

COMMUNITIES DIRECTORATE

ADULT SOCIAL CARE MANUAL

PLEASE NOTE THIS POLICY DOES NOT COMMENCE UNTIL 15 JANUARY 2011

SERVICE AREA:	ADULT SERVICES GROUP
TITLE:	CHARGING POLICY FOR NON-RESIDENTIAL SOCIAL CARE SERVICES
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BRIEF DESCRIPTION:

This replaces what was previously known as the Fairer Charging Policy. This document sets out the locally determined charges for Adult Social Care in Lincolnshire.

RELATED FORMS:

<u>Form No:</u>	<u>Description:</u>	<u>Date Issued:</u>

LINCOLNSHIRE COUNTY COUNCIL

ADULT SERVICES GROUP

Charging Policy for Non-Residential Social Care Services

2010

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Glossary of terms

This glossary contains terms that are contained within the Lincolnshire County Council Adult Services Group Charging Policy 2010.

There are cross-references shown in bold and in brackets where the glossary contains another term that has some connection with the one being read. Terms are shown in alphabetical order. Some terms have relevant links to other websites included in the explanation.

Adult Charging Policy

This replaces what was previously known as the Fairer Charging Policy. These are reviewed periodically.

Annual Statement of Charges

This is a document that sets out the locally determined charges for Adult Social Care in Lincolnshire.

ASC

Adult Social Care

Assessment of Need

Used to identify an individual's social care and support needs and their eligibility for care and support through use of Fair Access to Care Services eligibility criteria (**see Fair Access to Care Services**). An assessing practitioner carries out most assessments and will involve the individual needing support in the process. The Government's personalisation agenda is encouraging greater involvement of individuals in the assessment process through the Putting People First programme (**see Needs Assessment Questionnaire (NAQ)**).

Charges for Residential Accommodation Guidance (CRAG)

This document is guidance which can and will be considered when assessing what capital and income can be taken into account when completing the financial assessment. CRAG guidance is generally updated each April.

Community care

Care or support provided by adult social care services and/or the NHS to assist people in their day-to-day living.

Commissioned Service

The process of specifying, securing and monitoring services to meet people's needs. This can be done at an individual, group and strategic level. This applies to all services, whether they are provided by a local authority, National Health Service, other public agencies or by the private or voluntary sectors.

Continuing Health Care (Fully Funded)

National Health Service continuing healthcare is the name given to a package of services which is arranged and funded by the National Health Service for people outside hospital with ongoing health needs. Individuals can receive continuing healthcare in any setting, including their own home or in a care home. National Health Service continuing healthcare is free. If a person's overall care needs show that their primary need is a health one, they should qualify for continuing health care.

Deployment Options

These are the options available to distribute resources to individuals in the community to help meet their **Support Plan**. The main options are **Direct Payments, Trusts, Direct Provision, Individual Service Funds, Virtual Budgets** or a mixture of two or more of these options.

Direct Payments

Direct payments are a means of deploying resources to individuals following an assessment of their needs. They are a way by which cash can be paid to an individual in the community. A Direct Payment can be paid as a regular ongoing payment or as a one off payment, or a combination of both. The payments give recipients the opportunity of controlling their own care and support at home, allowing more choice and flexibility.

Direct Provision

Describes where an individual has chosen to have directly provided services as their **Deployment Option** to help meet their **Support Plan**. These are services which are provided or arranged for them by Lincolnshire County Council or other nominated organisation on behalf of the individual in a manner chosen by them. The Council or other nominated organisation manages the financial allocation within the individual's **Personal Budget**.

Disabled Facilities Grants (DFGs)

Funded by Government through local housing authorities to provide and improve adaptations services to disabled people enabling them to continue to stay in their own homes.

Fair Access to Care Services

Department of Health guidance for Councils providing a framework for setting eligibility criteria for adult social care. Its aim is to achieve fairer and more consistent eligibility decisions across the country. The criteria is set in terms of low, moderate, substantial and critical. At present Lincolnshire provides support for people who are assessed as moderate or above.

Housing Related Support Services

Support services which are provided to a person for the purpose of developing that person's capacity to live independently in accommodation, or sustaining his or her capacity to do so. This is primarily funded through the **Supporting People** programme. Examples of housing support include helping people to manage their money, apply for benefits, keep their home secure, and access other services.

Independent Living Fund

Is a Charitable trust that administers money provided by the Government to support the cost of disabled people who need substantial assistance to live in the community.

www.ilf.org.uk

Individual Service Fund

A person can opt to have the financial allocation within their **Personal Budget** held by a specific service provider. The provider would then supply the services identified in the Support Plan. The person would retain complete control of the services provided but would leave administration of the financial allocation to the provider. The service provider would be expected to provide clear documentation detailing how the money was spent on an ongoing basis.

Means

A person's money/capital.

Needs Assessment Questionnaire (NAQ).

The Government's personalisation agenda is encouraging greater involvement of individuals in the assessment process to help identify their own needs and eligibility for support. The needs assessment questionnaire (NAQ) is a multiple choice questionnaire which helps to assess an individual's level of need. Points are attributed to each question so that when the form is completed an overall **Resource Allocation System** score is identified which enables an indicative allowance to be identified to meet the individual's support needs (see **Assessment of Need**).

Non residential community care. This is Care and Support provided in an individual's home or in the community. It can be arranged privately by the individual themselves, or someone acting for them.

Outcome

Is a change, benefit or other result that happens as a consequence of provision of social care and support. Outcomes can be very much related to the individual. A support plan should identify the outcomes that the individual wants to achieve.

Personal Budget

Personal budgets are part of a system of **Self Directed Support** whereby people are offered an upfront allocation of resources, using this flexibly to decide how to meet their desired **Outcomes**. It is a notional amount of social care money available to an individual with which they can **Support Plan**. The allocation of resources is available to an individual based on their identified level of need following a **Needs Assessment** through a **Resource Allocation System**. There are a number of options for the individual to choose from to decide how their resources are distributed to them (see **Deployment Options**).

Resource Allocation System (RAS)

The system by which money is allocated from available Adult Social Care funding, according to set criteria, to contribute to a person's individual budget. The RAS works on the basis of a needs assessment questionnaire where a series of questions about an individual's needs identifies a score which enables an indicative allowance to be identified to meet the individual's support needs (**see needs Assessment Questionnaire (NAQ)**).

Self-Directed Support

Social Care support which individuals choose, organise and control to meet their needs in a way that suits them, using resources available to achieve what is important to them.

Spend Plan

The Spend Plan is the term used for the part of the **Support Plan** that outlines how the individual is going to use their personal budget to meet their needs and **outcomes**.

Supporting People

Government programme funding housing-related services for vulnerable adults which complement existing care services.

Support Plan

Developed by individuals to describe how they will use all the resources available to them to achieve what is important to them following completion of their **Needs Assessment**) and **Resource Allocation System (RAS)**.

Telecare - 21st Century Safety in the Home

A range of non intrusive telecare sensors provide a comprehensive way of managing the risks to a person's health and home environment 24 hours a day, 365 days a year. Telecare offers disabled people and their carer's new ways to manage home safety, enabling vulnerable people to live independently for as long as possible. For more information you can email Telecare@lincolnshire.gov.uk or telephone: **01522 782155**.

Virtual Budget

This is where an individual's allocated financial resource within their Personal Budget is held by the Council on an individual's behalf. The individual retains full control of how the money is spent (through the support plan).

Wellbeing Services

Aims to improve health and well-being across the population by targeting appropriate resources to areas of greatest need.

1. Policy Statement

- 1.1. This policy applies to people receiving non residential community care, Supporting People, and Wellbeing Services (Extra Care Housing), and their carers, and sets out the principles and procedures to be followed when assessing their financial contribution towards the cost of that service.
- 1.2. It aims to make assessing the contribution fair and consistent in accordance with guidelines set out by Central Government and the ambitions of the County Council, whilst ensuring income from charges is used to improve adult social care service.

2. Introduction

- 2.1. Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives Councils a discretionary power to charge adult recipients of non-residential services such amounts as they consider reasonable.
- 2.2. Lincolnshire County Council needs income from charging to provide a wide range of services to vulnerable people. The income from charges is used to maintain and modernise our services and without it, the service we provide would be significantly reduced.
- 2.3. Adult Social Care for Lincolnshire County Council have developed their charging policy for non-residential care services on the basis of equity, need and a duty to provide care.
- 2.4. The policy considers national guidelines as set out in "Fairer Charging Policies for Home Care and other non-residential Social Services: Guidance for Councils with Social Services Responsibilities", Department of Health, September 2003 and Non-Residential Social Services' and Fairer Contributions Guidance issued in July 2009 under section 7 of the Local Authority social Service Act 1970.

3. Date of commencement

- 3.1. This policy comes into force on 17th January 2011.

4. Principles of charging

4.1. Equity

The policy pays due regard to the continuing duties under Section 49A of the Disability Discrimination Act 1995 and the new legislation embodied within the Equality Act 2010 from 1 October 2010 and full consideration will be given to the public sector duty when it is implemented (currently understood to be by April 2011).

4.1.1. People who use services are at the centre of our Adult Charging Policy.

4.1.2. This policy aims to be fair. It is based on the standards and aims of national and local Anti-Poverty/Social Inclusion policies. It will meet established standards and procedures to support best practice. Implementation of this policy should not lead to anyone being unfairly disadvantaged. This will include:

- The policy will not place people's independence at risk.
- Net incomes should not be reduced below defined basic levels of Income Support or the guaranteed credit of Pension Credit plus 25%.

4.1.3. If a person feels that this policy does not treat them fairly then they can ask for a review of their assessment in accordance with the guidelines on calculating the contribution set out in section 7 below. Lincolnshire County Council provides an independent advocacy service which can support people should they require support to instigate the reconsideration and appeals process.

4.2. Equality Statement

4.2.1. Lincolnshire County Council aims to ensure equality of treatment and access to services for all members, staff and customers.

4.2.2. No person or group of persons applying for services or contracts with the Council will be treated less favourably than any other person or group of persons on grounds of gender, sexual orientation, race, nationality, ethnic origin, disability, marital status, age, religion or belief.

4.2.3. The Council will consult with people about the planning and delivery of services and take account of the specific needs of those groups who may experience discrimination or be disadvantaged.

4.2.4. Information about the Council's services will be accessible and where necessary, targeted to those who may otherwise have trouble in accessing information or services.

- 4.2.5. The Council will make reasonable adjustments to the way its services are provided to disabled people to ensure they are not unlawfully discriminated against.
- 4.2.6. The Council will scrutinise policies and procedures to ensure non-discriminatory practice is at the core of planning and delivering services by using impact assessment.

5. Financial Assessments

5.1. Assessments and non disclosure

- 5.1.1. A financial assessment will be offered to everyone receiving non residential community care services except those who only receive minor adaptations where the value is less than £1000.
- 5.1.2. A financial assessment will be offered to those people receiving housing related support services funded via the Supporting People programme or who are receiving Wellbeing services within an Extra Care Housing environment.
- 5.1.3. If a person receiving chargeable services does not wish to have an assessment or either refuses or chooses not to disclose their financial circumstances they will be required to pay the chargeable amount or the maximum contribution (please see below), which ever is the lower.

5.2. The chargeable amount

- 5.2.1. The following services are chargeable:
- Where a Personal Budget exists, charging will be against 90% of the Personal Budget.
 - Where a Personal Budget does not exist yet, home care, day care, transport and the monitoring costs of Telecare services will be chargeable at an hourly rate or unit cost subject to annual review and the rates published in the Annual Statement of Charges.
 - Housing Related Support funded through the Supporting People programme based on the unit charge per week.
 - Wellbeing services provided within an extra care environment based on the unit charge per week.
 - Short term residential care of up to eight weeks will be charged on a flat rate subject to annual review and the rates published in the Annual Statement of charges.

5.2.2. Other services which will be charged for within this policy are:

- Non-residential social care services wholly or in part funded by Health under S75 and S256 NHS Act 2006 where, if provided by Lincolnshire County Council's Adult Social Care service, would have been deemed as chargeable;
- Non-residential social care services provided outside of Lincolnshire by other local authorities but purchased on behalf of our Service Users (where Lincolnshire retains responsibility for providing the service).

5.2.3. A Personal Budget is an agreed amount which has been allocated to the individual following an assessment of need and provides the assessed person with the ability to purchase services and provision for themselves directly by Direct Payment. Alternatively they can ask Lincolnshire County Council or its partner or agent to commission services for them via a virtual budget for individual service fund.

5.3. Flat Rate Charges

5.3.1. The provision of meals is not charged for under this policy, however a flat-rate contribution from people who use services towards the cost of producing a meal is made for:

- meals provided in a day centre
- meals provided at home

5.4. Exemptions from charges

5.4.1. Exemptions apply to the following people:

- CJD – people suffering from any form of Creutzfeldt Jacob Disease cannot be charged.
- People subject to Section 117 of the Mental Health Act 1983 cannot be charged for after-care services.
- People in receipt of a charge for Qualifying Support and Services (QSS) under the Independent Living Fund.
- Any services which form part of a package of intermediate care as defined in the regulations issued under the Community Care (Delayed Discharges etc) Act (Qualifying Services)(England) Regulations 2003 must be provided free of charge for six weeks.
- Assessment, advice on service availability, ongoing professional support, commissioning costs and costs of operating charging systems.
- Where an individual is in receipt of NHS fully funded continuing healthcare and is living in their own home the NHS is responsible for meeting all nursing and personal care needs. In these circumstances people will not be charged under this policy. The ASC worker and the NHS officer concerned will determine whether there is a continuing health care need. If both social care services

and NHS services are provided the ASC worker and the NHS officer will agree the chargeable social care part of the care package.

- No charge is currently made for personal budgets to carers made under the Council's Carers Fund.

6. Review of Adult Charging Policy

6.1. Review of Adult Charging Policy

Adult Social Care policies and charges are reviewed annually in April as required by central Government, and these reviews must include all services.

Local Authorities also have a duty to continuously improve and to provide services which give value for money.

In addition, Lincolnshire County Council is committed to providing first class care services and to modernise and improve the quality and responsiveness of services, including the introduction of the latest practices, technological advances and equipment, all for the benefit of people who use services.

In order to meet the challenges of increased need and the demand on resources, Adult Services, during the annual review programme, may have to consider increasing existing and introducing new charges for the services they provide. If any such review identifies a significant impact on people who use services then the Council will fully consult prior to taking any decisions on amending this policy.

6.2. Change of circumstances

People who use services are required to notify Lincolnshire County Council, in writing, of any change in circumstance which they might reasonably be expected to know might affect their assessed charge for non-residential care services.

Changes should be notified within one calendar month of the change occurring.

Changes to be notified include changes to personal details such as change of address as well as changes in financial situation, i.e. a change in their income, capital or expenditure.

7. Calculating the contribution

Where only transport or telecare services are provided, the service user will not be subject to assessment of means but will instead be asked to make a reasonable flat rate contribute towards the chargeable cost of these services. The rate of contribution is subject to annual review and will be published annually in the Annual Statement of charges.

The Financial Assessment

The financial assessment is an assessment of means and only the assessed person's means will be taken into account in assessing the contribution. The assessment is undertaken by a Financial Assessment and Benefits officer either by home visit, telephone, at an assessment clinic, or by correspondence.

7.1. Key Elements

The assessment is broken down into three key elements:

- Income and Capital
- Allowable Expenditure and Disregards
- Charge Calculation

7.2. Stage One – Income and Capital

7.2.1. Capital Limits. Where the assessed persons' means include capital assets with a value in excess of the capital limit, which is subject to annual review and the rates published in the Annual Statement of charges, they will be required to pay the full chargeable amount.

7.2.2. What counts as Capital?

- When assessing what is available to be considered as capital in the assessment the Council will take account of Government guidance as set out in "Charges for Residential Accommodation Guidance (CRAG)".
- Any savings account, building society, bank deposit, Post Office Savings Bank, National Savings etc.
- Investments, stocks, shares, unit trusts, TESSAs, PEPs, ISAs, premium bonds etc.
- Investment in property, building and land, but not the home in which the person lives. (Any rental income will be included as income under income from investments.)
- Capital held on the person's behalf by another party, Court of Protection, spouse/partner (where capital is held by one partner but the other has a beneficial interest).
- *Note: The above lists are not exhaustive and will be subject to an assessment of individual circumstances.*

7.2.3. What counts as income?

When assessing what is available to be considered as income in the assessment the Council will take account of Government guidance as set out in "Charges for Residential Accommodation Guidance (CRAG)".

- Any money received in benefits including Retirement Pension, Income Support, Attendance Allowance, Incapacity Benefit and Disability Living Allowance (care element).
- Any money from private pensions, annuity income, or other regular income from investments.
- Any other income, for example, rent from property or maintenance allowance etc.
- Assumed income from savings or capital - if an individual has savings or capital between the lower and higher capital limits (as set out in "Annual Statement of Charges"), in the financial assessment £1 per week is assumed as income obtained from that capital for each £250, or part there of, between the two capital limit amounts.

7.2.4. What does not count as income?

- Disability Living Allowance (Mobility Component)
- Working and Child Tax Credit
- The first £10 of any War Pensions
- Earnings from employment
- Savings Credit element of Pension Credit
- Payments made under the Disabled Facilities Grant scheme
- In cases where the person receives the higher rate Disability Living Allowance (Care Component) or Attendance Allowance the difference between the higher and middle rate (DLA) and the higher and lower rate (AA) will not be taken into account as income.

7.3. Stage Two – Allowable Expenditure and Disregards

7.3.1. **Allowable expenditure** is money that we do not take account of when assessing how much income individuals have available to be used to pay charges. There are three main types of allowable expenditure and disregards. All of these amounts are deducted from the income and capital as identified at stage one above. The three sources of expenditure and disregarded income allowed are as follows:

- Housing Costs
- Disability Related Expenditure
- Protected Income

7.3.2. Housing Costs which are classed as allowable expenditure are as follows:

- Rent payable under a formal tenancy agreement (less any Housing Benefit received)
- Council Tax (less any Council Tax Benefit received)
- Mortgage Payments (including endowment/life assurance premiums)
- Ground Rent/Service charge (these generally apply to leasehold properties)
- Buildings Insurance

The amount of housing costs to be treated as allowable expenditure will be the total amount as prescribed above divided by the number of adults in the household.

7.3.3. Disability Related Expenditure

- Disability Related expenses are those expenses not already covered by a Personal Budget or care plan which occur as a result of disability and which the assessed person has little or no choice but to incur in order to maintain independence of life.
- Evidence of expenditure would normally be required although standard amounts can be allowed and these amounts are published in the Annual Statement of Charges. Payments to family members are not normally treated as Disability Related expenditure unless identified in the Support Plan for cultural or religious reasons.

7.4. Protected Income

- People will not be charged against any income that they have up to their basic levels of Income Support or the guarantee element of Pension Credit plus 25% with the exception of the Severe Disability Premium (SDP). Any Severe Disability Premium will be counted as being available towards a charge in the same way as are other benefits.
- This ensures that social care charges do not contradict Government policy on promoting independence and social inclusion. The additional 25% buffer over and above the basic level of Income Support and Pension Credit provides an additional safeguard to prevent a person's independence being put at risk by this charging policy.

7.5. Stage Three – Charge Calculation

7.5.1. In order to assess what the person will pay towards their care the following calculation is then undertaken:

7.5.2. Add together all their income (as identified at stage one of the assessment)

7.5.3. Take off all allowable expenditure and disregards (as identified at stage two of the assessment)

- 7.5.4. This leaves an amount called the **net assessable income**. This is the amount of income a person has which is available towards paying for their care.
- 7.5.5. The person will then be asked to pay the lowest of either:
- the Chargeable amount or
 - their **net assessable income**
 - the maximum charge which will be subject to annual review and the rates published in the Annual Statement of charges

8. Chargeable Period

8.1. Chargeable Service Periods

- 8.1.1. **Personal Budgets.** Where there is a Personal Budget, services are chargeable from the beginning of payment or the commencement of commissioned services. The personal budget is calculated as an annual budget.
- 8.1.2. **Other Services.** In all other cases the chargeable period is from the commencement of service and will be based on hours or units provided per day.

8.2. Reconciliation and adjustments

- 8.2.1. **Direct Payments.** Any part of the Direct Payment in excess of the agreed contingency that is not spent at the end of period is refundable. In these circumstances the financial assessment will be reviewed upon request and the person's contribution adjusted as appropriate.
- 8.2.2. **Personal Budget - Commissioned Services.** Charges are based on planned commissioned service. However if services are cancelled with the required notice by either party or the provider fails to provide the agreed service, then upon request, the 'spend plan' can be adjusted at the annual review of the personal budget (or at such time as the service changes or ceases) to take account of legitimate cancellations and non provision. The financial assessment will then be reviewed and the person's contribution adjusted as appropriate.
- 8.2.3. **Other Commissioned Services.** Removal of weekly charge from a Saturday to a charge for units or hours received. During the review of the policy this was an area that caused people who use services the most distress. For example in the current policy the weekly charge starts on a Saturday and people are charged for each week of service, therefore if the service starts on a Saturday but the person goes into

hospital on the Sunday and comes out the following Friday they are still charged for the whole week.

In the new policy charges are based on planned commissioned services. However if services are cancelled with the required notice by either party or the provider fails to provide the agreed service, the person will not be charged. Where appropriate a retrospective adjustment to any contribution will be made.

8.3. Date Contributions Start

8.3.1. Contributions will be applied from the date the person is notified in writing of the outcome of their financial assessment. In some cases this may be a provisional notification. Please see below.

8.3.2. Contributions will not be backdated to any date prior to the notification date except where the person has failed to provide the information requested, or has failed to notify the Council of a change of circumstances when previously requested.

8.4. **Provisional Assessments.** Where an interim assessment has been carried out based on the known information at the time, charges will start from the date of this notice. Any necessary adjustments will be made following the provision of all financial information. Where an adjustment results in an overpayment of contribution, the amount overpaid will be reimbursed. Where an adjustment results in an underpayment the revised charge will be applicable from the date of notification, unless the assessed person has failed to provide requested information or has failed to notify the Council of a change of circumstances when previously requested.

8.5. When contributions stop and change

8.5.1. Contributions will be due to the last full day in which services were provided, or the end of the personal budget.

8.5.2. A permanent change to service is one which lasts for more than 21 days. When such changes occur, a new financial assessment may need to be undertaken i.e. if a financial assessment has not been completed within the current financial year.

9. How contributions are collected

9.1. Options for how to pay charges will be discussed as part of your financial assessment.

- 9.2. If the assessed person received a Direct Payment, the Direct Payment will normally be made net of any assessed contribution.
- 9.3. A person receiving Commissioned Services will be able to choose to have their contribution collected by either Direct Debit or Payment Card. However, if a person is in receipt of a Direct Payment for all or part of their support, the Direct Payment will be paid net of contribution.
- 9.4. More information on payment methods is available in our leaflet “A Guide to Adult Charging”.

10. Welfare Benefits Advice

10.1. Benefits maximisation

- 10.1.1. Councils are required to ensure those who undergo a financial assessment are offered benefits advice and assistance in order to ensure the assessed person and their carers’ income is maximised.
 - 10.1.2. Therefore everyone who may be asked to make a contribution towards their services will be offered a benefits maximisation check and given assistance to claim additional benefits where a missing benefit is identified.
- 10.2. **Consent to check benefits with the Department of Work and Pensions (DWP)** Lincolnshire County Council works in Partnership with the Department of Work and Pensions, who will, upon request, and where the consent of the assessed person or their legal representative is given, provide the Council with details of benefits in payment and other financial information held on their systems.

10.3. Effect of Benefits Maximisation on Financial Assessments

- 10.3.1. All assessed persons will be offered a benefits maximisation check and given assistance with claiming benefits irrespective of whether this has an impact on contributions or not. The purpose is to maximise the person’s income not to increase charges, although this may be the outcome.
- 10.3.2. If claiming additional benefits will result in an increase charge the assessed person will be informed of the fact and where ever possible be given an indication of the amount of additional contribution.
- 10.3.3. Where the assessed person has made a claim for additional benefits they should notify the Council upon award. Where the

assessed person fails to do so and the award would have resulted in an increase in contribution the Council will backdate any increase to the date of award.

- 10.3.4. People who use services will also continue to be able to access advice from voluntary organisations such as Citizens Advice Bureau and Age UK (previously known as Age Concern, Help the Aged) if they would rather discuss benefit issues with someone independent of the Council.

11. Other issues to be considered

11.1. More than one carer

Where more than one carer is required in order to deliver the support plan, the charge will be based on the Personal Budget and not the number of carers required.

11.2. Couples and Households

- 11.2.1. Where one person in a couple or household has a service the financial assessment will only be based on the individual's means. Where any income, expenditure, capital or savings are identified as joint, they will be halved for assessment purposes. The person using the service will be assumed to hold 50% of any joint savings/capital.
- 11.2.2. There may be circumstances where the assessed person's means may include resource held in their partner's name. In such circumstances it is legitimate to enquire into the means of the assessed person's partner.
- 11.2.3. In order to avoid unnecessary enquiry into partner's means, where the assessed partner's income is less than the amount they would be entitled to under Income Support or Pension Credit as a single person but there is no entitlement to these benefits because of the partner's means, then the income of the assessed partner will be treated as equating to the amount they would be entitled to under Income Support or pension credit, including any housing costs or premiums.
- 11.2.4. For the avoidance of hardship where the assessed person is part of a couple, they may choose, with the agreement of both parties, to be assessed as a couple. This may be beneficial where for example taking into account the actual or assumed income of the assessed person would financially deprive their partner. In these

circumstances assessable income and capital assets will be equally apportioned.

- 11.2.5. Where more than one member of a household has services that can be charged under this policy, the assessed person chargeable amount will be based on their individual support plan. However in assessing their contribution we will not reduce the combined household income to a level below the combined Income Support or Pension Credit plus 25%.
- 11.2.6. If the couple/household can show the effect of the charge leads to hardship or the household income being below the combined Income Support or Pension Credit plus 25% this would be reviewed under part 12 (appeals) of the policy.

11.3. Charges to Carers

- 11.3.1. Parents of adults who use services and other members of their family cannot be made to pay the charges, except in certain legal circumstances. An example would be where a family member manages the Person's own resources and charges would be payable out of the person's monies.
- 11.3.2. The household expenses of caring should be taken into account in any assessment.
- 11.3.3. Where assessments are made for both a carer and the person they care for in the same household the costs of each should be worked out separately.

11.4. Representation

The assessed person may nominate another person to represent or assist them during the financial assessment process, and may do so either verbally or in writing.

Where consent to obtain benefit information from DWP or District Council is requested, such consent may only be given in writing by the claimant or person who has the legal capacity to do so (e.g. power of attorney). This will ensure that the financial assessment is kept up to date and is as accurate as possible. Where the person declines to sign such a declaration, the Council will periodically estimate increases in benefit income. All assessments will be estimated during annual review periods and people are asked to confirm whether the estimate is correct.

11.5. Deprivation of Income and Capital Assets

If it becomes known that the assessed person has deprived themselves or failed to avail themselves of capital assets or income including benefits, the assets or income will be taken into account in the financial assessment.

When assessing whether there has been deprivation of income or capital assets the Council will take account of Government guidance as set out in "Charges for Residential Accommodation Guidance (CRAG)".

11.6. Refusal to co-operate with an assessment

11.6.1. A Person is deemed to be refusing to co-operate with a financial assessment if s/he, without good cause:

- fails to keep two pre-arranged appointments organised for the purpose of obtaining the necessary information for an assessment or review
- fails to provide proof of income and savings/capital assets within one month of a written request from the Council
- fails to provide proof of expenditure within one month of a written request from the Council

11.6.2. In such circumstances the person will either be considered to have declined a full financial assessment and assessed accordingly or assessed based on an estimated level of income and expenditure taken from previous assessments.

12. Reconsiderations and appeals

12.1. People have a right to ask the Council to review their assessed charge. This may mean completing a new financial assessment to ensure all relevant details were considered at the initial assessment.

12.2. Where assessed charges may lead to financial hardship for an individual they may request a review of their financial assessment. In reviewing the assessment the Council must be satisfied that the individual's means are insufficient to pay the assessed charge. The fairness of any charge will be considered in light of the individual's financial circumstances and in relation to the position of other people who use services and charge payers.

12.3. Any such review will be subject to the Councils "Policy for Waiving Charges within Fairer Charging".

- 12.4. If the person is still not satisfied with the outcome of the assessment then they have the right to appeal the decision via the Council's complaints procedure.
- 12.5. If someone can demonstrate that by having a personal budget rather than a traditional service their contribution (for the same service) is higher, then consideration will be given were it is reasonable to amending the charge to the lower rate.
- 12.6. The person has a right to the support of an independent advocate to support them through this process.

13. Further information

Further information on charging and general information on all Adult services, in the form of booklets and leaflets, are available directly from Adult Services on 01522 782155 or via our website on www.lincolnshire.gov.uk and from libraries and other outlets across Lincolnshire.