

# WIRRAL COUNCIL

## CABINET

11 JULY 2013

<b>SUBJECT:</b>	<b><i>CHARGING FOR SERVICES - ADULT SOCIAL CARE</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>ALL</i></b>
<b>REPORT OF:</b>	<b><i>DIRECTOR OF ADULT SOCIAL SERVICES</i></b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>COUNCILLOR CHRISTINE JONES</i></b>
<b>KEY DECISION?</b>	YES

### **1.0 PURPOSE OF REPORT**

1.1 To recommend a revised and consolidated fairer charging and fairer contributions policy.

### **2.0 BACKGROUND**

2.1 Each local authority with social services responsibilities must determine and operate a fairer charging and fairer contributions policy (FCP). It must keep the FCP under review.

2.2 Each local authority with social services responsibilities must determine and operate local discretions (CRAGLD) in implementing the Department of Health's charging for residential accommodation guide (CRAG).

2.3 It is now necessary to review the Wirral FCP and CRAGLD following the setting of the 2013-14 Council Budget and the Independent Review of Debt (IRD) considered by Cabinet on 23 May 2013.

2.4 Maintaining and revising the FCP and CRAGLD is one of the key actions in the DASS debt action plan (DDAP).

2.5 The Care Bill – if enacted – will make substantial changes to the charging regime for care. Any implications will be reflected in the policies in due course once full details are available including the implementation schedule. It is expected the first Care Bill charging changes will come into force in 2015-16.

2.6 Section 3 below considers the FCP. Section 4 below considers the CRAGLD. Some changes apply to both policies. However each policy needs a separate formal approval so all changes are listed in each section..

### **3.0 CHANGES FROM CURRENT FAIRER CHARGING AND FAIRER CONTRIBUTIONS POLICY AND CLARIFICATIONS**

3.1 The FCP is attached at Appendix A. This will be supported by user-friendly guidance available to clients and on the Internet.

- 3.2 The main changes and clarifications are set out in the sections below. Numbers in square brackets are references to the section in the FCP
- 3.3 **Responsibility of self-funders** The responsibility of self-funders to pay providers directly for their care has not been made clear in the past. The Council has a duty to carry out a community care assessment for all clients. Self-funders will therefore continue to be assessed for their service needs by the Council and assisted in organising their care. Self-funders (unless with capacity issues) should however pay providers themselves.
- 3.4 The previous uncertainty over self-funders' financial responsibilities has led to a large volume of unnecessary work in billing and recovery, and examples of non-recovery. These form a significant component of the historical debt cases identified by the IRD. Most clients' financial assessment does not vary from month to month; whereas a self-funder's financial assessment does vary with any changes in the actual provision.
- 3.5 The proposed approach on self-funders will therefore significantly reduce workload in PFU and allow resources to be focused on speeding up assessments and monitoring and recovering arrears. This section will require revision if the Care Bill comes into operation [4.2]
- 3.6 **Commitment to early financial assessment.** This reflects the appointment of more visiting officers on a self-financing basis in accordance with the IRD and the DDAP [4.3]
- 3.7 **Indicative self-assessment and web calculator** Although not formally charging policies, these will improve the user-friendliness of the system. [4.5]
- 3.8 **Appealed charge payable until appeal resolved** This is unclear in the current arrangements. The IRD commented on the excessively large number of cases 'on hold' following appeal. The revised policy will avoid clients falling into arrears; if a repayment of charges is ultimately determined, this will be made promptly by the PFU.
- 3.9 Exceptional cases may arise where undue hardship would be caused by the full charge continuing to be paid pending appeal. Such cases will be referred by PFU to DASS senior management. [4.9]
- 3.10 **Full cost payable in the event of non-cooperation with financial assessment. Revised assessment will only be backdated to the date of cooperation with financial assessment.** This is unclear in the current arrangements. The lack of clarity has led to the considerable delays in resolving historical debt identified in the IRD. [4.11]
- 3.11 **Payment by direct debit promoted** A small proportion of clients currently pay by standing order. From September 2013 direct debit will become available and is the preferred payment option. [4.18]
- 3.12 **Collection by providers** This permits contributions to be collected by providers in appropriate circumstances. This is most likely to arise in the case of low, flat-rate charges. [4.19]

- 3.13 **Deprivation** This clarifies the position in the event of asset disposals with the purpose of reducing client contributions.[4.21]
- 3.14 **Assistive Technology** Implementation of 2013-16 Budget Saving. [5.1.1]
- 3.15 **Care episode not delivered** To clarify the position on whether service is chargeable when declined by the client without notice.[6.5]
- 3.16 **100% of disposable income** Implementation of 2013-16 Budget Saving. [6.8]

#### 4.0 **CHANGES FROM CURRENT CHARGING FOR RESIDENTIAL ACCOMMODATION GUIDE LOCAL DISCRETIONS**

- 4.1 The local discretions are attached at Appendix B. This will be supported by user-friendly guidance available to clients and on the Internet.
- 4.2 The main changes and clarifications are set out in the sections below. Numbers in square brackets are references to the section in the CRAGLD
- 4.3 **.Responsibility of self-funders** The responsibility of self-funders to pay providers directly for their care has not been made clear in the past. The Council has a duty to carry out a community care assessment for all clients. Self-funders will therefore continue to be assessed for their service needs by the Council and assisted in organising their care. Self-funders (unless with capacity issues) should however pay providers themselves.
- 4.4 The previous uncertainty over self-funders' financial responsibilities has led to a large volume of unnecessary work in billing and recovery, and examples of non-recovery. These form a significant component of the historical debt cases identified by the IRD. Most clients' financial assessment does not vary from month to month; whereas a self-funder's financial assessment does vary with any changes in the actual provision.
- 4.5 The proposed approach on self-funders will therefore significantly reduce workload in PFU and allow resources to be focused on speeding up assessments and monitoring and recovering arrears. This section will require revision if the Care Bill comes into operation [4.1]
- 4.6 **Commitment to early financial assessment** This reflects the appointment of more visiting officers on a self-financing basis in accordance with the IRD and the DDAP [4.2]
- 4.7 **Indicative self-assessment and web calculator** Although not formally charging policies, these will improve the user-friendliness of the system. [4.4]
- 4.8 **Appealed charge payable until appeal resolved** This is unclear in the current arrangements. The IRD commented on the excessively large number of cases 'on hold' following appeal. The revised policy will avoid clients falling into arrears; if a repayment of charges is ultimately determined, this will be made promptly by the PFU.

- 4.9 Exceptional cases may arise where undue hardship would be caused by the full charge continuing to be paid pending appeal. Such cases will be referred by PFU to DASS senior management. **[4.7]**
- 4.10 **Full cost payable in the event of non-cooperation with financial assessment. Revised assessment will only be backdated to the date of cooperation with financial assessment.** This is unclear in the current arrangements. The lack of clarity has led to the considerable delays in resolving historical debt identified in the IRD. **[4.9]**
- 4.11 **Payment by direct debit promoted** A small proportion of clients currently pay by standing order. From September 2013 direct debit will become available and is the preferred payment option. **[4.15]**
- 4.12 **Collection by providers** This permits contributions to be collected by providers in appropriate circumstances. This is most likely to arise in the case of low, flat-rate charges. **[4.16]**
- 4.13 **Deferred payment agreements** Under S55 of the Health and Social Services Act 2001, the authority has the discretion to charge interest in the circumstances outlined (i.e. on any balance outstanding more than 56 days after the death of the client). This discretion is not currently exercised. The application of a 4% rate is now proposed by DASS as one of the measures to generate repayment of the £8.8m 2013-14 temporary budget. This section will require revision of the Care Bill comes into operation. **[7]**
- 4.14 **Land charges in respect of arrears** Under S22 and S24 of the Health and Social Services and Social Security Adjudications Act 1983, the authority has the discretion to charge interest in the circumstances outlined (i.e. from the death of the client). This discretion is not currently exercised. The application of a 4% rate is now proposed by DASS as one of the measures to generate repayment of the £8.8m 2013-14 temporary budget. **[8]**

## 5.0 RELEVANT RISKS

- 5.1 The purpose of seeking approval to the policies is to eliminate the financial risk of challenge to financial assessments, and to maximise collection and recovery.

## 6.0 OTHER OPTIONS CONSIDERED

- 6.1 Not applicable.

## 7.0 CONSULTATION

- 7.1 The proposed policies will not have an adverse impact on clients' assessed contributions. They relate to the efficient implementation of existing policies. No formal consultation is therefore required.

## 8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 8.1 There are no direct implications for voluntary, community and faith organisations.

## 9.0 **RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 The implications of the revised Policies have already been assumed in the 2013-14 budget setting, and in identifying measures to repay the £8.8m temporary budget allocation to DASS in 2013-14.

## 10.0 **LEGAL IMPLICATIONS**

10.1 To be provided

## 11.0 **EQUALITIES IMPLICATIONS**

11.1 The Policy is in accordance with Fairer Charging and Fairer Contributions guidance and Charging for Residential Accommodation Guide issued by the Department of Health.

## 12.0 **CARBON REDUCTION IMPLICATIONS**

12.1 None.

## 13.0 **PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are no planning implications arising directly from this report.

## 14.0 **RECOMMENDATIONS**

14.1 It is recommended that Cabinet agrees the FCP as set out in Appendix A

14.2 It is recommended the FCP is put in immediate effect.

14.3 It is recommended that Cabinet agrees the CRAGLD as set out in Appendix B

14.4 It is recommended the CRAGLD is put in immediate effect

## 15.0 **REASONS FOR RECOMMENDATIONS**

15.1 The Council is required to determine its FCP and CRAGLD in accordance with relevant legislation.

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## **APPENDICES**

Appendix A Wirral Fairer Charging and Fairer Contributions Policy

Appendix B Wirral Charging for Residential Accommodation Guide Local Discretions

**REFERENCE MATERIAL**

Fairer Charging and Fairer Contributions Policy Guidance and Charging for Residential Accommodation Guide issued by the Department of Health

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

**Wirral Council  
Directorate of Adult Social Services  
Fairer Charging and Fairer Contributions policy for non-residential  
services**

**Effective from 11<sup>th</sup> July 2013**

1. **Introduction**

- 1.1. Legislation gives councils the discretionary power to require adults to contribute to the cost of their non-residential services. This document sets out the Wirral policy for assessing the financial contribution to be made by clients. It is effective from 11<sup>th</sup> July 2013.
- 1.2. The policy is based on the Department of Health's **Fairer Charging** Guidance (2002) and also Fairer Contributions Guidance (2010)

2. **Services covered by this policy**

- 2.1. This policy covers any non-residential community care service.
- 2.2. Examples of the services covered by this policy include but not exclusively:
- 2.2.1. Community meals
- 2.2.2. Day care
- 2.2.3. Domiciliary Care
- 2.2.4. Assistive Technology
- 2.2.5. Reablement services that extend beyond 6 weeks
- 2.2.6. Independent Supported Living Schemes

3. **Application**

- 3.1. The policy applies to all clients unless in the list of exceptions below.
- 3.2. The exceptions are
  - 3.2.1. Support provided under Section 117 of the Mental Health Act
  - 3.2.2. Sufferer of Creutzfeldt Jacobs Disease
  - 3.2.3. Asylum Seekers
  - 3.2.4. Adults in full-time education
  - 3.2.5. Support provided as a Reablement services and for a period of six weeks or less

#### 4. **Principles**

- 4.1. Some low level charges will be made without a financial assessment. These are set out in section 5 below.
- 4.2. Clients that exceed the capital limit of £23,250 are not eligible for council financial support and are self-funders. After their statutory service assessment they will be assisted in identifying service provision. They will then be required to pay providers directly for any commissioned service. This will avoid self-funders building up arrears of charges with the Council and any misunderstandings about their financial responsibilities.
- 4.3. Clients will be provided with an early financial assessment following a visit by a senior assessment officer from the Personal Finance Unit.
- 4.4. Comprehensive benefits advice and assistance will be offered to all service users. This may increase their income, and help meet the cost of contributions. Clients will be assisted in identifying their disability related expenditure necessary to maintain independent living.
- 4.5. Facilities for indicative self-assessment and a web-calculator will be provided from September 2013.



- 4.6. The contributions requested from service users following financial assessment will be fair and reasonable. Due care will be taken in assessing the service user's finances and their ability to contribute towards the cost of their care according to their means.
- 4.7. The objective of financial assessment is that service users retain their Minimum Income Guarantee amount plus a buffer of 25%.
- 4.8. Service users have the right to request a review of their assessed contribution if they feel it is incorrect or if there has been a significant change in their financial situation. Any adjustment over and above this policy will be determined by DASS senior management.
- 4.9. Where the assessed contribution is appealed for review, clients must pay the original assessed contribution until the appeal is determined.
- 4.10. If a client does not wish to undergo a financial assessment the full cost of services will be charged.
- 4.11. If a client does not cooperate in making a financial assessment or fails to provide requested information within the required timescale the full cost of services will be charged. If a financial assessment is later able to be completed, it will only take effect from the date that the client cooperated with the making of the assessment or provided the information requested.
- 4.12. Clients must notify the PFU of any material change in their financial circumstances if this is likely to impact on their assessed contribution.
- 4.13. If a client does not notify the PFU of a material change that would have led to an increased contribution, the increased contribution will be implemented from the date a revised financial assessment is issued that reflects the material change.

- 4.14. Service users and their partners who work will not have their employment earnings included as part of their financial assessment.
- 4.15. Service users who refuse to pay their assessed contribution will not have their services removed.
- 4.16. The Council will recover contribution arrears through the courts in accordance with the Council's recovery policy
- 4.17. All client information (verbal and written) will be treated in confidence and due care will be given to disclosing information that is in the interests of the service user only.
- 4.18. All clients will be encouraged to pay by direct debit once this system is available in September 2013.
- 4.19. Wirral may make arrangements for contributions to be collected by providers in some cases.
- 4.20. Wirral Council is committed to the prevention and detection of fraud.
- 4.21. If a client is demonstrated to have made a significant disposal of their capital within a year of the commencement of the service and the disposal is not expenditure related to their disability, the capital that would have applied had the deprivation not occurred will be used to make the financial assessment.
- 4.22. A client assessment will recognize all capital in which the client has a legal or equitable interest.
- 4.23. Wirral Council will assess whether a client has the capacity to organise the payment of their contributions. If the client has capacity, but wishes another person to manage their payments then the client will remain liable for any contributions due.
- 4.24. Where a person has been legally appointed to manage a client's affairs, the PFU will deal with that person.

## **5. Services not subject to financial assessment**

5.1. The following services are flat rate charges and no financial assessment will be made:

5.1.1. Assistive technology – a charge will be made for the basic service as determined from time to time. There is no charge for the basic service plus any further assistive technology. There is no charge for any assistive technology where the client is in receipt of any other non-residential service.

5.1.2. Community Meals – a charge per meal

5.1.3. Transport – a charge per journey

## **6. Basis for Financial Assessment**

6.1. Service users will retain a level of income equal to their appropriate Minimum Income Guarantee amount, plus a buffer of 25% after any financially assessed charge for support has been made.

6.2. If the user has a partner or spouse, the couple will retain a level of income equal to the couple's Minimum Income Guarantee amount, plus a buffer of 25% after any financially assessment of the client has been made.

6.3. Financial assessments will be based on the actual cost of services as set out in the policy and determined from time to time by Wirral in accordance with proper accounting practices.

6.4. If the full assessed care is not provided, the client financial contribution will only be revised if the cost of the care actually provided is less than the assessed contribution or no care was provided for the week in question.

6.5. If care is unable to be delivered due to the client declining the service, at least 24 hours notice must be given for the service not to be charged. The service will not be charged if there are circumstances beyond the client's control – e.g. admission to hospital.

- 6.6. The maximum service user's contribution per week will be 100% of the cost of their support subject to their assessed ability to pay.
- 6.7. Appropriate Disability Related Expenditure (DRE) will be allowed for all clients making a claim. Supporting evidence of DRE may be required.
- 6.8. Assessments will be based on 100% of the client's disposable income.
- 6.9. If a financial assessment is calculated at £2.50 a week or less it will be reset to nil.
- 6.10. Clients with a partner will be offered a best interest assessment. They will be offered assessment both as a couple and as an individual.

## 7. **The Financial Assessment**

- 7.1. A written financial assessment will be provided
- 7.2. The rights of appeal set out in section 13 will apply
- 7.3. Services will be billed from the Monday after a client has been provided with a financial assessment.
- 7.4. An assessment will be made for the client and other persons will not be assessed to pay charges in respect of the client's services.
- 7.5. A financial assessment will be based on the benefits in payment to the client at the time of the financial assessment. If other benefits are later received, the financial assessment will be adjusted from the date the benefits come into payment.
- 7.6. Service users will be asked to give consent to authorise the Council to obtain benefits information from the Department of Works and Pensions.

7.7. A client's partner may be approached for information to establish the capital in which the client has a legal or equitable interest.

7.8. The financial assessment will cover:

7.8.1. Benefits

7.8.2. Income

7.8.3. Savings and Capital

7.8.4. Allowable Expenditure

7.8.5. Disability Related Expenditure (DRE)

## 8. **Income Disregards**

8.1. Certain income received by the client will be disregarded as part of the assessment

8.1.1. Any income from employment

8.1.2. The mobility component of Disability Living Allowance (DLA)

8.1.3. The DLA and Attendance Allowance (AA) elements that relate to night care, provided only daytime services are provided

8.1.4. The first £10 of any War Pension

## 9. **Capital disregards**

9.1. Certain capital will be disregarded as part of the assessment

9.1.1. Funds administered by the High Court or the Court of Protection

9.1.2. The home in which the service user resides

## 10. **Allowable Expenditure**

- 10.1. The following expenses are allowed as part of the financial assessment:
  - 10.1.1. Council Tax payable after deducting any discount allowed
  - 10.1.2. Rent (net of any housing benefit or universal credit) and any service charge that is eligible for housing benefit
  - 10.1.3. Mortgage interest
- 10.2. If other adults are living in the property the allowable expenditure may be reduced proportionately

## **11. Disability Related Expenditure (DRE)**

- 11.1. Clients will be given the opportunity to claim disability related expenditure if they are in receipt of disability related benefits. DRE will be allowed in the financial assessment.
- 11.2. Clients will be visited by the PFU for the purposes of carrying out a DRE assessment in accordance with the policy set out in Appendix A.

## **12. Calculation of Contributions**

- 12.1. Clients with capital above £23,250 will be identified as self funders.
- 12.2. Clients with capital below £23,250 will have an assessment calculated as follows
  - 12.2.1. Income less disregards as per section 8 above, plus
  - 12.2.2. Tariff income from capital as per section 9 above at the rate of £1 a week for every £250 or part of £250 in excess of £14,250, minus
  - 12.2.3. Allowable expenditure in accordance with section 10 above, minus
  - 12.2.4. DRE in accordance with section 11 above.

- 12.3. If the result of the above calculation is less than the minimum income guarantee + 25% the contribution is nil.
- 12.4. If the result of the above calculation is greater than the minimum income guarantee + 25% the contribution will be the difference. The contribution will not in any case exceed the actual cost of the service.

### **13. Appeals and Complaints**

- 13.1. Clients and their representatives should contact the PFU if they have any queries regarding a financial assessment. It is expected the PFU will be able to resolve most issues by discussion with clients.
- 13.2. A client is entitled to appeal their financial assessment on the grounds it has not been correctly calculated in accordance with Wirral's fairer charging policy. If a client wishes to appeal their financial assessment after a preliminary discussion with the PFU, a written appeal must be made stating the grounds.
- 13.3. Any written appeal should be made within 28 days of the issue of the financial assessment.
- 13.4. If the appeal is made more than 28 days from the issue of the financial assessment, any revision will only be implemented from the date of the appeal.
- 13.5. The appeal will be acknowledged in writing. The assessment will be reviewed by a different officer from the one making the original assessment. The client will be notified of the decision within 7 days of the appeal being received.
- 13.6. If a client has a complaint about any aspect of fairer charging then the statutory complaints procedure set out in the Local Authority Social Services and NHS Complaints (England) Regulations 2009 will apply and the DASS Complaints Section should be contacted.

### **14. Current Charges – from April 2013**

- 14.1. Domiciliary care £12.28 per hour.

- 14.2. Day Care - £31.22 per day or £15.62 per session
- 14.3. Community and Day Centre Meals £2.68 until 30<sup>th</sup> June 2013, £3.47 thereafter.
- 14.4. Night sitting £53.28
- 14.5. Transport £4.87 per journey
- 14.6. Basic assistive technology package where no other service provided - £3 per week

15. **Disability Related Expenditure**

- 15.1. Disability Related Expenditure is additional expenditure incurred by a service user as a result of their disability or condition for items or services which cannot be addressed in their personal budget.
- 15.2. A client may request a full Disability Related Expenditure assessment. They will be required to provide details of the additional expenditure, which will be considered when the following conditions are fulfilled:
  - 15.2.1. The client is in receipt of disability related benefits
  - 15.2.2. The extra cost is incurred to meet a service user's specific need due to a condition or disability recognised in the needs assessment
  - 15.2.3. The cost is reasonable and can be verified (receipts may be required)
  - 15.2.4. If a lower cost alternative item or service could reasonably be used, DRE will be calculated at that lower cost.
- 15.3. DRE will be paid in the following categories
  - 15.3.1. Payment for any community alarm



- 15.3.2. Any privately arranged care services required, including respite care
- 15.3.3. Specialist washing powders or laundry
- 15.3.4. Additional costs of special dietary needs due to illness or disability; the user may be asked for permission to approach their GP in cases of doubt
- 15.3.5. special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability
- 15.3.6. additional costs of bedding, for example, because of incontinence
- 15.3.7. any heating costs, or metered costs of water, above the average levels for the area and housing type, required by age, medical condition or disability
- 15.3.8. reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social services
- 15.3.9. purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include computer costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if waiting for supply of equipment from the local council
- 15.3.10. personal assistance costs, including any household or other necessary costs arising for the user
- 15.3.11. other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA, if in payment

**Wirral Council  
Directorate of Adult Social Services  
CRAG local discretions**

**Effective from 11<sup>th</sup> July 2013**

1. **Introduction**

- 1.1. Councils have some local discretion in assessing clients for residential services. This document sets out the Wirral policy for assessing the financial contribution to be made by clients. It is effective from 11<sup>th</sup> July 2013.
- 1.2. The policy is based on the Department of Charging for Residential Accommodation Guidance

2. **Services covered by this policy**

- 2.1. This policy covers any residential community care service.

3. **Application**

- 3.1. The policy applies to all clients unless in the list of exceptions below.
- 3.2. The exceptions are
  - 3.2.1. Support provided under Section 117 of the Mental Health Act
  - 3.2.2. Sufferer of Creutzfeldt Jacobs Disease
  - 3.2.3. Asylum Seekers
  - 3.2.4. Adults in full-time education
  - 3.2.5. Support provided as intermediate care and for a period of six weeks or less

#### 4. **Principles**

- 4.1. Clients that exceed the capital limit of £23,250 are not eligible for council financial support and are self-funders. After their statutory service assessment they will be assisted in identifying service provision. They will then be required to pay providers directly for any commissioned service. This will avoid self-funders building up arrears of charges with the Council and any misunderstandings about their financial responsibilities.
- 4.2. Clients will be provided with an early financial assessment following a visit by a senior assessment officer from the Personal Finance Unit.
- 4.3. Comprehensive benefits advice and assistance will be offered to all service users. This may increase their income, and help meet the cost of contributions.
- 4.4. Facilities for indicative self-assessment and a web-calculator will be provided from September 2013.
- 4.5. The contributions requested from service users following financial assessment will be fair and reasonable. Due care will be taken in assessing the service user's contribution under the CRAG guide.
- 4.6. Service users have the right to request a review of their assessed contribution if they feel it is incorrect or if there has been a significant change in their financial situation. Any adjustment over and above this policy will be determined by DASS senior management.
- 4.7. Where the assessed contribution is appealed for review, clients must pay the original assessed contribution until the appeal is determined.
- 4.8. If a client does not wish to undergo a financial assessment the full cost of services will be charged.
- 4.9. If a client does not cooperate in making a financial assessment or fails to provide requested information within the required timescale the full cost of services will be charged. If a

financial assessment is later able to be completed, it will only take effect from the date that the client cooperated with the making of the assessment or provided the information requested.

- 4.10. Clients must notify the PFU of any material change in their financial circumstances if this is likely to impact on their assessed contribution.
- 4.11. If a client does not notify the PFU of a material change that would have led to an increased contribution, the increased contribution will be implemented from the date a revised financial assessment is issued that reflects the material change.
- 4.12. Service users who refuse to pay their assessed contribution will not have their services removed.
- 4.13. The Council will recover contribution arrears through the courts in accordance with the Council's recovery policy
- 4.14. All client information (verbal and written) will be treated in confidence and due care will be given to disclosing information that is in the interests of the service user only.
- 4.15. All clients will be encouraged to pay by direct debit once this system is available in September 2013.
- 4.16. Wirral is promoting the collection of contributions by providers. No arrangement will be made without the consent of the client.
- 4.17. Wirral Council is committed to the prevention and detection of fraud.
- 4.18. Wirral Council will assess whether a client has the capacity to organise the payment of their contributions. If the client has capacity, but wishes another person to manage their payments then the client will remain liable for any contributions due.

4.18.1. Where a person has been legally appointed to manage a client's affairs, the PFU will deal with that person.

5. **Basis for Financial Assessment**

5.1. Service users will be assessed in accordance with the Charging for Residential Accommodation Guide.

5.2. Clients with a partner will be offered a best interest assessment. They will be offered assessment both as a couple and as an individual.

## 6. The Financial Assessment

- 6.1. A written financial assessment will be provided
- 6.2. The rights of appeal set out in section 13 will apply
- 6.3. Services will be billed from the Monday after a client has been provided with a financial assessment.
- 6.4. An assessment will be made for the client and other persons will not be assessed to pay charges in respect of the client's services.
- 6.5. A financial assessment will be based on the benefits in payment to the client at the time of the financial assessment. If other benefits are later received, the financial assessment will be adjusted from the date the benefits come into payment.
- 6.6. A client's partner may be approached for information to establish the capital in which the client has a legal or equitable interest.

## 7. Deferred payment arrangements

- 7.1. On the termination of a deferred payment arrangement interest at the rate of 4% will be charged:
  - 7.1.1. In the event of the client terminating the agreement by giving notice to Wirral Council, at a daily rate from the notified date of termination to the date the amount due under the agreement is repaid
  - 7.1.2. In the event of the death of the client, at a daily rate from 57 days after the clients death to the date the amount due under the agreement is repaid

## 8. Arrears of contributions secured by charge on land

- 8.1. In the event a client is in arrears with contributions for residential accommodation the Council may at its discretion make a charge on any interest in land held by the client. In the event of the death of the client, interest of 4% per annum

will be payable at a daily rate from the client's death until the amount secured by the charge is paid.

## 9. Appeals and Complaints

- 9.1. Clients and their representatives should contact the PFU if they have any queries regarding a financial assessment. It is expected the PFU will be able to resolve most issues by discussion with clients.
- 9.2. A client is entitled to appeal their financial assessment on the grounds it has not been correctly calculated in accordance with CRAG. If a client wishes to appeal their financial assessment after a preliminary discussion with the PFU, a written appeal must be made stating the grounds.
- 9.3. Any written appeal should be made within 28 days of the issue of the financial assessment.
- 9.4. If the appeal is made more than 28 days from the issue of the financial assessment, any revision will only be implemented from the date of the appeal.
- 9.5. The appeal will be acknowledged in writing. The assessment will be reviewed by a different officer from the one making the original assessment. The client will be notified of the decision within 7 days of the appeal being received.
- 9.6. If a client has a complaint about any aspect of financial assessment then the statutory complaints procedure set out in the Local Authority Social Services and NHS Complaints (England) Regulations 2009 will apply and the DASS Complaints Section should be contacted.