

# WIRRAL COUNCIL

## CABINET

10 DECEMBER 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 HOLDERS:</b>	<b><i>COUNCILLOR CHRISTINE JONES</i></b>
<b>KEY DECISION?</b>	YES

### 1.0 PURPOSE OF REPORT

- 1.1 To recommend further public consultation with regard to recommended revisions to the fairer charging and fairer contributions policy.
- 1.2 To undertake a specific eight week consultation process with the people potentially affected by the proposed fairer charging changes prior to implementing charging proposals from 1 April 2014. This includes both changes that have been subject to 2014-15 budget proposals and those set out in this report as new proposals.
- 1.3 To streamline collection and recovery processes in the PFU.

### 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 It is now necessary to make amendments to the FCP, including: -
  - ❖ Clarify a number of areas where questions have arisen about the application of the policy.
  - ❖ Make changes that will simplify the process of financial assessment, enabling the resources of the Personal Finance Unit to be concentrated on fast assessment, prompt charging and effective recovery.
- 2.3 A number of new charging and processing changes have been identified for 2014. These have the potential to generate an additional £365,000 in a full year

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

- 3.1 The revised and consolidated FCP is attached at Appendix A. This will be supported by user-friendly guidance available to clients and on the Internet.
- 3.2 The changes and clarifications are set out in the sections below. Numbers in square brackets are references to the section in the FCP

- 3.3 **Court of Protection.** The policy stated that funds administered by the High Court or Court of Protection would be disregarded. This was inserted in error. The Court of Protection would make financial decisions when the client lacked the capacity to manage this aspect of their affairs. This might be through the appointment of a Deputy. There is no reason these funds should be disregarded in fairer charging as they are not disregarded in the Department of Health Charging for Residential Accommodation Guide.
- 3.4 **Compensation.** A new provision is inserted to clarify the treatment of compensation awards for personal injury. If the award is not specified as being made to cover care costs, it will be disregarded for a year. If the award is specified to be to meet care costs, it will be included in the assessment. This mirrors the provisions in the Department of Health Charging for Residential Accommodation Guide.
- 3.5 **Apportionment of housing costs.** Where a client has shared responsibility for housing costs, only the relevant proportion will be allowed in the assessment.
- 3.6 **Welfare overpayments.** To clarify that a repayment is not an allowable cost or it would have the effect of eliminating the repayment. This would apply for example to housing benefit overpayments and social fund repayments.
- 3.7 **Mortgage Interest.** To allow mortgage payments in full as a cost. This affects very few clients and it is administratively burdensome to split off the interest element as currently stated in the policy.
- 3.8 **Transport.** To continue the current practice of including transport costs in overall Fairer Charging assessments.
- 3.9 **Community Meals.** Excluded from the policy as no longer provided.
- 3.10 **Assistive Technology.** The charge is revised to the new proposed rate, and in accordance with the revised proposal. This is explained in a later stage of the report.

#### **4.0 FAIRER CONTRIBUTIONS ASSESSMENT**

- 4.1 The fairer charging system was revised in 2010 to reflect the increasing prevalence of personal budgets. The changes provide for financial assessment on the basis of clients' personal budget allocations.
- 4.2 The use of this option would greatly simplify the process of billing for non-residential services. An annual financial assessment would apply until there was a change in the client's personal budget.
- 4.3 This approach would also facilitate the adoption of direct debit and standing order payments.
- 4.4 It is therefore recommended that the fairer contributions approach is adopted for 2014.

4.5 This approach should eliminate the current high volume of disputes by clients over minor variations in the actual service delivered, leading to significant transactional cost

4.6 The financial assessment would be based on a personal budget allocation, and could therefore be billed monthly in advance. The present system relies on provider invoices to determine service received and consequently the assessed charge.

## 5.0 CHARGING FOR DAY SERVICES

5.1 Under the current arrangements there is a disparity in charging practice for day services. This is unfair to the users of day services that are chargeable and it is proposed to correct the position. Given the Council's financial position it is important to maximise income in accordance with the current Charging Policy in order to fund services. There will be no backdating of charges, and users will be specifically consulted with regard to the changes proposed.

Facility	Current charging policy	Proposed charging policy
Dale Farm, Royden Park, Best Bites, Star Design – about 150 users in all	Non-chargeable	Chargeable at the current rate for chargeable provision of £31.22 per day or £15.62 a session.
Age Concern or Age UK projects, Cavendish, Cottagers Club, Fusion Centre, and Granville Court are all OP day services run by outside organisations where DASS pays for services. About 200 clients	Non-chargeable	Chargeable at the current rate for chargeable provision of £31.22 per day or £15.62 a session.
Placements in other independent day centres – about 100 clients	Chargeable	Chargeable
Beaconsfield Mental Health	Non-chargeable	Chargeable at the current rate for chargeable provision of £31.22 per day or £15.62 a session unless S117 Mental Health aftercare.
Masque Theatre	Non-chargeable	Chargeable at the current rate for chargeable provision of £31.22 per day or £15.62 a session.
Cambridge Road – about 70 users	Chargeable	Chargeable
Eastham Centre – about 80 users	Chargeable	Chargeable
Heswall – about 90 users	Chargeable	Chargeable

Highcroft – about 30 users	Chargeable	Chargeable
Moreton – about 120 users	Chargeable	Chargeable
Pensby Wood – about 30 users	Chargeable	Chargeable

5.2 These changes have the potential to generate £250,000 in a full year.

## **6.0 EXTRA CARE BLOCK CONTRACTS**

6.1 There are a number of extra care schemes where the domiciliary care provision has been commissioned as a block contract. Hitherto this provision has not been chargeable. This is unfair to other domiciliary care users who are financially assessed for their services.

6.2 It is not proposed to record individual care episodes but to apply a standard charge for specific schemes based on an average of 5 hours care per week. This will apply to 150 users, some of whom will be full cost payers.

6.3 There will be no backdating of charges, and users will be consulted in advance of the changes so that they may decide whether to continue with the service.

6.4 These changes have the potential to generate £250,000 in a full year. (These changes are 2014-15 budget proposals and will also be subject to approval of those changes at Budget Cabinet on 10 December 2013 and subsequent ratification at Council on 16 December 2013).

## **7.0 RESPITE CHARGES**

7.1 Recent work on debt recovery has identified respite charges as an area where there is unsatisfactory recovery.

7.2 It is therefore proposed that respite should be payable in advance. Clients must return a financial assessment in advance. If they exceed the capital limit they will be charged the full cost of the respite

7.3 The charge for respite is a Local Authority discretion. Currently a standard charge of £86.25 applies for clients that are not full cost. It is proposed to increase this to the minimum long term rate of £121.50 for pension age clients.

7.4 These changes have the potential to generate £60,000 in a full year. (These changes are 2014-15 budget proposals and will be subject to approval of those changes at Budget Cabinet on 10 December 2013 and subsequent ratification at Council on 16 December 2013).

## **8.0 SHORT TERM CHARGES**

8.1 There is a service distinction between temporary and permanent placements.

8.2 Under the current charging arrangements short term placements are assessed as either a standard cost or full cost.

8.3 These changes have the potential to generate £250,000 in a full year. (These changes are 2014-15 budget proposals and will be subject to approval of those changes at Budget Cabinet on 10 December 2013 and subsequent ratification at Council on 16 December 2013).

## **9.0 LEGAL RECOVERY ACTION**

9.1 Under community care legislation packages cannot be withdrawn in the event of non-payment of financial contributions. The Council can however seek a County Court Judgment for the arrears. If the arrears are for residential care, they are covered whenever possible by a voluntary deferred payment arrangement or unilateral charging by Wirral. In these cases the Council can prevent any sale of the property until the debt is paid.

9.2 One of the deficiencies identified in the Independent Report was the lack of recovery action on outstanding debts. A trial scheme with the use of an external solicitor already appointed by Business Processes has resulted in successful recovery of a number of cases from a bundle of £700,000. It is expected that the use of an external solicitor will continue as a parallel to increased in-house capacity – see later section.

9.3 At the same time Legal Services have a bundle of £600,000 which is being used as a comparator.

9.4 It has been agreed by Cabinet that in-house recovery capacity should be increased funded from additional income achieved. It is now proposed that 0.5 posts are created in the Litigation Section and one additional post working solely on DASS recovery action. These will be filled on a temporary basis pending recruitment. The cost. Is £60,000 in a full year and is expected to increase the recovery rate on all charges.

9.5 The in-house system for tracking debt will be enhanced. There is no net cost.

9.6 In order to maximise recovery in 2014-15 it is proposed to tender in parallel for external legal recovery capacity. Cases will be referred directly from the PFU and a high volume is likely to be generated as attention turns to current cases at a lower level of arrears.

9.7 In the pool of old debt for ceased provision there are cases where the issues identified in the Independent Report have contributed to recovery delays. In order to clear these cases and recover the maximum possible, it is proposed that the Director of Adult Social Services recommends to the Lead Member any compromise up to a reduction in the sum payable of £10,000. It is very unlikely any compromise will reach this limit.

9.8 These changes have the potential to recover an additional net £25,000 in 2013-14 and £100,000 in 2014-15. This item is not subject to public consultation.

## **10.0 ESTABLISHING A PERMANENT RECOVERY TEAM**

- 10.1 Since the Independent Report, a 6-strong Collection and Recovery Team has been operating in Business Processes with secondees from DASS and other Business Processes Teams.
- 10.2 It has already been agreed by Cabinet that a permanent recovery team should be established.
- 10.3 It is recommended that an additional team of four posts is established in the Accounts Receivable and PFU section at an additional cost of £130,000 a year including oncosts. The cost could be met from the additional DASS income recovered.
- 10.4 These changes are estimated to recover an additional net £50,000 in 2013-14 and £200,000 in 2014-15. These changes are not subject to public consultation.

## **11.0 ASSISTIVE TECHNOLOGY**

- 11.1 Implementation of a charge for assistive technology is a 2013-16 budget proposal. This will now be set at £2.50 per week. The charge will be collected by the provider from around 5,000 users.

## **12.0 RELEVANT RISKS**

- 12.1 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.

## **13.0 OTHER OPTIONS CONSIDERED**

- 13.1 Not applicable.

## **14.0 CONSULTATION**

- 14.1 Half of the proposals have been part of the What Really Matters consultation, the others are new proposals.
- 14.2 It is therefore considered appropriate to undertake an eight week direct consultation process with users potentially affected by the proposals.
- 14.3 Clients will be consulted for a period of eight weeks in relation to proposals. The consultation responses will be considered prior to any decision is made and will also enable those affected to determine whether to continue with the service provision should the proposals be approved.
- 14.4 An Equality Impact Assessment will be undertaken to ensure an informed consultation exercise is undertaken.

## **15.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

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

## 16.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

16.1 Potential revenue savings not currently covered in proposals for 2014/15 and identified in the report are set out in the table below.

Element	Basis of calculation	Already assumed in 2013-14 budget	2013-14	In 2014-15 budget options	2014-15
Fairer contributions assessment	0.5% increase in collection rate	No	0	No	25,000
Charging for day services	Number of users	No	0	No	250,000
Legal resources	0.5% increase in collection rate net of costs	No	25,000	No	100,000
Permanent Recovery Team	1.0% increase in collection rate net of costs	No	50,000	No	200,000

16.2 Potential revenue savings that form part of proposals for 2014/15 and are subject to the Councils "What really matters" consultation are set out in the table below. These will all be subject to a further eight week detailed consultation process.

Element	Basis of calculation	Already assumed in 2013-14 budget	2013-14	In 2014-15 budget options	2014-15
Extra care block contracts	Number of users	No	0	Yes	250,000
Respite charges	Number of users	No	0	Yes	60,000
Short-term charges	Number of users	No	0	Yes	250,000
Assistive Technology	Number of users	Yes	0	Yes	450,000

## 17.0 LEGAL IMPLICATIONS

17.1 Many of the proposals are part of the What Really Matters consultation, however further consultation is required on the new and previously proposed changes. Service users directly affected by the charging changes should be consulted by the Director of Adult Services before any decision is made in relation to those proposals. An eight week consultation process and completion of Equality Impact Assessments is required.

- 17.2 An equalities impact assessment must be in place for each of the proposals identifying affected groups.
- 17.3 The consultation must be informative and meaningful and provide sufficient opportunity to those affected to engage and participate in the consultation exercise. Before a decision is taken in relation to the proposals, regard must be had to the responses received during the consultation exercise.

## **18.1 EQUALITIES IMPLICATIONS**

- 18.1.1** The Policy is in accordance with Fairer Charging and Fairer Contributions guidance and Charging for Residential Accommodation Guide issued by the Department of Health. In a number of proposals the changes relate to the uniform application of approved charging principles. The level of charges has not changed in most cases.
- 18.1.2** An equalities impact assessment was prepared during the preparation of the 2014-15 budget proposals, however further EIAs will be completed (as required).

## **19.0 CARBON REDUCTION IMPLICATIONS**

- 19.1 None.

## **20.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 20.1 There are no planning implications arising directly from this report.

## **21.0 RECOMMENDATIONS**

- 21.1 It is recommended that a detailed further eight week consultation process is held with all those directly affected by the proposed charging changes (any other person or body/stakeholder considered appropriate). This includes those that are already subject to the What Really Matters consultation, and as such are also subject budget Council approval on 16 December.
- 21.2 Subject to the above it is recommended that the revised FCP as set out in Appendix A is taken through an eight week consultation process. Therefore following consultation it is proposed;
- a. That a fairer contributions charging basis is put into effect.
  - b. That the day services currently treated as non-chargeable become chargeable.
  - c. That the extra care services currently treated as non-chargeable become chargeable.
  - d. That the revised respite charges come into operation following immediate consultation and implementation.
  - e. That the revised short-term charges come into operation.
- 21.3 The following actions are not subject to consultation and should be brought into effect as soon as possible;
- a. That two additional posts are established in Legal Services for DASS recovery action.



- b. The Director of Adult Social Services and the Head of Legal & Member Services appoint external legal capacity for DASS debt recovery.
- c. That the Director of Adult Social Services be given delegated authority with immediate effect to compromise debts in appropriate cases.
- d. That a permanent recovery team is established in Business Processes as set out in the report.

**22.0 REASONS FOR RECOMMENDATIONS**

22.1 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)**

Council Meeting	Date

**Wirral Council  
Department 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.

## **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. The home in which the service user resides

9.1.2. Compensation for personal injury will be disregarded for 52 weeks if the Court did not specify the award was made for care costs.

## 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 payments

10.2. If other adults are living in the property the allowable expenditure may be reduced proportionately

10.3. Welfare repayments and the welfare overpayments are not allowable expenses.

## 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 November 2013**

- 14.1. Domiciliary care £12.28 per hour.
- 14.2. Day Care - £31.22 per day or £15.62 per session
- 14.3. Night sitting £53.28
- 14.4. Transport £4.87 per journey
- 14.5. Assistive technology - £2.50 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**  
**Department of Adult Social Services**  
**THE DEPARTMENT OF HEALTH CHARGING FOR RESIDENTIAL**  
**ACCOMODATION GUIDE 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 DEPARTMENT OF HEALTH CHARGING FOR RESIDENTIAL ACCOMODATION GUIDE 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 the Department of Health's Charging for Residential Accommodation Guide. 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.