

Fairer Contributions for Non-Residential Social Care
Services in Bath & North East Somerset
A Guide to the Policy
April 2013

Fairer Contributions for Non- Residential Social Services

INTRODUCTION

Bath & North East Somerset Council, through its partnership arrangements with Sirona Care & Health and Avon & Wiltshire Partnership, arranges social services for people who have been assessed as needing care and support to remain independent in their own home. There is a charge for these services which is calculated as part of an individual financial assessment process.

Since 2003 local councils have followed national government guidance about charging and financial assessments for care and support services which help people to stay at home. These services are also known as 'non-residential social services'.

This document sets out the financial assessment and charging arrangements in Bath & North East Somerset for non-residential social services. This policy has been applied in Bath & North East Somerset since April 2010 and is consistent with all national government guidance.

We recognise that inequality, disadvantage and discrimination exist in society. Bath & North East Somerset Council accepts its responsibility to ensure that everyone who receives non-residential social services regardless of their ethnic origin, religion, language, age, sexuality, gender or disability is treated fairly and equitably under this policy.

WHY WE CHARGE FOR NON-RESIDENTIAL SOCIAL SERVICES

Bath & North East Somerset Council (along with all other local councils) has the legal power to collect a financial contribution for the services it provides and this includes services purchased using Personal Budgets. This income helps to fund the non-residential social services the Council provides.

The legal act that gives us this discretionary power is Section 17 of *The Health and Social Services and Social Security Adjudication Act 1983* (HASSASSA Act 1983).

It is important that we understand the individual financial circumstances of people who receive non-residential social services, so before we charge anybody we carry out a financial assessment and this decides how much contribution an individual will pay towards the costs of the services they receive.

DOES EVERYONE HAVE TO PAY TOWARDS THE COST OF THEIR CARE?

The financial assessment is based on individual financial circumstances and not on the amount of service a person receives, so not everybody has to pay the same amount. A few examples where no contribution is required are:

- If you get Income Support¹, but do not receive Attendance Allowance (AA) or a Personal Independence Payment (PIP)²
- If you receive support from the Sirona Re-ablement Service to help you home from hospital or to prevent you needing residential care
- If you are a Carer who is receiving a service in your own right to assist you with the care needs of another service user
- If you are eligible for a free Supporting People service, however, if you also receive social care services you will be financially assessed for these
- If you are receiving services under S117 of the Mental Health Act 2007

Through our partnership with Sirona we also provide equipment to help with independent living, such as chair raisers and minor adaptations like hand-rails, which are not charged for.

There may be re other situations where we would not charge, these would be discussed with people individually as part of their financial assessment.

WHICH SERVICES DOES THE FAIRER CONTRIBUTIONS POLICY COVER?

Personal Budgets: All social care service users in Bath & North East Somerset are offered a Personal Budget to meet their care and support needs. This policy is used to calculate how much a person will pay towards the cost of their Personal Budget. Charges for Personal Budgets are payable for every full week a person receives a Personal Budget regardless of whether or not the full weekly amount is spent.

¹ In October 2013 Income Support and a range of other working age benefits will be replaced with a single benefit called Universal Credit

² Personal Independence Payments will replace Disability Living Allowance DLA from June 2013

Personal Budgets may be used to purchase a range of care and support services such as:

- **Respite Care³**: A short break in a residential care home or a replacement care service in a person's own home
- **Personal Assistants**: People employed by a service user to help them with all aspects of daily living including personal care and social activities
- **Home/ Domiciliary Care**: Personal care in a person's own home to help with washing, dressing, eating/drinking to maintain independent living
- **Day Care**: Opportunities for people to meet other people, take up new interests or work opportunities
- **Meals⁴**: Meals provided at day centres and help with meal preparation in a person's own home
- **Transport**: Transport to and from social care e.g. day centres
- **Telecare**: Helps people live independently in their homes by providing technological help for example, sensors or alarms
- **Supported Living**: A combination of all of the above types of care and support, usually delivered by a single service provider
- **Other types of support**: Some people may choose to use their Personal Budget to meet their social care needs in a different way e.g. buying a computer to assist with on-line shopping to replace the need for domestic help

Extra Care: This policy is used to calculate how much a person will pay towards the cost of their Extra Care services (core service) and any additional 'top up' care and support services purchased with a Personal Budget. Charges for Extra Care services are payable for every full week a person receives an Extra Care service regardless of whether or not the person is resident in the scheme e.g. in hospital, on holiday.

HOW DO WE WORK OUT YOUR FINANCIAL CONTRIBUTION?

We work out how much you will be asked to contribute to your Personal Budget or Extra Care service by completing an individual financial assessment. One of our Visiting Officers may be able to help gather all the information we need in order to ensure your assessment is fair, or you may be asked to send us information in the post. The financial assessment will be based on the evidence you provide of your

³ NB If residential respite is the only social care service you are receiving you will not be charged under this policy however you may be charged under the national residential care homes charging policy known as CRAG

⁴ NB This does not include Community Meals which are charged for on a 'pay as you go' basis

income and savings. You will also be offered help with claiming any benefits you may be entitled to.

If your financial circumstances change at any time you must let us know about these changes as they may affect your assessment and the contribution you need to pay. If you do not let us know and we find out at later date, you may have to pay a backdated contribution if your assessment has changed.

Sometimes different people may receive a similar amount of social care services, however because their financial circumstances are significantly different they may be asked to pay very different amounts towards the cost of the services they receive **i.e. the amount you may be asked to pay will depend on your financial circumstances and not of the number or frequency of different services you receive.**

WHAT DO WE INCLUDE IN YOUR FINANCIAL ASSESSMENT?

The financial assessment is based on information supplied by you. We look at income, savings and capital. Some income and savings will be ignored and some is counted towards the contribution. It is always based on your individual circumstances.

We do this to make sure that everyone has a basic amount to cover living costs such as heating, lighting, food and clothing. Government guidance tells us that this basic amount must be the same amount as basic Income Support⁵ or Pension Credit⁶. Guidance also tells us we must add in a further buffer of 25% on top of any individual entitlement to make sure you are not left with a very low level of income. For the last two years Bath & North East Somerset Council made a local decision to set this buffer at 30% but from April 2013 the buffer will be brought into line with national guidance and will be set at 25%.

For 2013/14 the minimum income levels including the 25% buffer are set out in Appendix 2. What this means in practice is that these are the minimal levels of income you will be allowed to keep. Appendix 2 provides details of how these minimum income levels are been calculated.

We also make sure everyone has enough money to cover things like housing costs including rent, mortgage payments, buildings insurance and Council Tax (we do not count any Housing Benefit or Council Tax Support⁷ you may receive towards your financial assessment).

⁵ In April 2014 Income Support, Housing Benefit and a range of other working age benefits will be replaced with a single benefit called Universal Credit

⁶ Pension Credit will be affected by the changes outlined above from April 2014

⁷ Previously known as Council Tax Benefit

We will also take into account any expenditure or income that might relate specifically to your disability, for example additional laundry costs, special diets or a community alarm.

WHAT COUNTS AS INCOME?

We will look at your total weekly income including all benefits, allowances and pensions, all private and occupational pensions and any tariff income*

***We will explain tariff income in the next section.**

Some money is then ignored either totally or in part; these are called *disregards* and are listed below:

- All earnings from employment (this includes day centre bonuses)
- War Pension or War Widows Pension (mobility supplement and supplementary pension)
- Carers Allowance
- Disability Living Allowance (mobility component) and/or lower rate care component⁸
- The difference between middle and higher rate DLA care component if the person does not receive night care support
- Personal Independence Payment (mobility component and/or standard or enhanced care component)⁹
- The savings credit element of Pensions Credit
- Tax Credits
- The difference between lower rate and higher rate Attendance Allowance if the person is in receipt of higher rate Attendance Allowance and does not receive night care support

WHAT COUNTS AS SAVINGS & CAPITAL?

If you have savings & capital less than £14,250 we do not count those. If you have more than £23,250 in savings and capital we expect you to pay the full cost of your care or support. If you have between £14,250 and £23,250 we work out your tariff income.

⁸ Personal Independence Payments will replace DLA from June 2013

⁹ Personal Independence Payments will be made up of a mobility component, and a standard or enhanced care component; there will be no night time care support component

When assessing what is available to be considered as capital we refer to the Government guidance known as *Charges for Residential Accommodation Guidance* (CRAG). In general, capital included in the financial assessment process is most forms of cash and savings including money held in banks, building societies and all other investments as set out in CRAG.

If a service user transfers capital or property to a third party or otherwise disposes of a capital asset to avoid or reduce charges, we will carry out the financial assessment as if they still have that capital.

The value of a property occupied by the service user as their sole or main residence will be disregarded. The value of any other property either owned or part owned by the service user will be regarded as capital and is therefore likely to result in the service user being assessed as 'self-funding' i.e. above the £23,250 capital threshold.

HOW DO WE CALCULATE TARIFF INCOME?

When you have savings between £14,250 and £23,250, we expect you to contribute £1 per week for every block of £250 (or part of £250) for example if you have savings of £16,500 we assume a tariff income of £9 per week which we count towards your financial assessment.

$$£16,500 - £14,250 = £2250$$

$$£2250 / £250 = 9$$

$$£1 \times 9 = £9$$

HOW ARE COUPLES ASSESSED?

Where the service user is one of a couple, the Council's policy is to ask for details of income/expenditure and capital for both partners (however, a spouse is under no obligation to provide this unless in receipt of benefits as a couple). **We recommend that the financial details of both partners are assessed as we will always use the assessment which is most favourable to the service user.** If both members of a couple receive a service then they will be assessed together as a couple and will both pay 50% of the assessed contributions.

DISABILITY RELATED EXPENDITURE

Some people have extra costs that relate to their illness or disability. If you have any special costs please tell us and we will take these into account in your financial assessment. We look at this on an individual basis, as it may be possible for us to reduce the amount you have to pay or decide you do not need to pay at all.

You can tell us about your Disability Related Expenditure by speaking to your social worker. This information should be gathered as part of your needs assessment for social care services and it is up to your social worker to ask you about this and to collect any supporting evidence of expenditure.

Full details of all the expenditure we will consider as DRE can be found in **Appendix 3** of this policy.

WHAT EVIDENCE DO WE EXPECT TO SEE?

We expect you to provide evidence of your income and savings for your financial assessment as well as evidence of all Disability Related Expenditure. There are no specific rules about what counts as appropriate documents but if you have a bank account we would expect to see statements and evidence of other assets such as share certificates, trust funds or personal injury documents in their entirety and we will ask for copies.

We will give you reasonable time limits to provide the documents but if they are not provided within the timescales we set we may decide that you have withheld your consent.

You do not have to consent to a financial assessment. If you choose not to have a financial assessment we will still support you with arranging services through our partnership with Sirona but you will have to pay the full cost of your care and support to your service provider(s).

HOW DO WE BILL YOU?

After we have completed your financial assessment we will write to you telling you how much your financial contribution will be. There is no maximum contribution, but if your assessment shows that the amount you are able to pay is more than the cost of the services you receive, you will be regarded as 'self-funding' and the Council will not be responsible for funding any of the social care services you receive.

If you have chosen to ask the Council to set up services for you with a Personal Budget we aim to send you an invoice within 6 weeks from the time you began to

receive your Personal Budget although you will have to pay your contribution for each week you have received a service.

We will invoice you every calendar month after that. You have 14 days to pay the invoice. **You are strongly advised to set up a Direct Debit agreement to pay your financial contribution and this is an option that we can help you with.**

If you receive a Personal Budget as a Direct Payment, we will not invoice you, but instead we will deduct your contribution from the Direct Payment we give you. You must then pay your financial contribution into your Direct Payment account. You can do this by setting up a Direct Debit from your personal bank account into your Direct Payment account.

If there are delays in completing your financial assessment because you have not provided the evidence we have requested your charge will be backdated to the date you began to receive services. If there are delays because of other issues we will treat each case on an individual basis.

WHAT HAPPENS IF I DON'T PAY?

If you don't pay within 14 days of receiving an invoice we will send you a reminder. If it remains unpaid after another 14 days we will contact you to ask why.

In line with Council guidance to recover debts we will then follow a staged procedure for any service user who refuses to pay their assessed contribution. This procedure may ultimately result in the Council applying to the courts for the recovery of debt where other approaches have been unsuccessful.

REVIEWS AND APPEALS

You can request a review of the level of contribution you have been asked to pay if you think it is unreasonable. You may have forgotten to tell us about your Disability Related Expenditure or you may believe we have calculated your assessment wrongly or there may be other reasons why you feel unable to pay such as other debts. If this is the case you can request a review by contacting your social worker who will refer your case to the Council's Finance Service.

If, after review you are still unhappy with the level of contribution you have been asked to pay you can make an appeal to the Council. The Council relies on its partner organisations (Sirona and Avon & Wiltshire Partnership) to make recommendations about reduction or write off of assessed contributions and any

associated debts that may have accrued however final decisions in relation to all reviews and appeals remain with the Council.

If your assessment has been completed correctly taking into account all Disability Related Expenditure and there are no exceptional circumstances then the Council is unlikely to support your appeal however each case will be considered on an individual basis.

FURTHER INFORMATION

If you need any more information or help to understand this document, please write to:

**“Fairer Contributions”
Non-Acute & Social Care
Trust Headquarters
St Martin’s Hospital
Clara Cross Lane
Bath BA2 5RP**

Or telephone:

01225 477000

Examples of how we work out a person’s contribution to their Personal Budget using the Fairer Contributions Policy can be found in **Appendix 1** of this document.

Appendix 1

Examples of Fairer Contribution Calculations

We will have looked at your income and taken away your individual benefit entitlement plus 25% buffer (see Table 1). We will also have taken off any eligible outgoings and any Disability Related Expenditure. The amount that is left is your Assessable Income.

| Total Income | Allowances | Assessable Income |
|---|---|--|
| This is the total amount of money from all sources you have coming in each week | These are the amounts we allow you to keep to cover your basic needs: <ol style="list-style-type: none"> 1. Income Support +25% buffer 2. Eligible Outgoings 3. Disability Related Expenditure | This is the amount of money that is left over after your basic needs have been accounted for. This is the amount of money that we will use to work out how much you can afford to contribute. It is the amount that is left over when we take away and Allowances from your Total Income |

Example 1: Fred is an 80 year old man who lives alone. He owns his own home (no mortgage) and gets full Council Tax Benefit. He has £5,000 in savings. His Personal Budget has been calculated at £100 per week and he has asked the council to arrange all his support for him.

| Total Income | Allowances | Assessable Income |
|---------------------------------------|--|---------------------------|
| State Retirement Pension = £97.25 | Pension Credit +25% = £181.75 | Total Income = £257.90 |
| Pension Guarantee Credit = £107.65 | Eligible Outgoings = £0 | Allowances = £201.75 |
| Attendance Allowance = £53.00 | Disability Related Expenditure = £20.00 | |
| = £257.90 | = £201.75 | = £56.15 |

Fred's Assessable Income is the maximum contribution that he would be expected to pay

Fred's Personal Budget is £100 per week however he would only be expected to contribute £56.15 to this as this is the maximum amount he can afford to pay.

Example 2: Mary is a 76 year old woman who lives alone in supported accommodation (rent £25 per week). She has savings of £18,000. Her Personal Budget is £60 per week.

| Total Income | Allowances | Assessable Income |
|--|--|--|
| State Retirement Pension = £177.00 Occupational Pension = £113.00 Attendance Allowance (higher rate) = £79.15 Tariff income = £15.00 | Disability Related Expenditure = £45.00 Pension Credit +25% = £181.75 Council Tax = £25.00 Rent = £30.00 No night care supplement = £26.15 | Total Income = £384.15 Allowances = £307.90 |
| = £384.15 | = £307.90 | = £76.25 |

Mary's Assessable Income is the maximum contribution she would be expected to pay

Mary's Personal Budget is £60 per week however because her Assessable Income is more than this Mary would be expected to cover the full cost of her care

In other words, Mary is considered to be self-funding and will not in fact receive a Personal Budget from the Council.

Appendix 2
Calculations of Minimum Threshold Entitlement

| Age Range | Applicable Amount | 25% Buffer | Total | Description / Premiums |
|--|--------------------------|-------------------|--------------|--|
| Single person over Pension Guarantee Credit Qualifying Age (PGCQA) | 145.40 | 36.35 | 181.75 | Single Rate of Pension Guarantee Credit + 25% |
| Couple over PGCQA | 222.05 | 55.51 | 277.56 | Couple Rate of Pension Guarantee Credit + 25% |
| Single person aged 18-24 | 87.80 | 21.93 | 109.63 | Single Rate of Income Support + Disability Premium ages 18 - 24 + 25% |
| Single person aged 18-24 | 102.95 | 25.74 | 128.69 | Single Rate of Income Support + Disability Premium + Enhanced Disability Premium + 25% |
| Single person aged 25- PGCQA | 102.70 | 25.68 | 128.38 | Single Rate of Income Support + Disability Premium + 25% |
| Single person aged 25- PGCQA | 117.85 | 29.46 | 147.31 | Single Rate of Income Support + Disability Premium + Enhanced Disability Premium + 25% |
| Couple aged 18 - PGCQA | 156.75 | 39.19 | 195.94 | Couple Rate of Income Support + Disability Premium + 25% |
| Couple aged 18 - PGCQA | 178.50 | 44.63 | 223.13 | Couple Rate of Income Support + Disability Premium + Enhanced Disability Premium + 25% |
| Carer's Premium | 33.30 | 8.33 | 41.63 | Carer's premium |

Appendix 3
Disability Related Expenditure

| Expenditure | Assessment Method |
|--|--|
| <p>Dispersed Community Alarm Does not apply to sheltered housing tenants with fixed alarm system</p> | <p>The weekly cost of this can be included in full if it is not met within the rent or included as part of a free Supporting People service such as the Independent Living Service. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |
| <p>Privately Arranged Care Does not apply to non FACS eligible needs and does not apply where resources are already allocated in PB to meet eligible needs</p> | <p>Where possible, all FACS eligible care needs should be identified and included during the social care assessment and support planning process and resources allocated accordingly in the person's PB. For privately arranged care set up prior to social care assessment/involvement, the actual cost can be included provided this does not significantly exceed reasonable local benchmark costs. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |
| <p>Privately Arranged Domestic Help Does not apply to non FACS eligible needs and does not apply where resources are already allocated in PB to meet eligible needs</p> | <p>As for Privately Arranged Care above</p> |
| <p>Additional Laundry Costs For example due to incontinence, personal hygiene problems, skin conditions</p> | <p>The reason for additional laundry costs must be established. An additional £1.25 per load per week can be included based on assessment of reasonable additional use which would not generally be expected to be more than three loads per week.</p> |
| <p>Special Diet For example due to illness or disability</p> | <p>The illness or disability giving rise to the special diet must be established as must the nature of the diet itself. An additional £2.50 per week can be included although a higher figure may be allowed if evidence can be produced to support this. For example where the weekly shop has gone up by an identifiable amount following a change in diet recommended by a doctor/ dietician however this would not generally be expected to be more than £5 per week. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |
| <p>Special Clothing or Footwear For example due to disability</p> | <p>The illness or disability giving rise to the special requirement must be established as must the</p> |

| | |
|--|--|
| <p>requiring items to be specially made</p> | <p>nature of the item itself. The actual cost can be included, calculated as a weekly amount based on assessment of reasonable additional cost. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |
| <p>Additional Wear & Tear of Clothing, Footwear or Bedding For example due to uneven weight distribution, tearing of clothing due to behavioural reasons or additional use of bedding due to incontinence</p> | <p>The illness or disability giving rise to the requirement must be established as must the nature of the items affected. An assessment of reasonable additional cost must be completed and this can be included, calculated as a weekly amount however this would not generally be expected to be more than £2 per week. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |
| <p>Additional Heating or Water Costs Additional water costs may only be included for meter users</p> | <p>The illness or disability giving rise to the additional heating need must be established. Gas and electric bills over last twelve months must be identified as well as any amount for heating included in the rent. A reasonable additional amount may be included, calculated by comparing previous average usage to current usage, expressed as a weekly amount. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |
| <p>Purchase, Maintenance or Repair of Equipment For example computer equipment required for communication</p> | <p>The illness or disability giving rise to the requirement must be established as must the item(s) itself. All equipment must relate to FACS eligible needs or provided as a preventative measure to avoid an escalation of need. Where possible equipment should be sourced from the B&NES Community Equipment Service via Sirona. A reasonable additional amount may be included, calculated as a weekly amount. Appropriate confirmation of cost must be submitted to the Client Finance Team.</p> |