucknell |
| Issue 1 Draft 4 | Gillian Buckley | 02/12/2015 | Updated following feedback from K Nichols and J Clark |
| Issue 1 Version 2 | Gillian Buckley | 24/04/2018 | Updated with 2018-2019 data |
| Issue 1  Version 3 | Gillian Buckley | 01/04/2019 | Updated with 2019-2020 data |
| Issue 1 Version 4 | Gillian Buckley | 11/05/2020 | Updated with 2020-2021 data and change to policy on multiple carers |
| Issue 1 Version 5 | Gillian Buckley | 28/04/2021 | Updated with 2021-2022 data |
| Issue 1  Version 6 | Vanessa Corbett | 04/04/2022 | Updated with 2022-2023 data |

## Appendix A: Disability Related Expenditure Allowances

|  |  |  |
| --- | --- | --- |
| Item | Amount | Evidence |
| Community  Alarm System | Actual cost unless in receipt of housing benefit | Bills from provider |
| Privately  arranged care | Actual cost up to maximum of £28.07 per week | Signed receipts for at  least 4 weeks using a  proper receipt book |
| Private Domestic  help | Actual cost up to maximum of £28.07 per week | As per privately arranged  care |
| Laundry/Washing  Powder | Actual cost up to maximum of £4.12 per week | Care Plan will have  identified an  incontinence problem.  Identify more than 4  loads per week |
| Dietary | Discretionary as special dietary needs may not be more expensive than normal | Details of special  purchases |
| Gardening | Actual cost up to a maximum £7.45 per week | As privately arranged  care |
| Wheelchair | £4.29 per week manual  £10.43 per week powered | Evidence of purchase.  No allowance if  equipment provided  free of charge |
| Powered bed | Actual cost divided by 500 (10 year life) up to a maximum of £4.74 per week | Evidence of purchase  if available |
| Turning bed | Actual cost divided by 500 up to a  maximum of £8.30 per week | Evidence of purchase  if available |
| Powered  reclining chair | Actual cost divided by 500 up to a  maximum of £3.76 per week | Evidence of purchase  if available |
| Stair-lift | Actual cost divided by 500 up to a  maximum of £6.70 per week | Evidence of purchase  without DFG input |
| Hoist | Actual cost divided by 500 up to a  maximum of £3.29 per week | Evidence of purchase  without DFG input |

## Appendix B: Standard Rates for Financially Assessed Services

|  |  |
| --- | --- |
| **Type of Service** | **Charge** |
| Maximum Charge for Non Residential Services | £550.00 per week |
| Day care attendance | £32.60 per day session |
| **Flat Rate Charges** | **Charge** |
| Blue Card Badge | £10.00 per badge |
| Community alarms | £3.10 per week |
| Transport to Day Care | £5.60 per return journey |
|  |  |
| **Capital Thresholds** | **Charge** |
| Savings and Investments below £14,250.00 | Savings below this level will be ignored and not considered in the financial assessment. |
| Savings and Investments above £14,250.00 to £23,250.00 | For every £250 you have between these amounts £1.00 will be considered as extra weekly income in the financial assessment. |
| Savings and Investments over £23,250.00 | The cost of your services is charged in full up to the maximum weekly charge detailed above. |