

## Appendix 2

### ADULT SOCIAL SERVICES - CHARGING POLICY - SERVICE USERS RESIDING AT "IN HOUSE" SUPPORTED LIVING UNITS DURING THE PERIOD 1997 TO 2003

#### Comments from north west Adult Social Services Local Authorities - "in house" Supported Living Units during the period 1997 to 2003.

<u>Local Authority</u>	<u>Comments</u>
<b>A</b>	None Provided.
<b>B</b>	Compared to our policy this seems quite severe. We decided early on that we wanted to ensure that service users were not left with just Income Support, even though this would be more than res. care would do.
<b>C</b>	<p>If compared in hindsight to basic fairer charging principle of allowing basic IS plus a 25% buffer, this principle would have been breached as there would appear to be no buffer in the majority of cases.</p> <p>Not comparable with ILF assessment regulation of taking SD premium and ½ DLA Care which I think (although not entirely sure) was already in place at that time.</p> <p>Extension of charging policy to learning disabilities clients agreed with Learning Disabilities Sub Committee in September 98.</p> <p>Legality of policy was scrutinised by Legal services – no questions of illegality were raised.</p> <p>Our policy gave a personal allowance which was the same for all clients. This was the equivalent of the basic income support for over 60's plus £15.00. 50% of excess income was then charged.</p> <p>There was an appeals process. Extra expenses could be allowed based on carer's expenses and expenses for activities identified in the care plan.</p>
<b>D</b>	<p>The inclusion of the full amount of additional benefit awarded to individuals because of their disabilities leaves them with income levels equivalent to a non disabled person living on benefits. On the surface this appears to leave the disabled service user in the same financial position as a non disabled individual living on benefits. Social policy research has long established that disabled people incur additional costs because of their disability. This underpins the thinking behind the award of disability benefits. The effect of charging in the manner adopted by Wirral is that rather than creating parity this approach puts people with a disability at a distinct disadvantage and they no longer have additional income to pay for the extra costs incurred because of their disability. Following the introduction of the fairer charging guidance in October 2002 the inclusion of disability benefits as income for charging without any regard to spending on disability related items was contrary to the guidance.</p>

<b>E</b>	None Provided.
<b>F</b>	None Provided.
<b>G</b>	Understanding was that up to 2003 authorities could charge what they deemed suitable. Most adopted a flat rate. This authority only took into account the DLA and ignored SDP, approx half of what Wirral charged. Whether this is more suitable would be a matter influenced by local circumstances that would have been reasonable at that time.
<b>H</b>	<p>Our Authority along with other Councils had a major task in implementation of the guidance on fairer charging in accordance with the timescales required. Prior to the guidance our Authority had a system of flat rate charges for services provided. A passport system for those who paid over £30.00 per week was available to those people most in need together with an appeals policy was available to consider case of hardship under the flat rate charging system.</p> <p>While charging is not mandatory, there is an expectation from central government that Council's will charge for services, LAC (94) (1) refers. Health &amp; SSD Social Security Adjudications Act 1983 say that Local Authorities may charge for most services. In the case of non-residential services charges must be reasonable and not more than reasonably practical for the individual user to pay. It is up to each Council to determine the policy for non-residential care services as there is no national scheme just guidance.</p> <p>Service user need to be informed of their right of appeal if they consider charges to be unreasonable and informed of the reasons of any decision. Where a client lack capacity to deal with their own financial affairs support to appeal may be required if no legal representative appointed or family member is able to offer support. It is my view that clients should be left with a reasonable amount of money for personal needs from chargeable benefits.</p>
<b>I</b>	No guidelines were given during that period. Charging would have been up to the discretion of the LA.
<b>J</b>	None Provided.
<b>K</b>	None Provided.