

WIRRAL COUNCIL Adult Social Care



SERVICES IN THE COMMUNITY CHARGING POLICY-December 2022

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Wirral Council – Services in the Community Charging Policy

1 Eligibility

- 1.1** Wirral Council has a duty to arrange care and support for those with eligible needs. This applies to adults, aged 18 or over, who are unable to perform some of their day-to-day tasks as a result of age, illness, disability or any significant change in their life.
- 1.2** Following a needs assessment, if it is agreed that eligible care and support needs which significantly impact well-being for a person then support will be offered to help find ways of meeting these needs. This policy is for people who have care and support needs, their carers and people who are planning their future care needs. The link below provides more information about the Council's eligibility criteria:

[Eligibility for adult support services](#)

2 Legal Status

- 2.1** The Care Act 2014 provides a single legal framework for charging and enables a Local Authority to charge a person when arranging to meet a person's care and support. This is set out in Sections 14 and 17 of the Care Act 2014. This charging policy for Community Services came into effect on 1 April 2015 and is based on the Care Act 2014 and the regulations under it including the Care and Support (Charging and Assessment of Resources) Regulations 2014. This policy covers home care and other community-based services. Where this policy refers to Supported Living, it also relates to Housing with Care and Shared Lives Schemes.
- 2.2** This policy is made having due regard to the Statutory Guidance issued by the Secretary of State. Wirral Council will apply the guidance contained in the Care and Support Statutory Guidance 2014, save where the contrary is indicated in this policy. The policy is made having regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, together with the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- 2.3** Where this policy leaves a discretion to the Council, Wirral Council exercise that discretion in the following way:
- The discretion will be applied to ensure as far as possible the person will contribute to the cost of their care and support in accordance with the Care and Support Statutory Guidance.

- Where a discretion has been exercised as part of the financial assessment process, the reasons why the discretion has been exercised in the way it has will be recorded.
- The decision maker who has exercised the discretion will also be noted in the records.

2.4 The overarching principle is that people should only pay what they can afford to pay, and this will be based on a means-test financial assessment unless the person has more than the upper capital limit (which is currently set at £23,250). Some people will be entitled to free care, and this is set out at 2.8 below. Wirral Council will not charge more than the cost that is incurred in meeting the assessed needs of the person.

2.5 If the person has more than the upper capital limit, they will be referred to as a self-funder and expected to pay the full cost of their care until their capital falls below the upper capital limit. The Council will not generally arrange care for people with more than £23,250 but will do so on a case-by-case basis, as and when required. In these circumstances an arrangement fee will be charged for this service. The Council will assist self-funders by sharing relevant financial information and advice and signpost them accordingly. Please see section 18, which contains information and links to organisations that can offer financial advice and support.

2.6 Wirral Council's charging policy will ensure that people are not charged more than it is reasonably practicable for them to pay. The policy is comprehensive, to reduce variation in the way people are assessed and charged. The Council will ensure that financial information is clear and transparent, so people are able to gain a full understanding that charges will be applied for their care and support.

2.7 The financial assessment will be based on the person's income and capital only and their share of any joint income and capital. The Council does not assess couples or civil partners jointly. Capital is defined in section 10.

2.8 Wirral Council charges for all types of community services except for the following:

- Intermediate care including reablement (for up to six weeks)
- Care and support provided to people with Creutzfeldt-Jacob Disease.
- After-care services/support provided under section 117 of the Mental Health Act 1983.
- Any service or part of service which the NHS is under a duty to provide. This includes Continuing Health Care and the NHS contribution to Registered Nursing Care.
- Any services which a local authority is under a duty to provide through other legislation may not be charged for under the Care Act 2014.

2.9 Where Wirral Council is meeting needs by arranging care, the Council is responsible for contracting with the care provider. The Council is also responsible for paying the full amount, including where a 'top up' fee is being paid, e.g., Supported Living. Further information can be found in the Council's Choice of Accommodation and Additional Payments (Top-Up) Policy by following this link:

<https://democracy.wirral.gov.uk/documents/s50033789/ChoiceofAccommodationandAdditionalPaymentstopupsPolicy060616.pdf>

2.10 The only exception to the above is where a person chooses to buy additional care/support which does not form part of the agreed care package to meet the person's eligible needs. In such cases the person will need to make these arrangements themselves and the Council will not be responsible for meeting these costs, nor will the costs be allowed as a Disability Related Expense. Please see section 13 below for more information about Disability Related Expenses.

3 Care Services in the Community

3.1 Type of social care and support may include:

- **Domiciliary Care:** support provided to enable a person to live independently in their own home.
- **Assistive Technology:** a range of electronic devices to support a person to live independently in their own home.
- **Day care:** is typically a community-based facility, which can support a person's health, care, nutritional, social and daily living needs.
- **Transport:** travel assistance maybe available in certain circumstances e.g., to attend a day centre, subject to Wirral Council's Transport Policy
- **Mobile Nights:** provides personal care visits during out of hours for those who wish to remain as independent as possible whilst remaining in their own home.
- **Night sitting:** this service is designed to promote confidence and independence for those who require intense support through the night at home.
- **Supported Living:** describes a service designed to help people with a wide range of support needs retain their independence by being supported in their own home. People in supported living have their own tenancy and are responsible for their own bills and cost of living.
- **Extra Care Housing:** comes in many built forms, including blocks of flats, bungalow estates and retirement villages. It is a popular choice among older people as an alternative to a care home.
- **Extra Care Independent Living:** people who have been identified as having a care need (the majority of whom will meet the eligibility criteria for care services), live within their own self-contained flats. Appropriate support, including personal and social care and support provision is provided by staff employed by the care provider, in accordance with an on-going assessment of need. This supported living care is provided with a reablement focus (where appropriate), to each individual in their own home, by promoting their independence and well-being.
- **Reablement:** enables individuals to regain both the confidence and practical skills to carry out daily living activities. Reablement is for a limited period.

- **Respite:** means taking a break from caring, while the person requiring care is looked after by someone else. There are many respite options ranging from a short stay in a care home so the carer can go on holiday, attendance at a day care or having a paid carer visit them at their home to look after them. This can support and strengthen the ability of the carer.
- **Direct Payments** enable a person to organise their own care arrangements or ask Wirral Council to manage a personal budget for them. Direct Payments are not intended to be less than is required to purchase care and support on the open market, however all care and support purchased will be subject to Council review, it will be legal, appropriate, and meet the needs identified within the personal need's assessment. Please refer to Section 8 for more details
- **Shared Lives:** The 'Shared Lives' service is housing with care support, provided by individuals, couples and families in their own homes who have been approved and trained for that role. A 'person supported' is carefully matched for compatibility to live with a Shared Lives carer as part of their daily living arrangements within the carer's home. Shared Lives carers can also provide support either within or outside of the home of the carer.

4 The Financial Assessment

- 4.1** Wirral Council will carry out a financial assessment to determine what the person receiving care can afford to pay. The financial assessment looks across all of a person's assets, both capital and income, in accordance with the regulations and guidance. A financial assessment can be submitted online via the Council's website using the following link: <https://wirral.mycostofcare.com/OFA>. Alternatively, if the person/their support is unable to use the online route, the Council can obtain the assessment information by telephone.
- 4.2** In a financial assessment, income and capital will either be disregarded (ignored), partly disregarded or included in the calculation. For more information please see Capital disregards in section 10.19.
- 4.3** If the person's capital is more than the upper threshold limit (£23,250), and the Council agrees to commission services on their behalf, the actual cost of the services being received will be charged. As discussed in the previous section, the Council will not generally arrange care for people with more than £23,250 but will do so on a case-by-case basis, as and when required.
- 4.4** Where the person receiving care and support has capital at or below £23,250, but more than £14,250, they will be charged £1 per week for every £250 in capital between the two amounts. This is called "tariff income". For example, if a person has £18,250 (£4,000 above the lower capital threshold £14,250) they are charged a tariff income of £16.00 to be included in their financial assessment along with all other items of income.

- 4.5** Where a person's resources are below £14,250, they will not need to contribute to the cost of their care and support from their capital, i.e., the contribution will be based on their income only.
- 4.6** Every person who receives a financial assessment will be given a written record of the assessment, which will explain how the assessment has been carried out, what the charge will be and how often it will be made. The Council will communicate this in a way that can easily be understood as it is their duty to provide information and advice under the Care Act 2014. If after the financial assessment a person has to pay a contribution towards the cost of their care, they will not be asked to pay more than the assessment says they can afford to pay. Financial assessments are subject to review, typically on an annual basis (around March/April), however, periodic reviews may also take place throughout the year.
- 4.7** If the person lacks the mental capacity to take part in the financial assessment, Wirral Council will consult with individuals who hold:
- Enduring Power of Attorney (EPA)
 - Lasting Power of Attorney (LPA) for Property and Affairs
 - Lasting Power of Attorney (LPA) for Health and Welfare
 - Property and Affairs Deputyship under the Court of Protection or
 - Any other person dealing with that person's affairs (e.g., someone who has been given Appointeeship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).
- In these circumstances, the EPA, LPA or Deputy will take on the financial responsibilities of the person receiving care and will be liable to pay their care fees on their behalf once they have access to their funds. They will be recorded and referred to as the person's Financial Agent.
- 4.8** When people lack mental capacity to give consent to a financial assessment, the Council will work with the Financial Agent. In those circumstances, the Financial Agent will take on the financial responsibilities of the person receiving care and will be liable to pay their care fees on their behalf once they have access to their funds.
- 4.9** For those individuals who do not have anyone to act for them, the appointment of a Property and Affairs Deputy or DWP Appointee will be required. Family members, friends or solicitors can apply for these roles. Where this is not possible, the Council's Client Finance Support Team may assume these responsibilities if the person meets the eligibility criteria for this service. This process does take considerable time, but it then enables the person appointed to access information about bank accounts and financial affairs.
- 4.10** In the financial assessment, the person's capital is considered unless it is subject to one of the disregards set out in section 10.19. The main examples of capital are property and savings.
- 4.11** In assessing what a person can afford to pay, Wirral Council will consider the person's income except for earnings from current employment. Please refer to Section 12 for more information on Income.

4.12 The Council will review the person's assessed charge on an annual basis.

Routinely this review takes place in March/April when annual increases in pensions and benefits occur as well as changes to the Council's charging rates. The Personal Finance Unit will send out updated financial assessments to individuals or their representatives at this time. It is the person's responsibility to check that the information contained within the financial assessment is correct and to notify the Council of any changes. **Unreported changes to finances could result in the financial assessment determining an incorrect charge towards the care costs. When reviewed this could result in a backdated invoice being raised from the date of the change. Alternatively, the review may show that a refund is due.** It is important to notify Wirral Council of any changes in finances immediately to enable a correct review of charges.

4.13 Examples of the changes the Council needs to be told about include an increase or reduction in the amount of a benefit/pension, an award of a new benefit/pension or changes in savings or capital.

4.14 The Council will communicate any changes to the person or representative in a way that can easily be understood, in line with the Council's duty to provide information and advice under the Care Act 2014. People will also be provided with a clear rationale for why any changes have been made, again they will not be asked to pay more than the assessment says they can afford to pay.

5 Light touch financial assessments

5.1 Where Wirral Council plans to meet the person's care needs, and it proposes to undertake a light-touch financial assessment, it should take steps to assure itself that the person concerned is willing, and will continue to be willing, to pay all charges due. The person will be informed that a light-touch assessment has been completed but given the option of a full financial assessment if required, particularly where a person disputes the charges.

5.2 The main circumstances in which Wirral Council may consider carrying out a light touch financial assessment are:

- Where a person has significant financial resources and does not wish to undergo a full financial assessment for personal reasons but wishes to access local authority support in meeting their needs. Wirral Council may be able to assist under certain circumstances and will assume the person has financial resources of more than £23,250, they will be charged the full cost of their care.
- Where the person has refused a financial assessment and the Council has been unable to carry out a full financial assessment, the Council will assume the person has financial resources of more than £23,250 and they will be charged the full cost of their care.

- Where a financial assessment would be disproportionate for example, if the Council charges a small/nominal amount for a service (for example, for subsidised services) which a person is able to meet and would clearly have the relevant minimum income left.
- When a person is in receipt of means-tested benefits which demonstrate that the person would not be able to contribute towards care and support costs.

5.3 Ways in which Wirral Council may be satisfied that a person is able to afford any charges due might include evidence that a person has either:

- Property clearly worth more than £23,250, where they are the sole owner, or it is clear what their share is
- Savings clearly worth more than £23,250
- Sufficient income left following the charge due

6 Charging

6.1 These charging arrangements relate to community-based services, please see the different types of care and support referenced in 3.1.

6.2 A person who receives care and support outside a care home setting will still need to pay their ordinary daily living costs, the charging rules ensure that the person will have enough money to meet these costs. After charging, a person will be left with an agreed amount of money, this is referred to as the Minimum Income Guarantee (MIG), as set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014 and updated by the Department for Health and Social Services. Further information on Minimum Income Guarantee can be found in Section 11.

6.3 Where a Deferred Payment Agreement or Voluntary Legal Charge applies, Wirral Council will consider if this allows enough income to maintain the property concerned. Please refer to Section 14 for further information on Deferred Payments.

6.4 Where a person is in receipt of disability-related benefits, such as Personal Independence Payment, Disability Living Allowance or Attendance Allowance Wirral Council should consider any extra Disability Related Expenditure (DRE) incurred to meet needs which are not being met by the local authority. Please see Section 13 for information about DRE.

6.5 The financial assessment of the person's capital will exclude the value of the property which they occupy as their main or only home, e.g., the place where the person is living. The only exception to this is where the person is moving into Supported Living, in such cases the property they occupied as their main or only home will be included in the financial assessment. Any other capital will be treated as outlined under the capital section in Section 10 below.

7 Carers

7.1 Wirral Council will not charge a Carer for care and support provided directly to the person they care for e.g. Respite Care.

[Support for Carer's](#)

8 Direct Payments

8.1 It is a statutory duty to offer a person a Direct Payment (DP) as a cash alternative to a directly commissioned care and support service in most cases. This can be paid to a person to enable them to employ a personal assistant or to purchase care and support services from a care provider of their choice to provide the care that they have been identified as needing through a Care Act (2014) assessment.

8.2 Direct Payments can also be made to carers who have an identified need as a carer.

8.3 A person can use their Direct Payment flexibly to meet their assessed needs, in a way that suits them, and in a way that provides them with choice and control over their care arrangements.

8.4 People in receipt of a Direct Payment could choose to have their Direct Payment made directly to a care provider or a third party to manage on their behalf.

8.5 People may also choose to pool their Direct Payment with other people in receipt of a Direct Payment where they share support with a number of other people and all wish to receive care flexibly from the same care provider.

8.6 Direct Payments are used to pay for goods and services that are identified in a Support Plan that has been agreed between the person and the Council as meeting the person's assessed needs.

8.7 The preferred method of payment for Direct Payments is by way of a Pre-Paid Card which provides ease of administration and ease of use by the recipient. Pre-Paid Cards also facilitate an efficient way for the recipient to keep records of expenditure and for the Council to undertake audits of Direct Payments account. Further information can be found on the Council's website using the following link:

<https://www.wirral.gov.uk/health-and-social-care/adult-social-care/charging-and-paying-services#wgSM-4>

9 Self-Funders requesting local authority support to meet eligible needs (Care Arrangement Fee)

- 9.1** As discussed, people with eligible needs and financial assets above the upper capital limit (more than £23,250) may ask Wirral Council to meet their needs. The Council will not generally arrange care for people with more than £23,250 but will do so on a case-by-case basis, as and when required. When the person asks Wirral Council to meet their eligible needs for care other than in a care home setting, the Council will meet those eligible needs and will charge a fixed rate administrative fee for arranging this care.
- 9.2** This will be known as a Care Arrangement Fee. This will be in addition to the weekly full cost of care that the person will have to pay. The Care Arrangement Fee will cover the costs of arranging the care including any negotiations and/or management of the contract with a provider and any administration costs incurred. If care is arranged by Wirral Council, the person will pay the hourly rate charged by the provider rather than the Wirral Council hourly rate. The current rate can be found on the Council's website using the following link:
- <https://www.wirral.gov.uk/health-and-social-care/adult-social-care/charging-and-paying-services#wgSM-4>
- 9.3** The Council will assist self-funders by sharing relevant financial information and advice and signpost them accordingly. Please see section 18, which contains information and links to organisations that can offer financial advice and support.

10 Capital

- 10.1** A person with assets above £23,250 will be deemed to be able to afford the full cost of their care and would generally make private arrangements for their community based care/support unless they are unable to do so. Those with capital between £14,250 and £23,250 will be deemed as able to contribute, known as "savings income", from their capital (see paragraph 10.6 for more information on savings income). Any capital below £14,250 will be disregarded.

What is Capital?

- 10.2** Capital refers to financial resources available for use and tends to be from sources that are considered more durable than money in the sense that they can generate a return.
- 10.3** The following list gives examples of capital. This list is intended as a guide and is not exhaustive.
- Buildings
 - Land
 - National Savings Certificates and Ulster Savings Certificates

- Premium Bonds
- Stocks and shares
- Capital held by the Court of Protection or a Deputy appointed by that Court
- Any savings held in Building Society Accounts and Bank Current Accounts, Deposit Accounts or special investment accounts. This includes savings held in the National Savings Bank; Girobank and Trustee Savings Bank; SAYE schemes; Unit Trusts; Co-operatives share accounts.
- Cash
- Trust funds (in certain circumstances).

10.4 It is important that people are not charged twice on the same resources. Therefore, resources will only be treated as income or capital, but not both. If a person has saved money from their income, then those savings will normally be treated as capital. However, they should not be assessed as both income and capital in the same period. Therefore, in the period when they are received as income, the resource will not be counted as capital.

Do we treat the resource as income or capital?

10.5 In assessing a person's assets it may not be immediately clear where a resource is capital or income, particularly where a person is due to receive planned payments. In general, a planned payment of capital is one which is not in respect of a specified period and not intended to form part of a series of payments.

Examples of planned payments:

Tom receives a payment from a Trust established in the will of his late grandmother of £18,000. The money is paid into a building society account in his own name. The Trust is discretionary and there have been no other payments made from the Trust within the last year. The payment of this sum is treated as capital and Tom is treated as the beneficial owner of the whole amount.

Janet receives a payment of £500 from a Trust established in the will of her late father. The money is paid into a bank account in Janet's own name. Janet received a payment of £500 six months ago and again six months before that. In this instance, the payments recur periodically and form part of a series of payments. The payments of £500 are treated as income.

Who owns the capital?

10.6 A capital asset is normally defined as belonging to the person in whose name it is held, the legal owner. However, in some cases this may be disputed and/or beneficial ownership argued.

Beneficial ownership is where someone enjoys the benefits of ownership, even though the title of the asset is held by someone else or where they directly or indirectly have the power to vote or influence a transaction regarding a particular asset. In most cases the person will be both the legal and beneficial owner.

- 10.7** Where ownership is disputed, Wirral Council will ask for written evidence to prove where the ownership lies. If a person states they are holding capital for someone else, Wirral Council will ask for evidence of the arrangement, the origin of the capital and intentions for its future use and return to its rightful owner.

Examples of a capital dispute:

Arlene has £14,000 in a building society account in her own name. She says that £3,000 is set aside for her granddaughter's education. Unfortunately, there is no deed of trust or other legal arrangement which would prevent Arlene using the whole amount herself. She is therefore treated as the beneficial owner of the whole amount.

Lisa has £10,000 in a bank account in her own name and shares valued at £6,500. She provides evidence to show that the shares were purchased on behalf of her son who is abroad and that they will be transferred to her son when he returns to the UK. Although Lisa is the legal owner, she is holding the shares in trust for her son who is the beneficial owner. Only the £10,000 is therefore treated as Lisa's capital.

- 10.8** Where a person has joint beneficial ownership of capital, except where there is evidence that the person owns an unequal share, the total value should be divided equally between the joint owners and the person should be treated as owning an equal share. Once the person is in sole possession of their actual share, they can be treated as owning that actual amount.

Example of joint ownership:

Mary is receiving a package of home care. She and her son David have £21,000 in a joint building society account. Mary has contributed £8,500 and David, £12,500. Each is treated as owning £10,500.

The joint account is then closed, and Mary and David open separate accounts.

Mary now has £8,500 in her account and so is assessed as owning £8,500.

In some cases, a person may be the legal owner of a property but not the beneficial owner of a property. In other words, they have no rights to the proceeds of any sale. In such circumstances the property will not be included, but they would need to provide evidence that the legal owner has no beneficial interest in the property.

How to calculate the value of capital.

Wirral Council will need to work out what value a capital asset has in order to take account of it in the financial assessment. Other than National Savings Certificates, the valuation will be the current market or surrender value of the capital asset, e.g., property, whichever is higher, minus:

- 10% of the value if there will be any actual expenses involved in selling the asset. This will be expenses connected with the actual sale and not simply the realisation of the asset. For example, the costs to withdraw funds from a bank account are not expenses of sale, but legal fees to sell a property would be and
- Any outstanding debts secured on the asset, for example a mortgage.

Please note the Council will only include the value of the property in the financial assessment for non-residential care where the cared for person is moving into Supported Living or where the cared person owns another property as well as the home in which they live.

10.9 A capital asset may have a current market value, for example stocks or shares, or a surrender value, for example premium bonds. The current market value will be the price a willing buyer would pay to a willing seller. The way the market value is obtained will depend on the type of asset held.

If the person and the Financial Assessment Officer both agree that after deducting any relevant amounts set out in 10.8 above, the total value of the person's capital is more than the upper capital limit of £23,250 or less than the lower capital limit of £14,250, it is not necessary to obtain a precise valuation. If there are any disputes, a precise valuation should be obtained. However, Wirral Council will consider how close the person is to the upper capital limit when deciding whether to obtain a precise valuation.

Where a precise valuation is required, a professional valuer should be asked to provide a current market valuation. Once the asset is sold, the capital value to be considered is the actual amount realised from the sale, minus any actual expenses of the sale.

10.10 Where the value of a property is disputed, the aim should be to resolve this as quickly as possible. Wirral Council will try to obtain an independent valuation of the person's beneficial share to enable the Council to work out what charges a person should pay and will help the person, or their representative, to consider whether to seek a deferred payment agreement if applicable.

10.11 The value of National Savings Certificates (and Ulster Savings Certificates) is assessed in the same way as other capital assets. A valuation for savings certificates can be obtained by contacting the NS&I helpline on 0808 500 7007. An alternative method to get the value of National Savings Certificates is to use the NS&I online calculator (please see <https://www.nsandi.com/ilsc-calculator>)

To enable an accurate value for the savings certificates the person will provide details of the certificate issue number(s), the purchase price and the date of purchase.

Assets held abroad

10.12 Where capital is held abroad and all of it can be transferred to the UK, its value in the other country will need to be obtained (this could be in the form of a letter from a property agent confirming the value) as it will be taken into account less any appropriate deductions as outlined in 10.8 above.

Where capital is held jointly, it should be treated the same as if it were held jointly within the UK. The detail will depend on the conditions for transfer to the UK.

10.13 Where the capital cannot be wholly transferred to the UK due to the rules of that country, for example currency restrictions, the person will need to provide evidence confirming this fact. Examples of acceptable evidence could include documentation from a bank, Government official or solicitor in either this country or the country where it is held.

10.14 Where some restriction is in place, the person will need to provide evidence showing what the asset is and the value of the asset. Wirral Council will need to understand the nature and terms of the restriction so that should this change, the actual amount can then be revised accordingly.

Capital not immediately realisable

10.15 Capital which is not immediately realisable due to notice periods, for example National Savings Bank investment accounts, will be considered in the normal way at its face value. This will be the value at the time of the financial assessment but may need to be confirmed and adjusted when the capital is realised. If the person chooses not to release the capital, the value at the time of the assessment will be used and reassessed each year in the normal way.

Where the person receiving care and support inherits a sum of money, this will be included in the financial assessment from the date of entitlement.

Savings Income

10.16 Where a person has assets between the lower and upper capital limits, savings income will be applied. Savings Income assumes that for every £250 of capital, or part thereof, a person can afford to contribute £1 per week towards the cost of their eligible care needs.

Example of savings income:

Nora has capital of £18,100. This is £3,850 above the lower capital limit of £14,250. Dividing the £3,850 by £250 produces a figure of £15.40. When calculating savings income, the amount is always rounded up. This therefore gives an income of £16 per week.

Notional Capital

10.17 In some circumstances a person may be treated as possessing a capital asset even where they do not actually possess it. This is called notional capital.

Notional capital may be capital which:

- Would be available to the person if they applied for it.
- Is paid to a third party in respect of the person.
- The person has deprived themselves of in order to reduce the charge they have to pay for their care.

A person's capital should therefore be the total of both actual and notional capital.

10.18 Where a person has been assessed as having notional capital, the value of this will be reduced over time. The rule is that the value of notional capital will be reduced weekly by the difference between the weekly rate the person has been assessed to pay for their care and the weekly rate they would have paid if notional capital did not apply.

Example of diminishing notional capital:

Mary is receiving care and support at home. She is assessed as having notional capital of £20,000 plus actual capital of £6,000. This means her assets are above the upper capital limit and she needs to pay the full cost of her care and support at £300 per week.

If she did not have the notional capital, it would not affect her ability to pay. Mary has a weekly income of £291.80 and a MIG of £194.70 per week. Mary would therefore be assessed as being able to pay £97.10 per week.

The notional capital should therefore be reduced by £202.90 per week – the difference between the sum Hayley is assessed to pay (£300) and the amount she would have paid without the notional capital (£97.10).

Capital disregarded

10.19 The following capital assets will be disregarded:

- Property in specified circumstances (see 7.20 below).
- The surrender value of any Life insurance policy and or Annuity.
- Payments of training bonuses of up to £200.
- Payments in kind from a charity.
- Any personal possessions such as paintings or antiques, unless they were purchased with the intention of reducing capital in order to avoid care and support charges.
- Any capital which is to be treated as income or student loans.
- Any payment that may be derived from:
- The Macfarlane Trust.

- The Macfarlane (Special Payments) Trust.
- The Macfarlane (Special Payment) Trust.
- The Caxton Foundation.
- The Fund (payments to non-haemophiliacs infected with HIV).
- The Eileen Trust.
- The MFET Trust.
- The Skipton Fund.
- The London Bombings Relief Charitable Fund.
- The value of funds held in trust or administered by a court which derive from a payment for personal injury to the person. For example, the vaccine damage and criminal injuries compensation funds.
- The value of a right to receive:
- Income under an annuity, however, any tax free lump sum not used to purchase an annuity is still treated as capital.
- Outstanding instalments under an agreement to repay a capital sum (money that is due to be repaid to the service user).
- Payment under a trust where the funds derive from a personal injury.
- Income under a life interest or a life-rent.
- Income (including earnings) payable in a country outside the UK which cannot be transferred to the UK.
- An occupational pension.
- Any rent. Please note however that this does not necessarily mean the income is disregarded. Please see below for guidance on the treatment of income.
- Capital derived from an award of damages for personal injury which is administered by a court or which can only be disposed of by a court order or direction.
- The value of the right to receive any income under an annuity purchased pursuant to any agreement or court order to make payments in consequence of personal injury or from funds derived from a payment in consequence of a personal injury and any surrender value of such an annuity.
- Periodic payments in consequence of personal injury pursuant to a court order or agreement to the extent that they are not a payment of income and are
- Refund of tax on interest on a loan which was obtained to acquire an interest in a home or for repairs or improvements to the home.
- Any capital resources which the person has no rights to yet, but which will come into his possession at a later date, for example on reaching a certain age.
- Payments from the Department of Work and Pensions to compensate for the loss of entitlement to Housing Benefit or Housing Benefit Supplement.
- The amount of any bank charges or commission paid to convert capital from foreign currency to sterling.
- Payments to jurors or witnesses for court attendance (but not compensation for loss of earnings or benefit).
- Community charge rebate/council tax rebate.
- Money deposited with a Housing Association as a condition of occupying a dwelling.
- Any Child Support Maintenance Payment.

- The value of any ex-gratia payments made on or after 1st February 2001 by the Secretary of State in consequence of a person's, or person's spouse or civil partner's imprisonment or internment by the Japanese during the Second World War.
- Any payment made by a local authority under the Adoption and Children Act 2002 (under section 2(6) (b) or 3 of this act).
- The value of any ex-gratia payments from the Skipton Fund made by the Secretary of State for Health to people infected with Hepatitis C as a result of NHS treatment with blood or blood products.
- Payments made under a trust established out of funds provided by the Secretary of State for Health in respect of persons suffering from variant Creutzfeldt-Jakob disease to the victim or their partner (at the time of death of the victim).
- Any payments under Section 2, 3 or 7 of the Age-Related Payments Act 2004 or Age Related Payments Regulations 2005 (SI No 1983).
- Any payments made under section 63(6)(b) of the Health Services and Public Health Act 1968 to a person to meet childcare costs where he or she is undertaking instruction connected with the health service by virtue of arrangements made under that section.
- Any payment made in accordance with regulations under Section 14F of the Children Act 1989 to a resident who is a prospective special guardian or special guardian, whether income or capital.
- Windrush Compensation scheme payments made by the Home Office

Example of disregarded capital:

Mr T is a former Far East prisoner of war and receives a £10,000 ex-gratia payment as a result of his imprisonment. He now requires care and support and has a total of

£25,000 in capital. When calculating how much capital should be considered, we will disregard the first £10,000 – the value of the ex-gratia payment. The normal capital rules are then applied to the remaining £15,000.

In this case, the first £14,250 would be completely disregarded in addition to the £10,000. Savings income would therefore only be applied to the remaining £750 giving a charge of £3.

Pension Flexibilities

10.20 From 6 April 2015, several changes were introduced to non-state pensions, which allow individuals to access their pension savings from age 55. These are generally known as “pension flexibilities.” The flexibilities allow an individual to choose what they want to do with their defined contribution fund or money purchase benefits scheme (referred as “pension pot”). If they want to, they can:

- draw out all the pension pot.
- purchase an annuity.

- opt for a drawdown arrangement (where lump sums or regular amounts can be drawn down) without any restriction either in the form of a cap or a minimum income amount.
- do nothing and leave the pension pot untouched

10.21 Effects on working age people:

- While a person's pension pot is held by the pension provider, it falls to be disregarded as capital and no notional income is assumed from the pot.
- Under pension flexibilities, there will be greater opportunity to withdraw money from a pension pot. This is known as a drawdown.
- Where a person chooses to take ad-hoc withdrawals or take the whole sum; then the money falls to be treated as capital.
- Where a person chooses to draw down amounts on a regular basis, then the money falls to be treated as income and should be considered as such.
- Any amount remaining in the pension pot held by the pension provider following drawdowns should be disregarded as capital, and no notional income should be assumed from the remaining pot.
- A person may choose to use their pension pot to purchase an annuity. As with any annuity, the capital held in the annuity is disregarded, but the income is treated as pension income in the financial assessment.

10.22 Effects on Pension Credit qualifying age:

- While a person's pension pot is held by the pension provider, notional income should be assumed from it. The amount of notional income to be considered is the maximum amount of income that may be withdrawn from the pension pot.
- Where a person chooses to take ad-hoc withdrawals or take the whole sum; then the money falls to be treated as capital.
- Where a person chooses to draw down amounts on a regular basis and/or purchases an annuity with it, then the money falls to be treated as income and considered as such.
- Where the pension pot is held by the provider and notional income is assumed, but the person also draws down income from their pension pot, Wirral Council use the whole notional income amount even if the persons decide to take a lesser amount.
- For the purposes of notional income, the person's pot should be re-valued after:
 1. every drawdown of capital.
 2. every drawdown of income which exceeds the notional income amount; or
 3. upon the person's request.

Property and property disregards

10.23 The value of the person's main or only home (e.g., where the person lives) will be disregarded where the person is receiving care in their own home.

10.24 Where the person moves into Supported Living the value of the former home will be included in the financial assessment.

Discretionary disregard

10.25 There may be occasions where Wirral Council will use its discretion to disregard the property in other circumstances. However, in doing so the Council will need to balance this discretion with ensuring a person's assets are not maintained at public expense.

26-week disregard

10.26 In line with the guidance, the following capital assets will be disregarded for at least 26 weeks in a financial assessment. However, there may be occasions where Wirral Council choose to apply the disregard for longer where the Council considers this appropriate. For example, where a person is taking legal steps to occupy premises as their home, but the legal processes take more than 26 weeks to complete.

- Assets of any business owned or part-owned by the person in which they were self-employed worker and has stopped work due to some disease or disablement but intends to take up work again when they are fit to do so. This will apply from the date the person first receives care and support.
- Money acquired specifically for repairs to or replacement of the person's home or personal possessions provided it is used for that purpose. This should apply from the date the funds were received.
- Premises which the person intends to occupy as their home where they have started legal proceedings to obtain possession. This should be from the date legal advice was first sought or proceedings first commenced.
- Premises which the person intends to occupy as their home where essential repairs or alterations are required. This should apply from the date the person acts to affect the repairs.
- Capital received from the sale of a former home where the capital is to be used by the person to buy another home to live in themselves. This should apply from the date of completion of the sale.
- Money deposited with a Housing Association which is to be used by the person to purchase another home. This should apply from the date on which the money was deposited.
- Grant made under a Housing Act which is to be used by the person to purchase a home or pay for repairs to make the home habitable. This should apply from the date the grant is received.

52-week disregard

10.27 In line with the guidance, the following payments of capital will be disregarded for a maximum of 52 weeks from the date they are received.

The balance of any arrears of or any compensation due to non-payment of:

- Mobility supplement
- Attendance Allowance

- Constant Attendance Allowance
- Disability Living Allowance / Personal Independence Payment
- Exceptionally Severe Disablement Allowance
- Severe Disablement Occupational Allowance
- Armed forces service pension based on need for attendance
- Pension under the Personal Injuries (Civilians) Scheme 1983, based on the need for attendance
- Income Support/Pension Credit
- Working Tax Credit
- Child Tax Credit
- Housing Benefit
- Universal Credit or Employment and Support Allowance*
- Special payments to pre-1973 war widows.

As the above payments will be paid for specific periods, they will be treated as income over the period for which they are payable. Any money left over after the period for which they are treated as income has elapsed will be treated as capital.

* Employment and Support Allowance arrears paid to a person due to an official error by the Department for Work and Pensions will be disregarded with no end date, unless the person comes off benefits completely and then returns to benefits.

Payments or refunds for:

- NHS glasses, dental treatment, or patient's travelling expenses.
- Cash equivalent of free milk and vitamins.
- Expenses in connection with prison visits.

Example of a disregard for 52 weeks:

During his financial assessment it is identified that Colin is eligible for Pension Credit but is not currently claiming this benefit. He is therefore assessed as being able to pay £75 per week towards the cost of his care.

Colin tells the local authority that he will apply for Pension Credit. It is explained to him that the level of what he can afford to contribute will be reassessed once he starts to receive the additional benefit. If the payments are backdated, his contributions to the cost of his care will also be backdated and he may therefore need to make an additional payment to meet any arrears. Colin therefore chooses to pay £90 per week. After six weeks, arrears of Pension Credit at £35 per week (£210) are received.

What Colin can afford to contribute is reassessed and he is now asked to pay £110 per week. As Colin has been paying £15 a week more than required, he only owes £120 rather than the full £210 of Pension Credit arrears. The remaining £90 of arrears payments should therefore be treated as capital and disregarded.

2-year disregard

10.28 In line with the guidance, Wirral Council will disregard payments made under a trust established out of funds by the Secretary of State for Health in respect of CJD to a member of the victim's family for 2 years from the date of death of the victim (or from the date of payment from the trust if later); or a dependent child or young person until they turn 18.

Other disregards

10.29 In some cases a person's assets may be tied up in a business that they own or part-own. Where a person is taking steps to realise their share of the assets, these will be disregarded during the process. However, the person will be required to show that it is their clear intention to realise the asset as soon as practicable. In order to show their intent, Wirral Council will request the following information:

- A description of the nature of the business asset.
- The person's estimate of the length of time necessary to realise the asset or their share of it.
- A statement of what, if any, steps have been taken to realise the asset, what these were and what is intended in the near future; and
- Any other relevant evidence, for example the person's health, receivership, liquidation, estate agent's confirmation of placing any property on the market.

10.30 Where the person has provided this information to show that steps are being taken to realise the value of the asset, Wirral Council will disregard the value for a period that the Council considers to be reasonable. In deciding what is reasonable, the Council will consider the length of time of any legal processes that may be needed.

10.31 Here the person has no immediate intention of attempting to realise the business asset, its capital value will be included in the financial assessment. Where a business is jointly owned, this will apply only to the person's share.

Treatment of investment bonds

10.32 The value of investments bonds will generally be included in the financial assessment as a capital asset. The main exception to this will be where the bond includes one or more element of life insurance policies that contain cashing in rights for total or partial surrender. The value of these rights will generally be disregarded.

10.33 Wirral Council recognises that investment bonds can be complex instruments, and the Council retains the discretion to consider the treatment of these on a case by case basis.

Capital treated as income

10.34 The following capital payments will be treated as income:

- Any payment under an annuity, however, any tax free lump sum not used to purchase an annuity is still treated as capital (unless it is already included as generating notional income in the assessment);
- Capital paid by instalment where the total of:
- The instalments outstanding at the time the person first becomes liable to pay for their care, or in the case of a person in temporary care whom we had previously decided not to charge, the first day on which we decide to charge; and
- The amount of other capital held by the person is over £16,000. If it is £16,000 or less, each instalment should be treated as capital.

Income treated as capital

10.35 The following types of income will be treated as capital:

- Any refund of income tax charged on profits of business or earnings of an employed earner; any holiday pay payable by an employer more than 4 weeks after the termination or interruption of employment.
- Income derived from a capital asset, for example, building society interest or dividends from shares. This should be treated as capital from the date it is normally due to be paid to the person. This does not apply to income from certain disregarded capital.
- Any advance of earnings or loan made to an employed earner by the employer if the person is still in work. This is as the payment does not form part of the employee's regular income and would have to be repaid.
- Any bounty payment paid at intervals of at least one year from employment as:
 - A part time fireman.
 - An auxiliary coastguard.
 - A part time lifeboat man.
 - A member of the territorial or reserve forces.
- Charitable and voluntary payments which are neither made regularly nor due to be made regularly, apart from certain exemptions such as payments from AIDS trusts. Payments will include those made by a third party to the person to support the clearing of charges for accommodation.
- Any payments of arrears of contributions by a local authority to a custodian towards the cost of accommodation and maintenance of a child.

Capital available on application

10.36 In some instances a person may need to apply for access to capital assets but has not yet done so. In such circumstances this capital will be treated as already belonging to the person except in the following instances:

- Capital held in a discretionary trust.
- Capital held in a trust derived from a payment in consequence of a personal injury.
- Capital derived from an award of damages for personal injury which is administered by a court.
- Any loan which could be raised against a capital asset which is disregarded, for example the home.
-

10.37 Wirral Council will distinguish between:

Capital already owned by the person but which in order to access they will make an application for. For example:

- Money held by the person’s solicitor.
- Premium Bonds.
- National Savings Certificates.
- Money held by the Registrar of a County Court which will be released on application; and
- Capital not owned by the person that will become theirs on application, for example an unclaimed Premium Bond win. This will be treated as notional capital.
- Premium Bond win. This will be treated as notional capital.

10.38 Where Wirral Council are including capital available on application as notional capital, Wirral Council will only do so from the date at which it could be acquired by the person.

11 Minimum Income Guarantee (MIG)

11.1 A person who receives local authority-arranged care and support outside a care home setting, will still need to pay their ordinary daily living costs, the charging rules ensure that the person will have enough money to meet these costs. Under the Care Act 2014, charges will not reduce people’s income below a certain amount. This is a weekly amount and is known as the MIG (minimum income guarantee) as set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014 and updated by the Department for Health and Social Services.

11.2 The purpose of the Minimum Income Guarantee is to promote independence and social inclusion and ensure that the cared for person has enough funds to meet basic needs such as purchasing food, utility costs or insurance. This amount is after any housing costs such as rent, and council tax net of any benefits provided to support these costs and after any allowed disability related expenditure. Wirral Council’s weekly Minimum Income Guarantee allowance (as of 11 April 2022) is:

	Single Person	Couples
18-Pension age	£96.25	£75.66
18 - Pension age with Disability Premium	£141.50	£105.63
18 - Pension age with EDP	£63.69	£121.47
Pension Age	£228.25	£147.19
Carers premium disregard		£47.13

If the person has less than £23,250 in savings and investments, and the person’s weekly income is less than the Minimum Income Guarantee (MIG) for the person’s

age group, the person will not have to pay towards the cost of the care service.

- 11.3** Where the person receiving care is a carer themselves (e.g., cares for another person) and receives Carer Premium/Carer Allowance of Universal Credit, the Council will disregard the Carer Premium plus a 25% buffer as additional MIG.
- 11.4** Where the person receiving care is responsible for, and a member of the same household as, a child, the Council will disregard an additional £86.20 per week MIG in respect of each child. A “Child” is defined as under age 16 or up to their 20th birthday if still in relevant education and the person is still receiving Child Benefit/Child Tax Credits.

12 Income

- 12.1** Only the income of the cared-for person will be considered in the financial assessment. Where the person receives means-tested income as one of a couple, the starting presumption is that the cared-for person has an equal share of the income. However, Wirral Council will consider the implications for the cared-for person’s partner.
- 12.2** Income is net of any tax or National Insurance contributions.
- 12.3** Income will always be considered unless it is disregarded under the regulations. Income that is disregarded will either be partially disregarded or fully disregarded.

Example of a cared-for person who receiving income as one of a couple:

Jarred is 47 and receiving support at home and has been placed in the Support Group of Employment and Support Allowance (ESA). He lives with his wife, Susan, who has Contribution-Based ESA of £117.60 per week and an underlying entitlement to Carers Allowance. Both Jarred and Susan receive Enhanced Rate Daily Living Personal Independence Payment (PIP) of £92.40 each and Enhanced Rate PIP Mobility of £64.50 per week. (*PIP Mobility is disregarded from the financial assessment*)

Their couple Employment and Support Allowance appropriate amount is £298.70 per week, which includes the couple's personal allowance of £121.05 per week, 2x Severe Disability Premium (£138.80) per week and 1x Carers Premium (£38.85) per week.

Jarred receives £181.10 per week Income-related ESA for both himself and Susan. Jarred's share of the ESA is determined by dividing the amount of Income-related ESA amount in half, e.g. $\frac{£181.10}{2}$ equals £90.55

Jarred's maximum contribution is calculated as follows:

Income-related ESA	£ 90.55 (half the total)
PIP Daily Living Component	<u>£ 92.40</u>
Total	£182.95
Less	
Minimum Income Guarantee	£169.96
PIP disregard	<u>£ 30.55</u>

Maximum Weekly Contribution £ NIL

If Susan is receiving care and support at home, her contribution would be:

Contribution ESA Income-related ESA	£117.60
PIP Daily Living Component	£ 90.55 (half the total)
	<u>£ 92.40</u>
Total	£300.55
Less	
Minimum Income Guarantee	£169.96
PIP disregard	<u>£ 30.55</u>
Maximum Weekly Contribution	£100.04

Example of a cared-for person who is not receiving income as a couple:

Cheryl, who is 67, is receiving support. She lives with her husband, Dan, who is 62. Cheryl receives a State Retirement Pension of £185.15 per week, enhanced rate Personal Independence Payment (PIP) daily living component of £92.40 per week and higher PIP mobility component (£64.50)* plus an occupational pension of £214.55 per week.

Dan gets standard rate of Personal Independence Payment (PIP) Daily Living of £61.85 per week, the enhanced rate PIP mobility* of £64.50 per week and a small occupational pension of £20 per week.

Cheryl and Dan's two children each receive Carer's Allowance for looking after their parents.

Cheryl's "qualifying income" (QI) of £399.70 per week and Dan's QI of £20 per week plus the fact that someone gets Carers Allowance for looking after both of them means their income is too high for Pension Credit.

The applicable couple personal allowance is £278.70 per week. Cheryl's maximum contribution is calculated as follows:

	State Retirement Pension	£185.15
	Occupational Pension	£214.55
	PIP Daily Living	<u>£ 92.40</u>
	Total	<u>£492.10</u>
Less	Minimum Income Guarantee	£194.70
	PIP disregard	<u>£ 30.55</u>

Maximum Weekly Contribution **£266.85**

**PIP mobility is disregarded in a financial assessment.*

However, WC needs to consider the implications of Cheryl's care charges on Dan and make sure the couple receive at least the Pension Credit couple's personal allowance of £278.70 per week.

WC has already disregarded £194.70 of Cheryl's income and also all of Dan's "qualifying income", giving a total disregard of £214.70 per week. This is less than the basic couple's Personal Allowance of £278.70.

Therefore, WC will make a "Spouse Disregard" of £64.00 per week to bring the total disregarded "qualifying income" up to the couple's Personal Allowance.

Cheryl's revised Maximum Weekly Contribution is:	£266.85	Less
	Spouse Disregard	<u>£ 64.00</u> TOTAL
	£202.85	

Earnings

12.4 In all cases, employed and self-employed earnings are fully disregarded in the financial assessment.

12.5 Earnings in relation to an employed earner are any remuneration or profit from employment. This will include:

- Any bonus or commission;
- Any payment in lieu of remuneration except any periodic sum paid to the person on account of the termination of their employment by reason of redundancy;
- Any payments in lieu of notice, or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- Any holiday pay except any payable more than four weeks after the termination or interruption of employment;
- Any payment by way of a retainer;
- Any payment made by the person's employer in respect of any expenses not wholly, exclusively and necessarily incurred in the performance of the duties of employment, including any payment made by the person's employer in respect of travelling expenses incurred by the person between their home and the place of employment and expenses incurred by the person under arrangements made for the care of a member of the person's family owing to the person's absence from home;
- Any award of compensation made under section 112(4) or 117(3) (a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- Any such sum as is referred to in section 112 of the Social Security Contributions and Benefits Act 1992 (certain sums to be earnings for social security purposes);
- Any statutory sick pay, statutory maternity pay, statutory paternity pay, or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- Any remuneration paid by or on behalf of an employer to the person who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because of illness;
- The amount of any payment by way of a non-cash voucher which has been considered in the computation of a person's earnings in accordance with Part 5 of Schedule 3.

12.6 Earnings in relation to an employed earner do not include:

- Any payment in kind, except for any non-cash voucher which has been taken into account in the computation of the person's earnings – as referred to above;
- Any payment made by an employer for expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- Any occupational/personal pension.

12.7 Earnings in the case of employment as a self-employed earner mean the gross receipts of the employment. This includes any allowance paid under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns

12.8 (Scotland) Act 1990 to the person for the purpose of assisting the person in carrying on his business.

Earnings in the case of employment as a self-employed earner do not include:

- Any payment to the person by way of a charge for board and lodging accommodation provided by the person;
- Any sports award.

12.9 Earnings also include any payment provided to prisoners to encourage and reward their constructive participation in the regime of the establishment, this may include payment for working, education or participation in other related activities.

Benefits

12.10 Wirral Council will take most of the benefits people receive into account. Those the Council will include, and disregard are listed below.

12.11 Any income from the following benefits will be taken fully into account when considering what a person can afford to pay towards their care from their income:

- Attendance Allowance**, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
- Bereavement Allowance
- Carers Allowance
- Disability Living Allowance (Care component)**
- Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
- Income Support
- Industrial Injuries Disablement Benefit or equivalent benefits
- Jobseeker's Allowance
- Maternity Allowance
- Pension Credit
- Personal Independence Payment (Daily Living component)**
- State Pension
- Universal Credit.

** Please also refer to partially disregarded income at 12.21.

12.12 Where any Social Security benefit payment has been reduced (other than a reduction because of voluntary unemployment), for example because of an earlier overpayment, the amount considered will be the gross amount of the benefit before reduction.

Annuity and pension income

12.13 An annuity is a type of pension product that provides a regular income for several years in return for an investment. Such products are usually purchased at retirement in order to provide a regular income. While the capital is disregarded, any income from an annuity will be taken fully into account except where it is:

- Purchased with a loan secured on the person's main or only home; or
- A gallantry award such as the Victoria Cross Annuity or George Cross Annuity.

12.14 For those who have purchased an annuity with a loan secured on their main or only home (as per (a) above), this is known as a 'home income plan'. Under these schemes, a person has purchased the annuity against the value of their home – similarly to a Deferred Payment Agreement and this may be disregarded in the financial assessment.

12.15 In order to qualify for the disregard on the income, one of the annuitants will still be occupying the property as their main or only home. This may happen where a couple has jointly purchased an annuity and only one of them has moved into a care home. If this is not the case, the disregard will not be applied.

Where the disregard is applied, only the following aspects will be disregarded:

- The net weekly interest on the loan where income tax is deductible from the interest; or
- The gross weekly interest on the loan in any other case.

Before applying the disregard, the following conditions will be met:

- The loan will have been made as part of a scheme that required that at least 90% of that loan be used to purchase the annuity;
- The annuity ends with the life of the person who obtained the loan, or where there are two or more annuitants (including the person who obtained the loan), with the life of the last surviving annuitant;
- The person who obtained the loan or one of the other annuitants is liable to pay the interest on the loan;
- The person who obtained the loan (or each of the annuitant where there are more than one) will have reached the age of 65 at the time the loan was made;
- The loan was secured on a property in Great Britain and the person who obtained the loan (or one of the other annuitants) owns an estate or interest in that property; and
- The person who obtained the loan or one of the other annuitants occupies the property as their main or only home at the time the interest is paid.

Where the person is using part of the income to repay the loan, the amount paid as interest will be disregarded. If the payments the person makes on the loan are interest only and the person qualifies for tax relief on the interest they pay, the net interest will be disregarded. Otherwise, it will be the gross interest that is disregarded.

12.16 Reforms to defined contribution pensions came into effect from April 2015. The aim of the reforms is to provide people with much greater flexibility in how they fund later life. This may lead to changes in how people use the money in their pension fund. The rules for how to assess pension income for the purposes of charging are:

- If a person has removed the funds and placed them in another product or savings account, they will be treated according to the rules for that product;
- If a person is only drawing a minimal income or no income, Wirral Council will operate in accordance with the treatment of income support claimants: if a person is drawing income from their pension fund which is less than 100% of the annuity the fund would yield, then Wirral Council will only apply notional income equivalent to 100% of the annuity that would be yielded. Any actual income drawn will be disregarded to avoid double counting. This means that where a person draws income that is less than 100% of the annuity that would be yielded, the notional income is the difference between the amount drawn and 100% of the annuity that would be yielded. Where the income drawn is more than 100% of the annuity that would be yielded the actual amount is considered.
- If a person is drawing down an income that is higher than the maximum previously payable under an annuity product, the actual income that is being drawn down will be considered.

See Pension Flexibilities for more information in Section 10.20.

Mortgage protection Insurance policies

12.17 Any income from an insurance policy is usually included in the financial assessment. In the case of mortgage protection policies, where the income is specifically intended to support the person to acquire or retain an interest in their main or only home or to support them to make repairs or improvements to their main or only home, it will be disregarded. However, the income will be being used to meet the repayments on the loan.

The amount of income from a mortgage protection insurance policy that should be disregarded is the weekly sum of:

- The amount which covers the interest on the loan; plus
- The amount of the repayment which reduced the capital outstanding; plus
- The amount of the premium due on the policy.

12.18 It should be remembered that Income Support, Employment and Support Allowance and Pension Credit may be adjusted to take account of the income from the policy.

Example of mortgage protection policy in payment:

Winifred has an outstanding mortgage and was making repayments of £180 per month to her lender until she suffered a stroke. Winifred has a mortgage protection policy which pays her the sum of £240 per month if she is unable to meet repayments due to ill health.

Winifred applies for Employment & Support Allowance. Winifred would usually be entitled to assistance with her mortgage but the amount she receives from her policy is greater than her mortgage. The mortgage protection policy is taken into account as income by the Department for Work & Pensions.

This reduces the amount of Employment & Support Allowance to which Winifred is entitled.

The financial assessment for her care will therefore only include the lower amount of Employment & Support Allowance paid to Winifred together with the excess income from the mortgage protection policy.

Other income that is fully disregarded

12.19 Any income from the following sources will be fully disregarded:

- Direct Payments
- Armed Forces Independence Payments and Mobility Supplement
- War Disablement Pension (except Constant Attendance Allowance)
- Child Support Maintenance Payments and Child Benefit, except where the accommodation in which the adult and child both live is arranged under the Care Act
- Child Maintenance Flat rate
 - a. A flat rate of £7 a week will be disregarded if the service user doesn't qualify to pay the nil rate, and the service user's gross weekly income is less than £100 a week, regardless of how many children the parent with day-to-day care looks after, or how many other children they have.
 - b. A flat rate of £7 will also be disregarded if the service user or current partner get certain benefits (regardless of how many children the parent with day-to-day care looks after, or how many other children they have), including:
 1. Pension Credit
 2. Income Support
 3. Income-based Jobseeker's Allowance (JSA)
 4. Income-related Employment and Support Allowance (ESA)
 5. Universal credit calculated on the basis that they have no income.
 6. State Retirement Pension
 7. Carer's Allowance
 8. Incapacity Benefit
 9. contribution-based Jobseeker's Allowance (JSA)
 10. contributory Employment and Support Allowance (ESA).
- Child Tax Credit
- Council Tax Reduction Schemes where this involves a payment to the person

- Disability Living Allowance (Mobility Component) and Mobility Supplement
- Working Tax Credit
- Savings Credit
- Christmas bonus
- Dependency increases paid with certain benefits (m)Discretionary Trust
- Gallantry Awards
- Guardian's Allowance
- Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme
- Income frozen abroad
- Income in kind
- Pensioners Christmas payments
- Personal Independence Payment (Mobility Component) and Mobility Supplement
- Personal injury trust, including those administered by a Court
- Resettlement benefit
- Savings credit disregard
- Social Fund payments (including winter fuel payments)
- War widows and widowers' special payments
- Any payments received as a holder of the Victoria Cross, George Cross or equivalent
 1. Any grants or loans paid for the purposes of education; and payments made in relation to training for employment.
 2. Any payment from the:
 - Macfarlane Trust
 - Macfarlane (Special Payments) Trust
 - Macfarlane (Special Payment) (No 2) Trust
 - Caxton Foundation
 - The Fund (payments to non-haemophiliacs infected with HIV)
 - Eileen Trust
 - MFET Limited
 - Independent Living Fund (2006)
 - Skipton Fund
 - London Bombings Relief Charitable Fund.

Charitable and voluntary payments

12.20 Charitable payments are not necessarily made by a recognised charity but could come from charitable motives. The individual circumstances of the payment will need to be considered before deciding. In general, a charitable or voluntary payment which is not made regularly is treated as capital.

12.21 Charitable and voluntary payments that are made regularly will be fully disregarded.

Partially disregarded income

12.22 The following income is partially disregarded:

- The first £10 per week of the following:

- War Widows and War Widowers pension
 - Survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme (SGIP)
 - Civilian War Injury pension.
 - Payments to victims of National Socialist persecution (paid under German or Austrian law).
- Where a person is receiving high/enhanced rate of Attendance Allowance Personal Independence Payment Enhanced Rate Daily Living and Disability Living Allowance (Care Component) Wirral Council is not providing night-time care, we will disregard the high rate in the financial assessment, e.g.,
 - £30.55 per week.

Notional income

12.23 In some circumstances a person may be treated as having income that they do not actually have. This is known as notional income. This might include for example income that would be available on application but has not been applied for, income that is due but has not been received or income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care. For guidance on deprivation of assets, please see Section 16. In all cases Wirral Council will satisfy itself that the income would or should have been available to the person.

12.24 Notional income should also be applied where a person has reached retirement age (e.g., when the person reaches the Pension Credit qualifying age) and has a personal pension plan but has not purchased an annuity or arranged to draw down the equivalent maximum annuity income that would be available from the plan. Estimates of the notional income can be received from the pension provider or from estimates provided by the Government Actuary's Department.

12.25 Where notional income is included in a financial assessment, it will be treated the same way as actual income. Therefore, any income that would usually be disregarded will continue to be so.

12.26 Notional income will be calculated from the date it could be expected to be acquired if an application had been made. In doing so, Wirral Council will assume the application was made when it first became aware of the possibility and take account of any time limits which may limit the period of arrears.

Example of notional income:

Andrew is 70 and is living at home. He has not been receiving his occupational pension to which he would have been entitled to from age 66. After contacting his former employer, they state Andrew will be paid the entire pension due from age 65. Wirral Council will therefore apply notional income from age 66.

Example of notional income in relation to new pension flexibilities:

Ben has a pension fund worth £30,000. He has taken the opportunity to access this flexibly and as a result is only drawing down £5 a week as income at the point, he begins to receive care and support.

The equivalent maximum annuity income would be £120 per week. For the purposes of the financial assessment, Wirral Council will assume an income £120 per week.

12.27 There are some exemptions and the following sources of income will not be treated as notional income:

- Income payable under a discretionary trust;
- Income payable under a trust derived from a payment made as a result of a personal injury where the income would be available but has not yet been applied for;
- Income from capital resulting from an award of damages for personal injury that is administered by a court;
- Occupational pension, which is not being paid because:
- The trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources; or
- The trustees or managers of the scheme have insufficient resources available to them to meet the scheme's liabilities in full.
- Working Tax Credit.

13 Disability Related Expenditure (DRE)

13.1 Where a person is in receipt of disability-related benefits, such as Personal Independence Payment, Disability Living Allowance or Attendance Allowance Wirral Council should consider any extra disability-related expenditure incurred to meet needs which are not being met by the local authority. The Council can allow necessary and reasonable disability related expenses as a disregarded expense in the means-tested financial assessment if:

- The expense is a necessary need and directly related to the disability or illness the person has
- The expense cost is reasonable, e.g., greater than the amount an average household would pay for the same item
- The person have provided evidence for each item they wish to claim where possible

Items available for payment by the NHS, such as podiatry for people with diabetes, peripheral arterial disease and rheumatoid arthritis, wheelchairs, specially made boots/shoes, etc should be paid for by the NHS. The person receiving the care will speak to their GP about this.

13.2 Some of the items that may be included as Disability Related Expenses are:

- Payment for any community alarms unless it is included in the Housing Benefit award or Supporting People Grant
- Reasonable costs of any privately arranged care services required, including respite care, this will be identified in the person's care assessment plan
- Prescription costs
- Cost of Chiropody/podiatry not provided by the NHS
- Cost of Specialist washing powder or laundry costs
- Additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt)
- Special or additional clothing or footwear caused by illness or disability above the average costs and not provided by the NHS
- Additional costs of bedding, for example due to incontinence
- Any heating costs, or metered costs of water, above the average levels for the area and housing type, source for average heating costs come from the National Association of Financial Assessment officers
- Utility costs for above average water usage
- Reasonable costs of any necessary basic garden maintenance not included in the person's care plan (evidence the company used pays tax and National Insurance will be required)
- Reasonable costs of any necessary basic cleaning or domestic help not included in the persons care plan and where they have no one who can help them for free (evidence the company used pays tax and National Insurance will be required)
- Purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the local council
- Some special equipment purchases, repair or maintenance not available from NHS or Adult Social Services
- Personal assistance costs, including any household or other necessary costs arising for the person
- Internet access for example for blind and partially sighted people
- Other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable for a council not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport, for example, council-provided transport to day centres is available, but has not been used
- Incontinence items not met by or available from the NHS (proof of an evaluation from the NHS Continence Clinic may be required) it may be reasonable for a council not to allow for items where a reasonable alternative is available at lesser cost. For example, a council might adopt a policy not to allow for the private purchase cost of continence pads, where these are available from the NHS
- Cost of adaptations – not allowed unless identified in Care plan
- Day care charges – not allowed unless identified in Care plan or doctor's letter is provided

- Activities not allowed unless identified in the care plan or a doctor's letter is provided
- Any other necessary, reasonable items directly related to illness or disability,

It should also be noted that this list is not intended to be exhaustive, and any reasonable additional costs directly related to a person's disability should be included.

Example of disability related expenditure:

Zach is visually impaired and describes the internet as a portal into the seeing world – in enabling him to access information that sighted people take for granted. For example he explains that if a sighted person wants to access information they can go to a library, pick up a book or buy an appropriate magazine that provides them with the information they need.

The internet is also a portal into shopping. For example without the internet if Zach wanted to shop for clothes, food or a gift he would have to wait until a friend or family member could accompany him on a trip out, he would be held by their schedule and they would then have to explain what goods were on offer, what an item looked like, the colour and would inevitably be based on the opinion and advice of said friend. A sighted person would be able to go into a shop when their schedule suits and consider what purchase to make on their own. The internet provides Zach with the freedom and independence to do these things on his own.

14 Deferred Payments

14.1 Wirral Council operates a Deferred Payment Scheme. Such schemes are designed to prevent people from being forced to sell their home in their lifetime to meet the cost of their care. The Deferred Payment Scheme mainly applies to people residing in residential care but Wirral Council may also at their discretion open this to those people moving into Supported Living. For further details relating to the Council's Deferred Payments Scheme, please refer to our Adult Social Care Residential Charging Policy – Section 10). Alternatively, Care Act statutory guidance has been produced and this can be viewed in Chapter 9 of the guidance using the following link:

<https://www.gov.uk/guidance/care-and-support-statutory-guidance>

15 Choice of Accommodation (relevant for Supported Living placements only)

15.1 Where the care planning process has determined that a person's needs are best met in Supported Living or a Shared Lives Scheme, Wirral Council will offer an

available placement. The placement that meets the person's needs will be within a setting that charges an agreed amount which the Council is able to fund. The appropriate type of accommodation will be agreed with the person/person's representative as part of the care and support planning process.

- 15.2** The Council will ensure that the person has a genuine choice and will also ensure that at least one option is affordable and within the person's personal budget. However, a person will also be able to choose alternative options, including a more expensive setting where a third party or in certain circumstances the person is willing and able to pay the additional cost. This is known as a Top-Up. This additional payment will always be optional and never as the result of market inadequacies or commissioning failures leading to a lack of choice.
- 15.3** The Council will take steps to ensure the person understands the full implications of this choice, by providing sufficient information and advice around the terms and conditions. Further information can be found in the Council's Choice of Accommodation and Additional Payments (Top-Up) Policy by following this link:

<https://democracy.wirral.gov.uk/documents/s50033789/ChoiceofAccommodationandAdditionalPaymentstopupsPolicy060616.pdf>

Choice of accommodation and mental health after-care

- 15.4** The above also applies to those people who qualify for after-care under section 117A of the Mental Health Act 1983. However, there is an exception in that the cared for person can meet the top-up costs themselves as they will not be contributing towards the cost of their care.

16 Deprivation of assets

- 16.1** People with care and support needs are free to spend their income and assets as they see fit, including making gifts to friends and family. This is important for promoting their wellbeing and enabling them to live fulfilling and independent lives. However, it is also important that people pay their fair contribution towards their care and support costs.
- 16.2** There are some cases where a person may have tried to deliberately avoid paying for care and support costs through depriving themselves of assets – either capital or income. There may also be valid reasons why someone no longer has an asset and therefore, the Council will ensure all cases are fully explored before we consider whether deprivation has occurred.
- 16.3** Deprivation of assets means where a person has intentionally deprived or decreased their overall assets to reduce the amount they are charged towards their care. This means that they will have known that they needed care and support and have reduced their assets to reduce the contribution they are asked to make towards the cost of that care and support.

16.4 Where this has been done to remove a debt that would otherwise remain, even if that is not immediately due, this will not be considered as deprivation.

Example:

Jake took a second mortgage on his property to replace his roof and to update his central heating. He has £10,000 left outstanding on the 2nd mortgage and pays £100 per month. There is 10 years remaining on the 2nd mortgage and WC are allowing as a housing expense.

Jake's father dies and leaves him £20,000. Jake uses £10,000 of this to pay the 2nd mortgage even though he has 10 years left to pay it. WC would disregard the £10,000 used to pay the debt, but include the other £10,000 as capital.

16.5 Where Wirral Council have evidence to support deprivation, the Council will either charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, will seek to recover the lost income or capital from the person to whom the asset has been transferred.

Has deprivation of capital occurred?

16.6 It is up to the person to prove to Wirral Council that they no longer have the asset. If they are not able to, the Council will assess them as if they still had the asset. For capital assets, acceptable evidence of their disposal would be:

- A trust deed;
- Deed of gift;
- Receipts for expenditure;
- Proof that debts have been repaid.

16.7 A person can deprive themselves of capital in many ways, but common approaches may be:

- A lump-sum payment to someone else, for example as a gift;
- Substantial expenditure has been incurred suddenly and is out of character with previous spending;
- The title deeds of a property have been transferred to someone else after April 2015;
- Assets have been put in to a trust that cannot be revoked;
- Assets have been converted into another form that would be subject to a disregard under the financial assessment, for example personal possessions;
- Assets have been reduced by living extravagantly, for example gambling;
- Assets have been used to purchase an investment bond with life insurance.

16.8 Deprivation will not be deliberate in all cases. The question of deprivation should only be considered where the person ceases to possess assets that would have otherwise been included for the purposes of the financial assessment or has turned the asset into one that is now disregarded.

Example of where deprivation has not occurred:

Emma gives her daughter Imogen a painting worth £2,000 the week before she receives some home care. Wirral Council will not consider this as deprivation as the item is a personal possession and would not have been considered in her financial assessment.

Example of where deprivation would be considered:

Looking at the example of Emma above, had Emma had purchased the painting immediately prior to receiving home care, with £2,000 previously in a savings account, deprivation would be considered.

16.9 There may be many reasons for a person depriving themselves of an asset. Therefore, Wirral Council will always consider the following in the first instance:

- Whether avoiding the care and support charge was a significant motivation;
- The timing of the disposal of the asset. At the point the capital was disposed of could the person have a reasonable expectation of the need for care and support; and
- Whether the person had a reasonable expectation of needing to contribute to the cost of their eligible care needs

16.10 It would be unreasonable to decide that a person had disposed of an asset in order to reduce the level of charges for their care and support needs if at the time the disposal took place they were fit and healthy and could not have foreseen the need for care and support.

Example of assets to be considered:

Mrs Kapoor has £18,000 in a building society and uses £10,500 to purchase a car. Two weeks later she receives a package of care including home care and day care and gives the car to her daughter Julie.

If Mrs Kapoor knew when she purchased the car that she would be receiving a package of care, then deprivation will be considered. However, all the circumstances will be considered, so if Mrs Kapoor was assessed as needing care as an emergency and had no reason to think she may need care and support when she purchased the car, this should not be considered deprivation.

Has deprivation of income occurred?

16.11 It is also possible for a person to deliberately deprive themselves of income. For example, they could give away or sell the right to an income from an occupational

pension. As for capital, it is up to the person to prove to Wirral Council that they no longer have the income.

16.12 Where the Council consider that a person may have deprived themselves of income, the Council may treat them as possessing notional income. However, in determining whether deliberate deprivation of income has occurred the Council will consider:

- What was the person's income?
- What was the purpose of the disposal of the income?
- The timing of the disposal of the income? At the point the income was disposed of could the person have a reasonable expectation of the need for care and support?

16.13 In cases where income may have been converted into capital (and this is deemed as deprivation), the Council will determine what savings income may be applied to the capital and whether the subsequent charge is less or more than the person would have paid had the charge being paid based on the income.

Investigations into whether deprivation has occurred

16.14 As part of investigating whether deprivation has occurred, in extreme circumstances the Council will follow the organisational policy around the use of the Regulation of Investigatory Powers Act 2000 (RIPA).

16.15 In all other circumstances the Council will carry out an investigation by asking for and obtaining evidence to support the information given in the financial assessment.

What happens where deprivation of assets has occurred?

16.16 Where Wirral Council decides that a person has deliberately deprived themselves of assets in order to avoid or reduce a charge for care and support, the Council will treat that person as still having the asset for the purposes of the financial assessment and charge them accordingly.

16.17 If the person in depriving themselves of an actual resource has converted that resource into another of lesser value, the person will be treated as notionally possessing the difference between the value of the new resources and the one which it replaced. For example, if the value of personal possessions acquired is less than the sum spent on them, the difference should be treated as notional resource.

Recovering charges from a third party

16.18 Where the person has transferred the asset to a third party to avoid the charge, the third party is liable to pay Wirral Council authority the difference between what it would have charged and did charge the person receiving care. However, the third party is not liable to pay anything which exceeds the benefit they have received from the transfer.

16.19 If the person has transferred funds to more than one third party, each of those people is liable to pay Wirral Council the difference between what it would have charged or did charge the person receiving care in proportion to the amount they received.

As with any other debt, Wirral Council will use the County Court process to recover debts once other avenues have been exhausted.

Example of liability of a third party:

Mrs Tong has £23,250 in her savings account. This is the total of her assets. One week before receiving care she gives her daughters Louisa and Jenny and her son Frank £7,750 each. This was with the sole intention of avoiding care and support charges.

Had Mrs Tong not given the money away, the first £14,250 would have been disregarded and she would have been charged a savings income on her assets between £14,250 and £23,250. Assuming £1 for every £250 of assets, this means Mrs Tong should have paid £36 per week towards the cost of her care.

After 10 weeks of care, Mrs Tong should have contributed £360. This means Louisa, Jenny and Frank are each liable for £120 towards the cost of their mother's care.

17 Debt Collection

17.1 Where a person is struggling to pay their assessed contribution towards their care charges, the person should contact the Council's Personal Finance Unit on 0151 666 5222 to discuss their financial circumstances.

17.2 The recovery of debts from those who are receiving care and support is a sensitive issue given the potential vulnerability of people who use Adult Social Care services. There could also be a variety of reasons why the person has not paid the assessed charge which should be considered. Given this, the Council will bear in mind the following principles when approaching debt recovery:

- Capacity – does the person have capacity to deal with their finances or have an appropriate Financial Agent
- Clear Information – has the Council provided the person/person's representative with the relevant charging information regarding the cost implications of receiving commissioned care/support
- Reasonability/Affordability – the Council will act reasonably, particularly when attempting to recover backdated care charges. Consideration will be given to the affordability of the debt which had accrued and the circumstances surrounding this.
- Communication - Debts will be clearly discussed with the person or their representative

- Payment Arrangements – any repayment arrangements will be mutually agreed and affordable
- When a debt is disputed, an appeals process will be followed

17.3 If a debt has accrued the person can contact the Collections and Recovery Team on 0151 666 3228 to discuss repayment options; the person may be required to complete an Income and Expenditure Form. Based on the information provided, they will be advised of affordable repayments based on their income and outgoings. Further information can be found in the Council's Debt Policy using the following link:

<https://www.wirral.gov.uk/sites/default/files/all/About%20the%20council/Performance%20and%20spending/Wirral%20Council%20Corporate%20Debt%20Recovery%20Policy%202021.pdf>

17.4 Where a person has accrued a debt the Council will use powers under the Care and Support Statutory Guidance issued by the Department of Health and Social Care with specific reference to Annex D relating to the Recovery of Debts. This may involve the Council initiating legal proceedings to recover the debt. However, the Council should only use this power after other reasonable alternatives for recovering the debt have been exhausted. Further information can be found using the following link:

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#AnnexD>

18 Financial Information and Advice

18.1 Under section 4 of the Care Act local authorities have a duty to establish and maintain an information and advice service relating to care and support for adults and support for carers. Information and advice will be proportionate and accessible. This applies to financial information and advice and means that the person concerned (or their representative) will be able to understand any contributions they are asked to make and how they can pay.

18.2 Wirral Council will therefore provide information to help people to understand care charges, (including how contributions are calculated), and means- tested support available, top-ups, and how care and support choices may affect costs.

18.3 Wirral Council will also make people aware of independent financial advice, including flagging up the existence of regulated financial advice. This is to ensure that people have a better understanding of how their available resources can be used more flexibly to fund a wider range of care options. In these cases, Wirral Council will ensure that people are helped to understand how to access this advice.

- 18.4** There will be occasions where Wirral Council can provide the advice and similarly where the person will be referred elsewhere.
- 18.5** Such advice that Wirral Council will provide will be limited to how to understand care charges; ways to pay; money management; making informed financial decisions and facilitating access to independent financial information and advice.
- 18.6** Where the Council recommend the person seeks independent financial advice, the Council will make the person aware which independent services may charge for the information and advice they provide. The Council will also describe the general benefits of independent information and advice and explain the reasons why it may be beneficial for a person to take independent financial advice.

For additional independent advice regarding Care Charging for Adult Social Care in the Community there are a number of free factsheets and information available on the internet.

These are available at:

<http://www.ageuk.org.uk/publications/age-uk-information-guides-and-factsheets/>
<http://www.disabilityrightsuk.org/charging-residential-accommodation>
<https://www.ageuk.org.uk/information-advice/care/paying-for-care/paying-for-homecare/>
<https://www.citizensadvice.org.uk/family/looking-after-people/carers-help-and-support/>
<https://www.wirral.gov.uk/health-and-social-care/adult-social-care/paying-adult-support>
<http://www.moneyadviceservice.org.uk/en>
<http://www.fca.org.uk/>
<http://www.payingforcare.org/>
<http://www.firststopcareadvice.org.uk/>

19 What to do if you disagree with your financial assessment

- 19.1** You can ask the Council to look again at the amount you have been assessed to contribute toward the cost of your service, if you think something is incorrect or if you don't understand the assessment outcome information.
- 19.2** You may wish to point out any mistakes that you believe the Council have made. You may think the Council have made the wrong decision because the Council have missed some information, or the Council do not know something about your circumstances, including any exceptional expenses because of an illness or disability. You may have forgotten to tell us about something.
- 19.3** If so, please contact the Council on 0151 666 5222 and let the Council know what you think is wrong. You may be asked to provide supporting evidence.

19.4 The Council will then review the assessment and correct any errors where the Council can. If the Council's original decision is found to be incorrect, the Council will update your contribution and tell you the revised amount. If the Council's decision is found to be correct, the Council will tell you why.

19.5 The Council aim to complete this review in 14 working days from receipt of the request (or supporting evidence).

19.6 If you are still not satisfied with the decision, you can appeal against it.

19.7 If you remain unhappy, then you should submit an Appeal to the Complaints Disputes & Appeals Officer (CDAO) at the postal or email address on your contribution or decision letter. You will tell the Council why the decision or assessment is wrong (i.e. not that you simply disagree with the decision).

19.8 The CDAO will review your case to make sure that:

- The charge has been raised in accordance with the Council's charging policies
- The Council have followed the correct procedures when calculating your contribution
- Equity and fairness is maintained to other people who have been assessed and charged in similar circumstances.

19.9 While your appeal is being considered, you will continue to get invoices based on your original financial assessment. You should continue to pay any invoices to avoid running up any debts on your account. If your appeal is successful and CDAO reduces all or part of your contribution, any overpayments you have made on your account while your appeal was being considered will be either refunded to you or credited to your account. If your appeal is rejected, you will be told the reasons why it was unsuccessful, and your financial assessment will be based on the original information you have supplied.

What if I am unhappy with the Appeal decision?

19.10 If you are still not satisfied with your financial assessment after the appeal process, you may make a formal complaint please see details below.

20 Complaints

20.1 It is recognised that making a complaint can be a stressful experience. The Council seek to minimise this stress and wish to make it as easy as possible to make a complaint. A person may wish to make a complaint about any aspect of the financial assessment or the fact that the Council have chosen to charge.

Wirral Council will therefore make it clear what the complaints policy is and provide information and advice on how to lodge a complaint.

20.2 All complaints relating to the Adult Social Care Charging Policy should be referred to the Complaints Resolution and Information Team (Adult Social Care). Full details on how to do this and how complaints are handled can be found on the Council's website using the following link:

<http://www.wirral.gov.uk/about-council/complaints/complaints-about-adult-social-services>

20.3 The Complaints Resolution and Information Team (Adult Social Care) can be contacted

- By email - dasscomplaints@wirral.gov.uk
- By telephone – 0151 666 4810
- In person
- By letter to the Complaints Resolution and Information Team (Adult Social Care), Wirral Council, PO Box 290, Brighton Street, Wallasey, Wirral, CH27 9FQ