

ADULT SOCIAL CARE

Non-Residential Care Charges

Guidance for Service Users

April 2015



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Introduction

This booklet contains information on the rules and the charging process that Leicester City Council follows for charging service users for their Non-Residential Care services (Home Care for example). It is not intended to be as comprehensive as the Charging Policy, and will always be subject to that Policy.

A copy of the Policy is available on the Leicester City Council website, www.leicester.gov.uk, or by contacting us on **0116 454 1512** or **0116 454 1511**.

Chargeable services

All Non-Residential Care services are chargeable, unless specifically excluded by legislation, Government guidance, or a decision by Leicester City Council Members not to charge for that service.

Examples of services that are excluded include:

- Intermediate Care services;
- Reablement Care, (however, if the service continues for more than six weeks, you may be charged for this from the seventh week onwards).

Please note that in future we may charge for services we do not charge for currently.

How we decide the amount you should contribute towards the service you receive

The Government has set down national guidelines that must be followed, and we have incorporated these into the Leicester City Council's Charging Policy.

Some services are charged at a flat rate, for example Mobile Meals, meals and drinks at day centres etc. The amount you pay for these is set each year, and is not included in the assessment process described in this booklet.

To calculate how much you should contribute per week for any Non-Residential Care services that do not have a flat rate charge, we must take into account the following:

- 1) We cannot require you to contribute more than the actual cost of the service to the Council although we can charge you less.
- 2) We are obliged to carry out a means-tested assessment (Financial Assessment) to calculate the maximum amount you could reasonably be expected to pay per week. We call this the maximum weekly charge. This is explained in more detail later in this booklet (see page 5). We will also provide you with benefits advice as part of the assessment process.

If you have capital (other than your own home) that is higher than £23,250 you will be charged for the full cost of the services provided (including Direct Payments).
- 3) The actual amount you contribute per week will be either the cost of providing the services in your support plan or your maximum weekly charge, calculated in the means-tested assessment. Your weekly contribution will always be the lower of these two figures.

The Financial Assessment Process

To carry out the means-tested assessment (the Financial Assessment) we need to collect information from you about your finances and your personal circumstances.

You can, of course, choose not to have a Financial Assessment, in which case we will apply the full cost of services.

If you do choose to have a Financial Assessment we will also check what benefits you may be entitled to but are not claiming currently and advise you how to claim.

We will write to you to confirm when the financial assessment is to take place. One of our officers will come to your home to complete a comprehensive Financial Assessment form. You will be able to contact us and arrange an alternative date if the one suggested is not suitable.

In the event of a failed visit (e.g. the officer is unable to gain access or no one is able to provide the information required), a failed visit letter will be sent to you indicating that we have applied a maximum weekly charge, which will be the full cost of your services.

This will be reviewed if you contact the Income team to re-arrange a visit and a full Financial Assessment form is successfully completed. In such cases the new maximum weekly charge will normally be backdated to the date of the previous one.

The same procedure will be followed in the event of cancelled visits or where we are encountering difficulties in arranging a convenient, and early enough, visit date.

Following the completion of the form we will send a letter to notify you of the maximum weekly charge, which will normally be backdated to the date services began.

We will inform you of any further means-tested benefits that we believe you are entitled to. If you agree, we will also pass your details to our Welfare Rights service, who may contact you about any benefits to which you may be entitled and assist you in claiming your entitlement.

Setting the Maximum Weekly Charge

The purpose of the full Financial Assessment is to set an individual maximum weekly charge for you. This is a means-tested figure based on the following:

- You and your partner's (if you have one) weekly income (including any means-tested benefits to which you are entitled).
- You and your partner's (if you have one) capital assets. This excludes the home you normally live in unless you live in rented accommodation and also own a property. Then the property you own will be classed as a capital asset for assessment purposes.
- The basic Income Support (or Pension Credit) Buffer stipulated by the Government (this is related to the applicable and appropriate amounts used by DWP to calculate Income Support and Pension Credit entitlement).
- Your weekly rent, net of any Housing Benefit.
- Your weekly mortgage, net of any housing costs covered by Income Support or Pension Credit.
- Your weekly Council Tax, net of any Council Tax rebate.
- Any allowable disability related expenditure.

Examples of income and capital

Examples of income used in the assessment:

- State Retirement Pension;
- Occupational pensions;
- A tariff income related to;
- Attendance Allowance;
- Disability Living Allowance (Care Component);
- Income Support entitlement;
- Pension Credit (Guarantee Component) entitlement;
- Incapacity Benefit;
- Employment and Support Allowance;
- Carer's Allowance;
- Industrial Injuries Benefit;
- Income from an annuity.

Examples of income not normally included in the income calculation:

- The difference between the lower and higher rates of Attendance Allowance;
- The difference between the middle and higher rates of the care component of Disability Living Allowance;
- Mobility Allowance;
- Earnings;
- Working Tax Credit;
- Child Tax Credit;
- Savings credit component of Pension Credit;
- War Disablement Pension;
- War Widows Pension.

Some examples of capital used in the assessment:

- All bank accounts;
- ISAs;
- PEPs;
- Unit Trusts;
- Shares;
- Saving bonds;
- Income bonds;
- Property you own, but not normally occupied by you;
- Personal Injury Award.

The capital assets of a couple will be divided equally between them for assessment purposes.

If the service user has capital assets of £23,250 or over, the full cost of services will be charged for.

Examples of the Basic Income Support Buffer

This Buffer is a figure set by central government to provide service users with some income protection in the assessment calculation. It is set at 125% of what the Government says is the basic Income Support or Pension Credit (Guarantee Component) for an individual.

This figure varies according to individual circumstances and the applicable or appropriate amounts used by the Department for Work and Pensions in calculating benefit entitlement.

Examples of the figures for the benefit year 2015/16:

Single person over 60	£189.00
Member of a couple over 60 whose partner does not receive Attendance Allowance, Personal Independence Payment (Daily Living Component) or Disability Living Allowance (Care Component)	£144.28
Member of a couple over 60 who is also getting Carer's Premium because his/her partner is receiving Attendance Allowance, Personal Independence Payment (Daily Living Component) or Disability Living Allowance (Care Component)	£187.53
Single person over 25 who is receiving the middle or higher rate of Disability Living Allowance (Care Component) or Personal Independence Payment (Daily Living Component)	£151.38
Member of a couple over 25 who is receiving middle or higher rate Disability Living Allowance (Care Component) or Personal Independence Payment (Daily Living Component), but whose partner is not	£114.63
Member of a couple over 25 where both partners receive middle or higher rate Disability Living Allowance (Care Component) or Personal Independence Payment (Daily Living Component), but no Carer's Premium is included	£132.13

Examples of Disability Related Expenditure

Disability Related Expenditure is defined by the Department of Health as “Any reasonable additional cost that the service user incurs because of illness or disability.”

This depends on individual circumstances so only some basic examples follow:

Gas and electricity

There are some nationally accepted figures that are used to determine what amount a person would normally have to pay for these. It is the amount over and above these figures that may be allowed as a Disability Related Expenditure.

Examples:

A single person living in a terraced house would normally spend £25.08 per week (2015/16 figures), so if the actual costs are £27.08 per week then an allowance of £2.00 per week may be allowed.

A couple living in a semi-detached house would normally spend £35.08 per week (2015/16 figures), so if the actual costs are £37.08 per week then £2.00 is the extra expenditure. If both partners are over 60, then half of this figure (£1.00) may be allowed for the member being assessed (the other £1.00 being attributed to the needs of the other member of the couple).

Basic gardening

If a gardener has to be employed to mow the lawn, cut the hedges and do basic weeding, this expense may be allowed. The amount allowed is a weekly figure based on the annual cost, subject to a maximum allowance.

Example:

A gardener attends once per fortnight, and charges £12 per session. It is assumed that he/she will only be required for nine months in the year, so the annual cost is £234.00. A weekly figure of £4.50 may be allowed.

Extra use of a washing machine

It is assumed that the normal usage for each person in a household is two wash-loads per week. If, due to incontinence, more wash-loads are required by the service user, then an allowance of £1.00 per week for each additional wash-load may be applied. It is only the wash-loads that can be directly attributed to the service user's needs that may be allowed.

Examples where a Disability Related Expenditure allowance will not normally be made:

- Supporting People services;
- Structural or landscaping work in gardens or to buildings;
- Window cleaning
- Tobacco or alcohol products;
- Home maintenance costs;
- Amounts paid for care provided by a family member;
- Mobile Meals;
- Water charges (where the water is metered, Severn Trent's (Water Sure) scheme should be accessed);
- Telephone charges;
- Goods and services that should be supplied by the NHS;
- Pets and associated costs;
- Carer's expenses, other than essential companion's costs;
- Travel costs to visit friends and family (unless identified as an essential social inclusion activity in the Care Assessment or subsequent Support Plan).

For expenditure to qualify for a Disability Related Expenditure allowance, it should be identified as a need in the Support Plan, and it should be verified by the production of receipts.

If the necessary goods or services can be purchased at a lower cost, or the need can be met at a cheaper price, then the allowance will be restricted to the lowest cost alternative.

If, in the case of a single person, the total of all the allowable Disability Related Expenditure is less than £20.00 per week, then £20.00 per week will be allowed as a minimum allowance. In the case of a couple, the minimum allowance will be £15.00 per week each.

Examples of the maximum weekly charge calculation:

Example one - single person over 60

State Retirement Pension	£115.95
Total Disability Related Expenditure	£8.00

Weekly Income Calculation	
State Retirement Pension	£115.95
Guarantee Credit entitlement	£35.25
Total	£151.20

Weekly Allowances Calculation	
Basic Pension Credit Buffer	£189.00
Disability Related Expenditure	£20.00
Total	£209.00

Please note that no allowance is made for rent and Council Tax. This is because the service user is entitled to full Housing and Council Tax Benefits as a result of the entitlement to Pension Credit (Guarantee).

Also note that the minimum Disability Related Expenditure allowance of £20.00 has been applied rather than the actual £8.00.

The maximum weekly charge is the total Weekly Income minus the total Weekly Allowances
 $£151.20 - £209.00 = \text{£nil}$

Example two – single person over 60

State Retirement Pension	£115.95
Attendance Allowance (Higher Rate)	£82.30
Total Disability Related Expenditure	£21.50

Weekly Income Calculation	
State Retirement Pension	£115.95
Guarantee Credit entitlement	£97.10
Attendance Allowance	£55.10
Total	£268.15

Please note that the lower rate figure for Attendance Allowance is used. The difference between the lower and higher rates of Attendance Allowance is normally disregarded.

Weekly Allowances Calculation	
Basic Pension Credit Buffer	£189.00
Allowable Disability Related Expenditure	£21.50
Payable rent	£0.00
Payable Council Tax	£0.00
Total	£210.50

The maximum weekly charge is the total Weekly Income minus the total Weekly Allowances
 $£268.15 - £210.50 = £57.65$

Appeals process

If you think that we have calculated your maximum weekly charge wrongly, or not in accordance with the Council's Fairer Charging policy, then you have a right to appeal.

Important note: An appeal can only be made against the calculated maximum weekly charge that resulted from the full Financial Assessment. Appeals cannot be made against a temporary assessment or against the actual charge payable.

Stage one

To appeal you need to tell the Income team that you wish to do so within 35 days from the date of the letter notifying you of the maximum weekly charge. The contact details will be on the notification letter.

An appeal may result in one of three outcomes:

- 1) The maximum weekly charge is increased; or
- 2) The maximum weekly charge remains the same; or
- 3) The maximum weekly charge is decreased.

When the Income team is informed of your desire to access the appeals process, an officer not previously involved in the case will review the financial assessment and inform you of the outcome within seven days.

You will be notified in writing, indicating how the maximum weekly charge has been calculated, what has or has not been taken into account, and why.

You then have 14 days in which to respond indicating your acceptance of the re-calculated maximum weekly charge or your desire to move to the second stage of the appeals process.

If you do not respond within 14 days the appeal will be considered settled.

Stage Two

If you inform the Income team that you wish to continue the appeals process, you need to identify the following:

- The specific element of the assessment that you feel has not been calculated in accordance with the Charging Policy; or
- The specific element of your individual circumstances that has not been taken into account in the calculation. Please remember that any claim for Disability Related Expenditure must be supported by evidence such as receipts, bills, statements etc

If we are informed of your wish to continue with the appeals process, a panel of two senior officers, who have not been previously involved in the assessment, will thoroughly review the case to decide whether the assessment has been calculated in accordance with the Council's Fairer Charging policy.

When you have informed the Income team that you wish to continue the appeal, the panel will meet within 21 days of you doing so.

The panel will inform you of their decision in writing, normally within seven days of the panel meeting.

The actual charge

The actual amount that you are required to pay per week depends upon the cost of the services in each week.

Using the maximum weekly charge figure of £52.87 from the example on pages 14-15, then the actual charge could be as follows:

Week	Cost of Services	Maximum Weekly Charge	Actual Charge
1	£90.00	£57.65	£57.65
2	£90.00	£57.65	£57.65
3	£25.00	£57.65	£25.00
4	£90.00	£57.65	£57.65
Invoice for the 4 week period			£197.95

As can be seen above, the actual charge for each week is the lower of, either the cost of services provided, or the maximum weekly charge that was calculated in the Financial Assessment.

Direct Payments

In Direct Payment cases the maximum weekly charge will be deducted from the Direct Payment being made by the Council. You should pay the same amount of maximum weekly charge as a contribution into your designated Direct Payment account every week regardless of how much is spent on services each week.

If you do not spend all of your weekly Direct Payment it will become part of surplus unspent money and the Council will ask for it to be repaid every quarter. If the contribution should have been lower as services in a week cost less than the maximum weekly charge the difference will not need to be repaid.

Invoices (Not Direct Payment)

An invoice for a period of 4 weeks will be sent to you for the charge you have to pay for the period.

These invoices will usually be sent around 6 to 8 weeks after the period as the Council has to gather information confirming the actual services provided from many different organisations that provide care on the Council's behalf.

The invoice can be paid at any Post Office or outlet accepting Paypoint payments. You can also arrange to pay by Direct Debit or by other methods as described on the reverse of the invoice.

Please note that each invoice is individual and will not show payments made for previous invoices or outstanding invoices issued previously.

Direct Payment and Commissioned Services

In rare cases you may receive both a Direct Payment and commissioned services that are chargeable. If this happens the Council will normally reduce the Direct Payment by the full amount of the charge and not issue any separate invoices. However if the Direct Payment is less than the maximum weekly charge then invoices may be issued for part or all of the charge.

If your circumstances change

You need to inform us if your financial circumstances change, as your charges may be affected. In particular you need to tell us if:

- Your savings fall below the current capital limit (£23,250 in 2015/16);
- Your savings go above the current capital limit;
- You or your partner start or stop receiving Income Support or Pension Credit;
- You or your partner start or stop receiving Attendance Allowance, the Daily Living Component of Personal Independence Payments or the care component of Disability Living Allowance;
- You or your partner start or stop working;
- You or your partner become blind or regain your sight.

Any change in the Financial Assessment will be backdated to when the financial change took place.

Otherwise, your income will be treated as remaining the same until we review your circumstances.

How to pay your charges

There are multiple ways to pay, the main methods being:

1) Direct Debit

A Direct Debit is set up to cover your four weekly charges. You will receive the invoice and the amount will be taken on the 1st of the following month. Please remember that as there are thirteen four week periods in the year there will be at least one month where two 4 weekly periods will be collected by Direct Debit.

The Council will not refund any charges made by banks for rejected Direct Debits if two debits cannot be made in a month that two invoices are due.

2) Cheque to Leicester City Council

When you receive the four weekly invoice, you can send a cheque for the outstanding amount as directed on the back of the invoice.

3) Credit or Debit Card

When you receive the four weekly charges, you can pay the outstanding amount online at www.leicester.gov.uk as directed on the back of the invoice.

4) By cash

You can pay invoices in cash at any Post Office or Paypoint outlet.

How to contact us

We are available to answer any general questions you may have about your Care charges.

You can telephone us on **0116 454 1512** or **0116 454 1511**.

If you need to write to us, our address is:

Income Team, Operational Finance (Social Care)

The Business Service Centre

Leicester City Council

Sovereign House

17 Princess Road West

Leicester

LE1 6TR

You can also contact us via e-mail at nonres.charging@leicester.gov.uk

For independent financial advice a list of financial advisers is available at:

<http://directory.leicester.gov.uk/adult-social-care-directory/money-legal-matters/>