

Darlington Borough Council  
Services for People  
Adult Social Care

The Care and Support (Charging and Assessment of Resources)  
For Non-Residential Services Policy

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## Policy Statement

1. This policy has been written in accordance with the Care Act 2014 [hereinafter referred to as the Act] and the Care and Support Statutory Guidance issued under the Care Act 2014 by the Department of Health. The Act provides a single legal framework for charging for care and support under sections 14 and 17. The Act is supported by the Care and Support (Charging and Assessment of Resources) Regulations 2014 which Local Authorities must follow when charging individuals for their care and support needs.
2. Should readers of this policy require clarification on any of the following, the Care and Support Statutory Guidance issued under the Care Act is accessible via the following link: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf)
3. The Council will charge a person when it is arranging to meet a person's care and support needs, except where the Council is required to arrange care and support free of charge. The amount a person is charged will be determined by way of a financial assessment which will determine whether they are required to pay in full, a contribution or will receive care and/or support services free of charge.
4. The new framework is intended to make charging fairer and clearer. The overarching principle is that people should only be required to pay what they can afford. People will be entitled to financial support based on a means-test and some will be entitled to free care.
5. The framework is based on the following principles, as set out in the Care and Support Statutory Guidance issued under the Act [[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf)], that the approach to charging for care and support needs should:
  - a) Ensure that people are not charged more than it is reasonably practicable for them to pay;
  - b) Be comprehensive, to reduce variation in the way people are assessed and charged;
  - c) Be clear and transparent, so people know what they will be charged;
  - d) Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control ;
  - e) Support carers to look after their own health and wellbeing and to care effectively and safely;
  - f) Be person-focused, reflecting the variety of care and caring journeys and the variety of
  - g) Options available to meet their needs;
  - h) Apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings;

- i) Encourage and enable those who wish to stay in or take up employment, education or training, or plan for the future costs of meeting their needs to do so; and
  - j) Be sustainable for local authorities in the long-term.
6. The Council will also ensure there is sufficient information and advice available in a suitable format for the person's needs, in line with the Equality Act 2010 (in particular for those with a sensory impairment, with learning disabilities or for whom English is not their first language), to ensure that they or their representative are able to understand any contributions they are asked to make. The Council will also make the person or their representative aware of the availability of independent financial information and advice.

**Support Needs**

7. The Council has a duty to arrange care and support for those with eligible needs, and a power to meet both eligible and non-eligible needs. The Council also has the discretion to choose whether or not to charge under section 14 of the Act following a person's needs assessment.
8. Where an individual is to be charged, the Council will follow the Care and Support (Charging and Assessment of Resources) Regulations 2014 and have regard to the guidance. The detail of how to charge is different depending on whether someone is receiving care in a care home, or their own home, or another setting. This policy sets out the Council's charging policy for individuals with non-residential care needs. There is a separate charging policy for individuals with residential care needs.
9. In Darlington, the types of non-residential support individuals may be required to contribute towards include the following, although this is not an exhaustive list:
- i. Personal Care
  - ii. Domestic Care
  - iii. Sitting Services
  - iv. Direct Payments and support to manage a direct payment
  - v. Sleepovers
  - vi. Day Care
  - vii. Transport as provided in conjunction with the provision of community care services
  - viii. Social Activities e.g. visiting a museum, bowling etc.
  - ix. Assistive Technology i.e. Telecare.
  - x. Items purchased through a Personal Budget
  - xi. Adaptations and Equipment costing more than £1,000
10. Where an individual requires more than one carer to support them with any of the above, their contribution will be based on the cost of both carers.

11. Whether the service is commissioned by the Council or given as a Direct Payment the total cost of the package will be calculated and the individual will be financially assessed to determine the maximum contribution they need to pay towards the total cost of their package.
12. There are services which are not included within the Policy but are charged at a flat rate, and not part of the financial assessment, these include:
  - a. Pre-prepared meals;
  - b. Meals at Day Care (it is the expectation that where an individual is in a 24 hour residential or nursing placement, the provider would pay the charge of the meal or provide a suitable alternative);
  - c. Ineligible transport costs as defined in the Council's Transport Policy.

Please note this is not an exhaustive list and other services may be included.

13. The following types of care and support will be arranged free of charge by the Council:
  - a) Intermediate care, including reablement, which will be provided free of charge for up to six weeks.
  - b) Care and support provided to people with Creutzfeldt-Jacob Disease.
  - c) After-care services/support provided under section 117 of the Mental Health Act 1983.
  - d) Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.
  - e) More broadly, any services which the Council is under a duty to provide through other legislation may not be charged for under the Act.
  - f) Assessment of needs and care planning may also not be charged for, since these processes do not constitute "meeting needs".
  - g) Rehabilitation, training, employment or drop in services
  - h) Information and Advice (including Direct Payment Advice)
  - i) Assessments, including assessment of care needs

### **Short Break Stays**

14. Any assessed need for short break stays in a residential care home will be financially assessed in accordance with the Council's Care and Support (Charging and Assessment of Resources) for [Residential Services Policy](#). Under Direct Payment legislation direct payments cannot be made for purchasing more than four continuous weeks of residential care per year.

### **The Financial Assessment**

15. To ensure that everyone is treated fairly all individuals with non-residential care needs will undergo a financial assessment in order to calculate their ability to contribute towards the cost

of these services and to enable individuals to maximize any benefits to which they may be entitled.

16. The financial assessment can be conducted using a number of different methods, including in-person - via a visit or a pre-arranged appointment at the customer services centre - or over the telephone.
17. The Council may choose to treat an individual as if a financial assessment has already been carried out. This is known as a "light-touch" financial assessment and the main circumstances in which the Council may consider carrying out a light-touch financial assessment are:
  - a. Where an individual has significant financial resources, and does not wish to undergo a full financial assessment for personal reasons, but wishes to access Council support in meeting their needs. In these situations the Council may accept other evidence in lieu of carrying out the financial assessment and consider the individual to have financial resources above the upper limit.
  - b. Where the Council charges a small or nominal amount for a service which an individual is clearly able to meet without falling below the minimum income threshold, and where carrying out a financial assessment would be disproportionate.
  - c. When an individual is in receipt of benefits which demonstrate that they would not be able to contribute towards their care and support costs.
18. Where a 'light-touch' assessment has been carried out the individual will be notified of this and also of their right to request a full financial assessment should they wish.
19. At the time of a care and support needs assessment, the Council will establish whether the individual in question has the capacity to take part in the financial assessment. If the person lacks capacity, the Council must find out if the person has any of the following as the appropriate person will need to be involved:
  - a) Enduring Power of Attorney (EPA);
  - b) Lasting Power of Attorney (LPA) for Property and Affairs;
  - c) Property and Affairs Deputyship under the Court of Protection; or
  - d) Any other person dealing with that person's affairs (e.g. someone who has been given appointee-ship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).
20. Individuals who lack capacity to give consent to a financial assessment and who do not have any of the above people with authority to be involved in their affairs, may require the appointment of a Property and Affairs Deputyship. Family members can apply for this to the Court of Protection or the Council can apply if there are no family involved in the care of the person. While this takes some weeks, it then enables the person appointed to access information about bank accounts and financial affairs. A person with dementia for example should not be 'forced' to undertake a financial assessment, to sign documents they can no longer understand and should not be punished for any incomplete information that is elicited from them. Instead, the Council will work with the EPA, LPA or the Deputies.

21. If there is a delay in the completion of the financial assessment, due to an application being made to the Court of Protection for deputyship, then the payment schedule of the assessed charge from the point of services being provided will be considered on a case by case basis.
22. A financial assessment consists of a Visiting Financial Assessment Officer:
  - a. Calculating an individual's total income and capital;
  - b. Calculating disregards and allowances;
  - c. Completing a Disability Related Expenditure Assessment;
  - d. Undertaking a comprehensive welfare rights check;
  - e. Supporting the individual to identify their best options for paying any charges, this may include offering the person a deferred payment agreement.
23. If an individual chooses not to supply all of the information requested on the Financial Assessment form they will be asked to complete a Non-Disclosure of Financial Information Declaration and will be charged the full actual cost of the services. Should an individual not agree to the charges then a full financial assessment will be necessary.
24. An administration fee will be charged to cover the costs to arrange the care and support needs for those with capital in excess of the upper capital limit or those who have chosen not to disclose their financial information. Individuals will be provided with information on the right to request Council support to meet their needs – and how they will be charged – and the advice and support that is available to help people make arrangements to meet their own needs.
25. Following the financial assessment, where applicable, an estimated charge for care and support services will be given to the individual, along with an explanation of how the assessment has been carried out, what the charge will be and how often it will be made.
26. Where an assessed need has been identified services will commence regardless of whether a financial assessment has been completed. Once an assessment has taken place any assessed charges will be backdated to the commencement of the service. There is no charge for the financial assessment, needs assessment or the preparation of a care and support plan.
27. The Council will endeavour to carry out a financial assessment within 8 weeks of the commencement of services to ensure that the individual does not accumulate significant debts before backdated fees are sought.

28.

### **Treatment of Income**

29. Income is assessed net of any tax and National Insurance contributions and net of any housing costs such as rent or mortgage and Council Tax.
30. Only the income of the individual being charged will be taken into account. Where this person receives income as part of a couple, the starting presumption is that they have an equal share

of the income. In these circumstances, the Council will consider the implications for the individual's partner when making decisions about charging.

31. Because a person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities, the Council will ensure, when deciding what to charge, that the individual will be left with the minimum income guarantee (MIG), equivalent to Income Support plus a buffer of 25%, net of any housing costs net of any benefits to support these costs. In addition, where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for care and support from the Council, the charging arrangements will ensure that they keep enough money to meet these disability-related costs.
32. The financial limit, known as the "upper capital limit", is set nationally and exists for the purposes of the financial assessment. This sets out at what point a person is entitled to access Council support to meet their eligible needs – below this level, a person can seek means-tested support from the Council. Capital below the "lower capital limit" is disregarded in the financial assessment, and where an individual's resources are below the lower capital limit they will not need to contribute to the cost of care and support from their capital.

### **Benefits**

33. Any income from the following benefits will be taken into account when considering what a person can afford to pay towards their care from their income:
  - a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
  - b) Bereavement Allowance
  - c) Carer's Allowance
  - d) The Care component of Disability Living Allowance
  - e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
  - f) Income Support
  - g) Industrial Injuries Disablement Benefit or equivalent benefits
  - h) Jobseeker's Allowance
  - i) Maternity Allowance
  - j) Pension Credit
  - k) The Daily Living component of Personal Independence Payment
  - l) State Pension
  - m) Universal Credit (excluding any child, childcare and/or housing element)
  - n) Working Tax Credit.



34. 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 taken into account will be the gross amount of the benefit before reduction.
35. Attendance Allowance and Disability Living Allowance Care Component are paid at the higher rate if a person has day and night needs. If a person is not receiving night time care arranged by the Council then the Council cannot consider sums paid for night care as income. If night time care is arranged by the Council, the full benefit will be treated as income.
36. Any individuals currently receiving chargeable services transferring from higher rate Disability Living Allowance care component to Personal Independence Payment, (PIP), enhanced daily living component and who do not have night time care arranged by the Council will no longer receive the disregard for sums paid for night care, this is because PIP does not recognise the difference between day time and night time needs.
37. Individuals living in an extra care scheme have an emergency overnight call facility, if these individuals are in receipt of the higher rate Disability Living Allowance/Attendance Allowance care component the full benefit will be treated as income.
38. Any income from the following sources will be fully disregarded:
  - a) Direct Payments;
  - b) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme;
  - c) The mobility component of Disability Living Allowance;
  - d) The mobility component of Personal Independence Payments.

### **Earnings**

39. Employed and self-employed earnings are fully disregarded as per regulation 13 of the Care and Support Statutory Guidance issued under the Act 2014.
40. A full list of what is defined as earnings in the financial assessment can be found in "Appendix C: Treatment of Income" in the Care and Support Statutory Guidance issued under the Act.

### **Annuity and pension income**

41. An annuity is a type of pension product that provides a regular income for a number of 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 must be taken fully into account except where it is:
  - a. Purchased with a loan secured on the individual's main or only home; or
  - b. A gallantry award such as the Victoria Cross Annuity or George Cross Annuity.
42. Occupational pensions are fully taken into account in the financial assessment unless an individual is paying half of their occupational pension, personal pension or retirement annuity

to their spouse or civil partner in which case the Council will disregard 50% of its value if at least one of the annuitants is still occupying the property as their main or only home.

43. This is not an exhaustive list of income and further information can be found in the Care and Support Statutory Guidance issued under the Act.
44. Rental income will be taken into account, except where this income is treated as earned income.

### **Income disregarded**

45. Certain income will be either fully or partially disregarded in the financial assessment. For a full list please refer to the Care and Support Statutory Guidance issued under the Act.
46. Any income from the following sources will be fully disregarded, however this list is not exhaustive:

- a) Child Support Maintenance Payments and Child Benefit
- b) Child Tax Credit
- c) Council Tax Reduction Schemes where this involves a payment to the person
- d) Disability Living Allowance (Mobility Component) and Mobility Supplement
- e) Income in kind
- f) Personal Independence Payment (Mobility Component) and Mobility Supplement
- g) Savings credit disregard
- h) Regulated Social Fund payments (including winter fuel payments)
- i) Any grants or loans paid for the purposes of education; and Payments made in relation to training for employment.

47. The following income is partially disregarded:

- a) The first £10 per week of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, War Disablement pension and payments to victims of National Socialist persecution (paid under German or Austrian law).
- b) A savings disregard based on qualifying conditions.

### **Notional income**

48. 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. In all cases the Council must satisfy itself that the income would or should have been available to the person.
49. Where notional income is included in a financial assessment, it will be treated the same way as actual income and will be calculated from the date it could be expected to be acquired is an application had been made.

50. The following sources of income will not be treated as notional income:
- a. Income payable under a discretionary trust;
  - b. 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;
  - c. Income from capital resulting from an award of damages for personal injury that is administered by a court;
  - d. Occupational pension which is not being paid because:
    - i. The trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources; or
    - ii. The trustees or managers of the scheme have insufficient resources available to them to meet the schemes liabilities in full.
  - e. Working Tax Credit.
51. This is not an exhaustive list of income and further information can be found in Care and Support Statutory Guidance issued under the Act.

### **Treatment of Capital**

52. In assessing what a person can afford to contribute the Council must apply the upper and lower capital limits as set by the Department of Health every year.
53. A person with assets above the upper capital limit will be deemed to be able to afford the full cost of their care. Any assets below the lower capital limit will be disregarded.
54. Where a person has assets between the lower and upper capital limits a tariff income will apply. This assumes that for every £250 of capital, or part thereof, a person is able to afford to contribute £1 per week towards the cost of their eligible care needs.
55. The following list gives examples of capital. This list is intended as a guide and is not exhaustive.
- a) Buildings
  - b) Land
  - c) National Savings Certificates and Ulster Savings Certificates
  - d) Premium Bonds
  - e) Stocks and shares
  - f) Capital held by the Court of Protection or a Deputy appointed by that Court
  - g) Any savings held in:
    - i. Building society accounts.
    - ii. Bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustee Savings Bank.

- iii. SAYE schemes.
- iv. Unit Trusts.
- v. Co-operatives share accounts.

h) Cash

i) Trust funds

56. Where ownership of capital is disputed, the Council will seek written evidence to prove where ownership lies. If a person states they are holding capital for somebody else, the Council will require evidence of this arrangement, the origin of the capital and intentions for its future use and return to its rightful owner.
57. Where a person has joint beneficial ownership of capital, except where there is evidence that the person own 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.
58. Capital which is not immediately realisable due to notice periods, for example Premium Bonds, should be taken into account at face value at the time of assessment and may need to be confirmed and adjusted when the capital is realised.

### **Notional Capital**

59. 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.
60. Notional capital may be capital which:
- a) would be available to the person if they applied for it;
  - b) is paid to a third party in respect of the person; and
  - c) the person has deprived themselves of in order to reduce the amount of charge they have to pay for their care and support needs.

### **Capital Disregarded**

61. Certain types of capital may be disregarded in the financial assessment. For a full list refer to the Care and Support Statutory Guidance issued under the Act.

### **Property Disregards**

62. The person's main or only home will be disregarded in the following circumstances:
- a) Where the person is receiving care in a setting that is not a care home;
  - b) If the person's stay in a care home is temporary and they:
    - i. Intend to return to that property as their main or only home and it remains available to them; or

- ii. Have taken reasonable steps to dispose of the property in order to acquire one that is more suitable.
- c) Where the person no longer occupies the property but it is occupied in part of whole as their main or only home by any of the people listed below, the mandatory disregard only applies where the property has been continuously occupied since before the person went into a care home
  - i. The person's partner, former partner or civil partner, except where they are estranged
  - ii. A lone parent who is the person's estranged or divorced partner
  - iii. A relative of the person or member of the person's family who is
    - 1. Aged 60 or over, or
    - 2. Is a child of the resident aged under 18, or
    - 3. Is incapacitated.

63. Precise definitions for the terms used above can be found in the Care and Support Statutory Guidance issued under the Act.

64. In certain circumstances, as laid out in the Care and Support Statutory Guidance issued under the Act, if individual moves from their main residence into supported living or extra care housing the value of their property will be disregarded and they may be eligible to enter into a deferred payment agreement.

## **Allowances/Disregards**

### **Housing Costs**

65. Disregards are made for certain housing-related costs, as follows:

- a. Mortgage payments - Mortgage payable net of any housing benefit is disregarded. This is disregarded by the number of people named on the deeds and whether there is a specified percentage share.
- b. Rent Payments - Rent payable net of housing benefit can be disregarded as long as the individual's name is on the tenancy and they are deemed eligible under the housing benefit rules. If housing benefit is reduced for under occupation then the difference that an individual is required to pay will also be disregarded. If the assessment is for one member of a couple then no disregard is given for rent.
- c. Council Tax – No disregard unless exemption ceases
- d. Water rates – If a resident has a beneficial interest in a property that is vacant there is no disregard for water rates unless proof can be provided of essential expenditure to maintain the property.

- e. Utility bills - If a resident has a beneficial interest in a property that is vacant there is no disregard for utility bills unless proof can be provided of essential expenditure to maintain the property.
- f. Building Insurance - If a resident has a beneficial interest in a property a disregard is given according the number of people named on the deeds and whether there is a specified percentage share.

### **Other allowances**

66. Other disregards available include:
- a. A disregard will be made for non-dependants, but only if a non-dependant deduction has been made by Housing Benefits.
  - b. Disability-Related Expenditure
  - c. Pre-paid funeral policy

### **The Deferred Payment Scheme**

67. If an individual moves from their main residency into supported living or extra care housing they may be eligible to enter into a deferred payment agreement.
68. The deferred payment scheme is designed to help individuals who have been assessed as having to pay the full cost of their care, but who cannot afford to pay the full weekly charge because most of their capital is tied up in their home. Deferred payment agreements will be offered to anyone who meets the qualifying criteria and are able to provide adequate security as outlined in Darlington Borough Council's [Deferred Payment Policy](#).
69. Individuals will pay a weekly contribution towards their care that they have been assessed as being able to pay from their income and other savings. The Council pays the part of the weekly charge that they cannot afford until the value of their home is realised.
70. The Council will charge an administration fee for setting up a deferred payment agreement including legal and ongoing running costs.
71. The Council will charge interest on the deferred amount using the nationally-set maximum interest rate.

### **Arrangement Fees**

72. If a person with eligible needs and assets above the upper capital limit asks the Council to arrange their care and support on their behalf, the Council has a duty to meet these eligible needs but will charge an arrangement fee.
73. The arrangement fee will only cover the costs the Council incurs in negotiating and/or managing the contract with a provider and any administration costs. This fee is currently £100 but will be subject to review on an annual basis.

74. When an individual assessed as being responsible for paying for their care and support requests the Council meets their needs, the Council will ensure the individual has sufficient assets for the arrangements that it puts in place to remain both affordable and sustainable.
75. The Council will secure the individual's, and any third parties that have agreed to contribute towards these costs, agreement in writing to pay the costs they are responsible for in meeting their needs, including payments to providers.

### **Disability-Related Expenditure (DRE)**

76. Where an individual is receiving disability-related benefits, the Council will make an assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which are not being met by the Council
77. Allowable Disability Related Expenditure will be for expenditure deemed necessary as a result of disability or condition or for health and safety reasons. The Social Worker or other professional may be required to assess the need for disability related expenditure
78. In assessing disability-related expenditure, the Council will take account of any reasonable additional costs directly related to a person's disability, including but not limited to :
  - a) Payment for any community alarm system.
  - b) Costs of any privately arranged care services required, including respite care.
  - c) Costs of any specialist items needed to meet the person's disability needs, for example:
    - i. Day or night care which is not being arranged by the Council;
    - ii. specialist washing powders or laundry;
    - iii. 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);
    - iv. special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability;
    - v. additional costs of bedding, for example, because of incontinence;
    - vi. any heating costs, or metered costs of water, above the average levels for the area and housing type, occasioned by age, medical condition or disability;
    - vii. reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social services;
    - viii. 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;
    - ix. reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the Council;

- x. personal assistance costs, including any household or other necessary costs arising for the person;
  - xi. internet access for example for blind and partially sighted people
  - xii. 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 the Council not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport, e.g. council- provided transport to day centres is available, but has not been used;
  - xiii. in other cases, it may be reasonable for the Council not to allow for items where a reasonable alternative is available at lesser cost. For example, the Council might adopt a policy not to allow for the private purchase cost of continence pads, where these are available from the NHS
79. All individuals, whether in receipt of disability-related benefits or not, will be asked if they have any disability-related expenditure and the cost of this will be assessed and given as a disregard/allowance in line with Council policy. A checklist will be made available which will support individuals to identify disability-related expenditure
80. Where a disregard is relevant, evidence of actual expenditure will be requested. If receipts have not been kept the Council can request that this is done for future expenditure. It is legitimate that the Council can verify that items that have been claimed for have been purchased.
81. Generally, disregards should be given based on past expenditure; however in some cases estimates of annual expenditure based on available evidence can be made.
82. Allowances for disability-related expenditure can be set for a fixed period but the individual can request a review at any time if their disability-related expenditure changes. This will require supplementary evidence.
83. If the individual fails to keep future receipts and there is doubt as to whether the expenditure was actually incurred it is reasonable for the Council not to include this in the assessment.
84. If more than one person with eligible needs live in the same household, then additional costs relating to a disability or condition may be shared between the occupants whose needs contribute to the additional costs. The costs of providing domestic assistance or gardening, if allowed may be attributed to all of the adult occupants of the service user's home.
85. The disability-related expenditure assessment will be reviewed on an annual basis as part of the financial reassessment.

### **The Welfare Rights Check**

86. As part of the Financial Assessment the Visiting Financial Assessment Officer should ensure that appropriate benefits advice is given to all individuals. This should include advice about benefit eligibility; help with the completion of benefit claims and the follow up of claims with the benefit provider where the Individual wishes this. As most decisions about benefit entitlement



carry the right of appeal, then the Visiting Financial Assessment Officer may also suggest that expert advice be sought as early as possible to avoid loss of benefit and lengthy appeal processes.

87. Advice will not be limited to benefits directly affecting charges. It will include Housing Benefit, Council Tax Benefit, and Council Tax Discounts and reductions as well as the core benefits of Income Support and Pension Credits, disability benefits (AA/DLA) and Tax Credits.
88. The individual will also be notified whether charges are likely to increase if a benefit application is successful.
89. Some individuals may prefer to obtain independent Welfare Rights advice from agencies such as Age Concern, Citizens Advice Bureau and should be offered this choice. Where the Individual has given permission, information regarding the financial assessment will be exchanged with the relevant agency.
90. Individuals can choose not to take the advice offered by the Visiting Financial Assessment Officer. Where the individual fails to make a claim for a benefit that they will be entitled to, this may result in this amount being treated as notional i.e. as if it is still there.

### **Review of Assessed Charges**

91. An income and expenditure uplift will be applied in line with benefit increases annually.
92. The Council will undertake regular reviews of financial assessments. This will usually be on an annual basis.
93. A financial reassessment will be completed as a result of any changes in financial circumstances. This includes being awarded new benefits and the payments of new income.

### **Change in Financial Circumstances**

94. It is the responsibility of the individual or their representative to inform the Council of any relevant change of financial circumstances, as failure to do so may lead to backdated charges. Examples of changes in circumstances include reductions and increases in income or capital.
95. An individual or their authorised representative can request a review of their financial assessment at any time and this should be undertaken to consider any changes in their resources. If it comes to the attention of the Council that an individual's circumstances may have changed then a referral should be made to the financial assessment team for the financial assessment to be reviewed accordingly. When undertaking a review of the financial assessment, individuals will be expected to provide the requested updated information to the Council within 15 working days. If the individual refuses to provide updated information then they will be deemed to afford the full actual cost of the services they receive.
96. The individual will be notified in writing of any alteration to their weekly contribution, as a result of any changes. Any change to the individual's weekly contribution may be from the date of such change.

### **Paying for Care and Support**

97. All individuals will be invoiced on a 4 weekly basis, in arrears for their assessed charge.
98. Direct Payments may be paid net of the client contribution; this will be assessed on an individual basis and notified in advance.
99. Details on how to pay assessed contributions will be provided on invoices.

### **Non-attendance at Services Commissioned by Adult Social Care**

100. Where an individual does not require their non-residential social care for whatever reason [such as a period of ill health, going on holiday], then providing they give at least 48 hours' notice they will not be charged for those services. Notice should be given in writing wherever possible however it may be acceptable for verbal notification to be received in particularly in the case of ill health which has occurred suddenly. Where notice has not been given, charges may only be waived at the discretion of the appropriate Operations Manager, e.g. emergency admission to hospital. The Council will notify the service provider of such planned non-attendance at services to ensure no charge is made

### **Appeals**

101. If the client disagrees with the initial assessment a different Visiting Financial Assessment Officer will verify the assessment. This will be completed within 10 working days and a written reply made setting out the reasons for maintaining or amending the present charge.
102. If the individual or their authorised representative still disputes the charge, then a further review will be completed by the Visiting Financial Assessment Officers' line manager. Again, a written reply will be sent out within 10 working days confirming the reasons for maintaining or amending the current charge.
103. If the individual still remains dissatisfied regarding the outcome of their appeal then the Director of Services for People or a nominated officer will hear appeals against decisions made by the Financial Assessment Section.
104. At any time during this process the individual or their representative can make a complaint under the Council's Complaints Procedure. Details regarding the Council's complaints procedure are detailed at the end of this policy.

### **Waiving the Charges**

105. In exceptional cases, the charges for care and support may be waived. Cases will be considered on an individual basis taking into account the effect upon the individual.
106. In such cases, the Assessing officer and their Team Manager will submit a report outlining the client's circumstances and the reasons why they believe that the charges should be waived to the Assistant Director Adult Social Care for approval. Approval may be given retrospectively and the individual would be reimbursed for contributions paid back to the date that approval was effective. It can also be given for a specified period of time to give the individual the opportunity to reassess their own position on paying for their care.
107. The Council has a responsibility to provide care and support to people assessed as needing it through a Care and Support Needs Assessment regardless of the individual's ability or

willingness to pay. Services that are essential to support someone safely in the community should not be withdrawn because the person refuses to pay. Where the person withdraws themselves from services, further enquiries and alternative advice and assistance will be offered.

### **Debt Management**

108. Where an individual has accrued a debt, the Council may use its powers under the Act to recover that debt. In deciding how to proceed, the Council will consider the circumstances of the case before deciding a course of action.
109. Ultimately, the Council may institute County Court proceedings to recover the debt due to the Council. However, the Council will only use this power once other reasonable alternatives for recovery have been exhausted.

### **Complaints**

110. Darlington Adult Social Care welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with individuals and carers and improving services.
111. The Adult Social Care Complaints Procedure comprises of one stage after which the complainant should be advised to discuss the matter with the Complaints Manager or refer the matter to the Local Government Ombudsman.
112. Although complainants can refer their complaint from the outset to the Local Government Ombudsman, they will not normally investigate the matter until the Council has conducted its own investigation and made a response.
113. More information is available from:

Complaints and Information Governance Team  
Darlington Town Hall  
Darlington  
DL1 5QT

Tel: 01325 388043

[www.darlington.gov.uk/complaints](http://www.darlington.gov.uk/complaints)

E-mail: [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk)

114. Complaints concerning the conduct of Officers of the Council will be dealt with under the Council's employment policy and procedures.

**Appendix 1**

**EXAMPLES OF DISABILITY RELATED EXPENDITURE 2015-2016**

This is a non-exhaustive list however all DRE will be looked at on a case by case basis.

Disability Related Expense	Evidence Required
<b>Alarm Line</b> (Community Alarm System)	Check Lifeline services/bills from provider/Direct Debit on bank statements
<b>Foot care</b> Not normally allowed unless special circumstances as should be provided under NHS	Bill/receipt /bank statement Confirmation of need from assessing officer or doctor/health professional
<b>Domestic help – Private</b> (e.g. housework and shopping), Where service user is unable to do this as a result of disability and there is no-one else in the household who could reasonably be expected to assist)	Bill/receipt/bank statement/contract/ letter Confirmation of need from assessing officer
<b>Clothing and footwear</b> May include specialised clothing or footwear, or frequent replacement, e.g. for people with physical disabilities, mental health problems or learning disabilities	Bills/receipts/bank statement
<b>Bedding and Toweling</b> May include sheets, quilts towels etc.	Bills/receipts/bank statement
<b>Dietary</b> Additional costs of special dietary needs due to illness or disability	Details required Receipts required
<b>Assistance Dogs</b> (e.g. blind, deaf or epileptic) Unless provided free from relevant organisation (including training & vets bills).	Details required Receipts required
<b>Gardening</b> Basic garden maintenance (where client is unable to maintain due to disability and no-one else in household can reasonably be expected to assist) Check if local gardening scheme available	Confirmation of need from assessing officer Receipts/ bank statements/ bill/invoice.
<b>Heating Exceptional</b> Any heating costs or metred costs of water above the average levels for the area and housing type required by age, medical condition or disability)	Confirmation of need from assessing officer 12 months of bills/ receipts.
<b>Laundry</b> Includes: additional costs of washing powder, cleaning materials, wear & tear on washing machine, washing	Confirmation of need from assessing officer Bills/Receipts required

Disability Related Expense	Evidence Required
clothing & bedding, if necessitated by age, medical condition or disability	
<p style="text-align: center;"><b>Health Needs</b></p> Non prescribed items e.g. incontinence creams, wipes etc. where not provided by the NHS)	Bills/Receipts required
<p style="text-align: center;"><b>Personal Care – Private</b></p> Includes bathing, washing feeding and dressing	Bills/receipts/bank statement/service agreement/letter from carer Confirmation of need from assessing officer
<p style="text-align: center;"><b>Prescriptions</b></p> Where the individual has to pay	Receipts required
<p style="text-align: center;"><b>Holidays</b></p> Additional reasonable costs for disability related adaptations plus cost of accommodation for Personal Assistant, if applicable	Receipts /invoices required
<p style="text-align: center;"><b>Special equipment</b></p> Purchase, maintenance, and repair rent of disability related equipment	Evidence of purchase Confirmation of need from assessing officer or Occupational Therapy worker.
<p style="text-align: center;"><b>Transport Costs</b></p> Other transport costs necessitated by illness or disability	Bills/receipts required Evidence of need from assessing officer
<p style="text-align: center;"><b>Other Disability Related Expenditure</b></p>	Bills/receipts required Evidence of need from assessing officer