



**LONDON BOROUGH OF BROMLEY**  
**Education, Care and Health Services**

**Draft**  
**Contributions Policy**  
**Non-Residential Care Services**

**April 2015**

## CONTENTS

	<b>Page</b>
1. Legal Basis	3
2. Policy Aims	3
3. Services covered by this Policy	4
4. Key Principles	5
5. Personal Budgets	6
6. Definition of Services Provided	7
7. Charges effective from 6 <sup>th</sup> April 2015	10
8. Carrying out a financial assessment	13
9. How Charges are Calculated	13
10. Notification of Charges	15
11. Appeals Procedure	16
12. Complaints	20
13. Appendix A – Guide to Appeals Procedure	21
14. Appendix B – Guide to Disability Related Expenditure Allowance	26

**LONDON BOROUGH OF BROMLEY  
EDUCATION, CARE AND HEALTH SERVICES**

**Introduction to Bromley's  
Contributions Policy for Non-Residential Care Services**

**1. LEGAL BASIS**

- 1.1 The Care Act 2014 provides a single legal framework for charging for care and support under sections 14 and 17. The new framework is intended to make charging fairer and more clearly understood by everyone. To ensure consistency and fairness, the Care and Support Statutory Guidance has been issued by the Department of Health under the Care Act 2014.
- 1.2 Personal budgets are a key part of the Government's aspirations for a person-centred care and support system. The Act places personal budgets into law for the first time, making them the norm for people with care and support needs.
- 1.3 A personal budget is an allocation of social care resources to a person who is eligible for support. Following an assessment of their need for non-residential social services ("needs assessment"), a person who the council considers eligible for support will be allocated an amount of money necessary to meet their needs.
- 1.4 The Care and Support Statutory Guidance provides advice on how both the chargeable amount of a personal budget, and the actual contribution made by the personal budget holder, might be calculated. The chargeable amount is the maximum possible contribution a person can be asked to make to their personal budget, subject to their available income, savings and capital.

**2. POLICY AIMS**

- 2.1 The London Borough of Bromley's contributions policy has been designed to comply with the Care Act 2014 and the Care and Support (Charging and Assessment of Resources) Regulations 2014. Its aim is to provide a reasonable and fair charging framework for all service users.
- 2.2 The income generated from the charges helps to maintain and develop services for vulnerable people.

**3. LIST OF NON-RESIDENTIAL CARE SERVICES COVERED BY THIS POLICY**

1. Personal Budgets

- Personal Care
- Personal Assistants

- Flexible Support/Community Based Support
- Live in Carers
- Day Care
- Supported Living
- Shared Lives Placements
- Assistive Technology – Community Alarm Service
- Assistive Technology – Equipment (if provided as part of the Community Alarm Service)
- Telephone Rental Assistance
- Non-Residential Respite
- Carers Services
- Any other service provided or funded via a Personal Budget e.g. shopping.

2. Extra Care Housing – Support Charges

3. Supporting People Services

Currently no charges are levied for the following services:

1. Personal care and other non-residential care services to users exempt under section 117 of the Mental Health Act 1983
2. Personal care and other non-residential care services to users with Creutzfeldt Jacob Disease (CJD)
3. Intermediate Care including reablement for up to six weeks
4. Aids & Minor Adaptations (A minor adaptation is one costing £1,000 or less).
5. Any service which the NHS is under a duty to provide e.g. Continuing Healthcare.

#### 4. KEY PRINCIPLES

The key principles underpinning Bromley's contributions policy are:

- 4.1 The charges levied on service users are aimed to be fair and reasonable and due care will be taken in assessing the service users finances and their ability to contribute towards the cost of their care according to their means.
- 4.2 The aim to recover a reasonable level of charges and to apply charges fairly is intended not to undermine the department's objective to promote the independence and social inclusion of service users.
- 4.3 Service users have the right to request a review of their charges if they consider the charge to be unfair or if the service user feels that they cannot pay the charges.
- 4.4 Comprehensive benefits advice will be offered to all service users at the time of the financial assessment meeting with the aim being to maximise their income and to assist service users in contributing towards their care costs. Where the financial assessment is completed without a meeting we will contact the service user if we consider that they may not be receiving their full entitlement to benefits.
- 4.5 Service users with a disability and their carers, who work or wish to work, will **not** have their earnings assessed as part of their financial assessment.
- 4.6 In line with 4.2, the assessment of charges will ensure service users' net incomes will not be reduced below the minimum income guarantee (MIG), equivalent to Income Support or the Guarantee Credit of Pension Credit, plus a buffer of 25%.
- 4.7 Service users who refuse to pay their assessed charge will not have their services withdrawn. The Council may recover arrears of charges through Debt Collection Agencies and/or the Courts where service users have the means to contribute towards the cost of their services but refuse to do so. Service users may request a review of their charges (as stated in 4.3).
- 4.8 Service users whose disability-related benefits are taken into account in the assessment of their income will receive a standard amount of disability related expenses determined by the level of Disability Living Allowance, Personal Independence Payment or Attendance Allowance that they receive. Service users will have the right to have their disability related expenses assessed as part of the Appeals Process (covered in section 10).
- 4.9 All information relating to service users' finances (verbal and written) will be treated in confidence and we will comply with the Data Protection Act 1998 when disclosing information.

- 4.10 Service users will be charged for a minimum of half an hour per visit from the Agency. This is the minimum amount of time the Council will charge the service user for care provided. Service packages are set up as a minimum of half hour slots and this is reflected in payments made by the Council to the agencies and is in turn reflected by charges made to the service user. Although some calls are shorter than or may take slightly longer than specified in the care plan, there will be no refund for such minor variations.
- 4.11 If a visit is cancelled with less than 24 hours notice, the Council will be required to pay the agency therefore the service user will still be charged for the cancelled visit.

## **5. PERSONAL BUDGETS**

### **5.1 WHAT IS A PERSONAL BUDGET?**

A personal budget is the monetary value of the care purchased by Education, Care and Health Services from its contractors to meet the assessed eligible care needs of an individual. The amount of “personal budget” a person is offered will depend on their needs and must be used as set out in their support plan. Whilst all care packages or support plans will have a monetary value referred to as a “personal budget”, not everyone will want to assume responsibility for managing that budget directly.

A service user might elect the Council to manage their care arrangements as has been the tradition in the past (managed service) or they may elect to take full control of their personal budget as a direct payment. Some may choose a combination of the two. The way they choose to use their allocation is recorded on a support plan.

#### Options for Service Users

##### ➤ Managed Service

Many people will elect to have the Council arrange the service in the same way as previously, with the user receiving services in lieu of their personal budget. In such circumstances a Care Manager will design a support plan with the service user and purchase a range of services from contractors to meet the service user's needs.

##### ➤ Direct Payments

It is anticipated that people will increasingly elect to exercise more choice and control, opting to make their own care arrangements by purchasing care themselves using their personal budget which they receive as a Direct Payment.

When a service user is referred to Education, Care and Health Services an Assessor will visit them to assess their care needs (if they are in

hospital, this assessment may be carried out by a hospital based Care Manager).

The Assessor will complete a Care Plan Assessment and inform the service user that they may be asked to pay towards the cost of providing their Care/Support Package. This will also be explained in a letter which the service user will need to sign and return confirming that they have received this information.

The Assessor will give the service user a fact sheet informing them about the Visiting Officers and the financial assessment that they will undertake.

## 5.2 SERVICES WHICH WILL BE INCLUDED IN A PERSONAL BUDGET

- Personal Care
- Personal Assistant
- Flexible Support/Community Based Support
- Extra Care Housing – Personal Care
- Live in Carers
- Day Care
- Supported Living
- Shared Lives Placements
- Assistive Technology Community Alarm Service
- Assistive Technology Equipment (provided as part of Community Alarm)
- Telephone Rental Assistance
- Non-Residential Respite
- Other non-residential services determined as necessary to meet assessed need e.g. Shopping

## 6. DEFINITION OF SERVICES PROVIDED

### 6.1 PERSONAL CARE /PERSONAL ASSISTANT

Home care or domiciliary care is care provided in a person's home following a care needs assessment (this also applies to service users living in Extra Care accommodation). A service user might elect the Council to manage their care arrangements as has been the tradition in the past (managed service) or they may elect to take full control of their own care using a direct payment.

The service user will be financially assessed to see how much they should contribute towards their care.

### 6.2 FLEXIBLE SUPPORT/COMMUNITY BASED SUPPORT

Flexible support/Community based support is provided to service users to maximise choice and control in living as full a life, as independently as possible, for as long as possible, whilst living in their own home. The service is flexible in the hours delivered, the time they are delivered

and in the level of support provided to respond to the changing needs of the service users.

The service user will be financially assessed to see how much they should contribute towards the support they receive.

### 6.3 LIVE IN CARERS

Service users that require a carer to provide 24 hour assistance will be allocated a sum of money in their personal budget to purchase this service. The service user can opt to take this as a managed service or as a direct payment.

### 6.4 DAY CARE

Day care will be calculated as part of the personal budget and as such will be part of the financial assessment, which means a charge may be applied.

Transport for day care is not included in the personal budget and therefore there is no charge for this service.

Service users will be charged based on their planned level of service. Charges will only be adjusted where they have been unable to attend the day centre for more than four weeks. This is because the day centre will keep their space available for them to return for up to four weeks.

### 6.5 SUPPORTED LIVING PACKAGE

There are a range of supported housing schemes within the Borough which provide accommodation to people with disabilities and enable them to live independently.

Service users who are receiving supported living services will be financially assessed under the Council's Contributions Policy to determine how much they will be charged for the support they receive.

### 6.6 SHARED LIVES PLACEMENTS

Shared Lives provides a service to vulnerable adults. The Scheme provides an alternative choice for people who require support rather than traditional residential care. The Scheme aims to enhance independence, choice and inclusion through a person-centered approach. It is a flexible, creative, community-based scheme that can provide both long-term and short-break services.

Payments are made directly to the Adult Placement Provider for food and utilities. Service users will be financially assessed under the Council's Contributions Policy for the care they receive.

## 6.7 ASSISTIVE TECHNOLOGY - COMMUNITY ALARM SERVICE & EQUIPMENT

The Community Alarm Service is run by Bromley Council's Education, Care and Health Services and is a 24 hour lifeline alarm scheme that helps vulnerable people to remain safely in their own home by enabling them to summon help in an emergency.

The weekly charge for the community alarm equipment will continue until the equipment is returned to the council, even if the service is no longer required.

Any additional equipment (peripherals) will be charged for on an individual basis.

## 6.8 TELEPHONE RENTAL ASSISTANCE

Under exceptional circumstances assistance with the costs of installing and/or rental of a telephone may be provided by the Council under the Care Act 2014 if the applicant meets the required criteria.

## 6.9 RESPITE NON-RESIDENTIAL

Service users that need respite care, which is not provided in residential accommodation, will be charged under the Council's Contributions Policy for non-residential services.

## 6.10 CARERS SERVICES

Where a carer has eligible support needs of their own, and the Council is meeting the needs of the carer by providing a service directly to the carer, the carer will be charged the full cost for the service subject to a financial assessment.

## 6.11 ANY OTHER SERVICES FUNDED BY A PERSONAL BUDGET

In exceptional circumstances a shopping service may be included in a person's personal budget, following a needs assessment. This means a charge may be applied following a financial assessment.

### **OTHER SERVICES THAT ARE NOT PART OF THE PERSONAL BUDGET**

## 6.12 EXTRA CARE HOUSING – SUPPORT

Extra Care Housing provides a range of housing and care/support services tailored to meet individual needs available 24 hours a day, 7 days a week. The amount of care provided at any time can be flexible to accommodate fluctuating needs, and can be supported by in-built "smart technology" or "telecare" (for example call alarms or sensors to alert staff to particular circumstances). Schemes may be specifically

designed to cater for specialist needs, such as for people with dementia. Living within the wider community can help people to maintain and build up the skills needed to retain their independence.

Service users who receive full or partial Housing Benefit will not be charged for their housing related support, however if the service user requires assistance from on site staff to take medication or carry out personal tasks then an additional hourly rate is charged for this service. (NB: All Extra Care Housing residents will be charged for their domiciliary care).

### 6.13 SUPPORTING PEOPLE SERVICES

Service users receiving long-term services and who are eligible for full or partial Housing Benefit will not be charged for their housing related support, however if they are receiving Domiciliary services they will be financially assessed for these services. Supporting People Services are free to people living in supported accommodation which is intended to be short term (up to 2 years).

Service users who are not eligible for Housing Benefits will be assessed under the Council's Contributions Policy to determine how much they will be charged for the support they receive.

### 6.14 ARRANGEMENT FEE

Where the service user has more than £23,250 in savings and investments they will be liable to pay an arrangement fee in addition to full costs of meeting their needs. This arrangement fee covers the costs of putting in place the care and support required.

## 7. CHARGES EFFECTIVE FROM 6 APRIL 2015

### 7.1 Personal Budgets

- Direct Payments

The maximum charge for direct payments personal care (also known as homecare or domiciliary care) is as follows:-

- £13.28 per hour – Agency Provider
- £7.78 per half hour – Agency Provider
- £9.96 per three quarter hour – Agency Provider
- £11.78 per hour Personal Assistant
  
- Double Handed
  - £26.56 per hour
  - £15.56 per half hour
  - £19.92 per three quarter hour

- Personal Care – Managed Service

The maximum charge for personal (also known as homecare or domiciliary care) which is managed on behalf of the service user by the council is as follows:-

- Single Handed
  - £13.28 per hour
  - £7.78 per half hour
  - £9.96 per three quarter hour
- Double Handed
  - £26.56 per hour
  - £15.56 per half hour
  - £19.92 per three quarter hour

- Extra Care Housing - Personal Care

In-house Extra Care will be charged at the same rate as personal care shown above.

The charge for external Extra Care will be based on the actual contracted cost of the service provided.

- Flexible Support/Community Based Support

- £13.28 per hour

- Live In Carers

The charge for live in carers per week is the actual cost to the Council.

- Day Care (Managed Service)

The charge for general day care for frail older people and day care for older people with dementia or people with learning disabilities is £16.67 per session.

For Day Care (specialist Individual day care placement) actual contracted costs will apply.

- Assistive Technology - Community Alarm Service & Equipment

- Carelink Service Full Mobile Response £8.68 per week
- Carelink Service Monitoring only £5.81 per week
- Enhanced Equipment - £2.90 per item per week in addition to the above

➤ For any Emergency Call-out a charge of £83.58 will apply.

- Telephone Rental Assistance

The charge for this service will be based on the cost of the service provided by the service user's telecommunications provider.

- Supported Living

The weekly charge for Supported Living is full cost recovery (maximum charge) however a financial assessment will be undertaken to determine how much a service user can afford to contribute towards their care.

- Shared Lives

The weekly charge for the personal care is full cost recovery (maximum charge) however a financial assessment will be undertaken to determine how much a service user can afford to contribute towards their care.

- Non-Residential Respite

The weekly charge is full cost recovery (maximum charge) however a financial assessment will be undertaken to determine how much a service user can afford to contribute towards their care.

- Other Services Funded by a Personal Budget

➤ Shopping Service £13.28 per week (equivalent to 1 hour)

## 7.2 Extra Care Housing – Support Charges

The current support charge is up to £70 per week (actual costs). Personal care received will be charged at our current hourly rate.

## 7.3 Supporting People Services

The charge for the Supporting People Service is based on the amount of non personal care support the Housing Provider provides to its tenants.

For service users receiving Housing Benefit they will not be charged for the housing related support.

If a service user is asked to pay a Supporting People Charge they can ask to have a financial assessment to see how much they should pay towards the cost of providing this service.

If the service user is in receipt of two or more services for example Supporting People Services and a Domiciliary Care Service, we will do one financial assessment.

## 7.4 Arrangement Fee

The current arrangement fee is £240 a year. This will be charged at the weekly rate of £4.61 from the start of the care package and annually thereafter.

## 8. CARRYING OUT A FINANCIAL ASSESSMENT

8.1 When a referral is received from Care Services, the Financial Assessment and Management Team will attempt to contact the service user or their representative by telephone within 5 working days to arrange an appointment. If they are unable to make contact, a letter will be sent advising that we will allow another 10 days for contact to be made. If no contact is made, we write and advise that the service user will be charged for the full cost of the service. This can then be reviewed if we are able to carry out a full financial assessment.

8.2 If the service user or representative refuses a visit and will only complete the form by post, they will have 14 working days to complete and return the form with documentary evidence. If we do not receive the form within 14 working days, the service user will be charged for the full cost of the service.

8.3 If the service user lacks capacity, the financial assessment will be conducted with one of the following people acting on behalf of the service user:

- a) Enduring Power of Attorney (EPA);
- b) Lasting Power of Attorney (LPA) for Property and Affairs;
- c) Lasting Power of Attorney (LPA) for Health and Welfare;
- d) Property and Affairs Deputyship under the Court of Protection;
- or
- e) 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).

8.4 Where a service user lacks capacity to give consent to a financial assessment and they do not have any of the above people with authority to be involved in their affairs, they may require the appointment of a Property and Affairs Deputyship. The Council will apply to the DWP or the Court of Protection if there is no one willing or able to act on behalf of the service user.

## 9. HOW CHARGES ARE CALCULATED

9.1 The service user will be financially assessed in accordance with the Care and Support (Charging and Assessment of Resources) Regulations 2014, section 8 of the Care and Support guidance, Annex B in relation to the treatment of Capital and Annex C on the treatment of income for non-residential care.

- 9.2 If a service user has savings and investments of over **£23,250 (“upper capital limit”)** they will have to pay an arrangement fee in addition to the full cost of their care.
- 9.3 Service users will also be charged an arrangement fee and the full cost of their care where:-
- a) They have failed to provide all the details required to complete the financial assessment within 28 days from the meeting with the Visiting Officer. They will be treated as not requiring financial assistance from the Council, or
  - b) They do not wish to disclose their finances and sign a financial assessment form agreeing to pay the full cost. This will be treated as a “light touch” financial assessment.

#### The Calculation of the Charge – How it works

- 9.4 Where a service user has savings and investments of less than £23,250 they will be entitled to have a full financial assessment based on their income, savings and investments.
- 9.5 Allowances will be made for their normal living costs, housing costs and costs arising as a direct result of their disability.

#### How income is treated

- 9.6 Income will always be taken into account unless it is disregarded under the regulations. Income that is disregarded will either be:
- (a) Partially disregarded; or
  - (b) Fully disregarded.
- 9.7 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.
- 9.8 Income from employment, i.e. earnings **will not** be taken into account in the assessment of the charge, however occupational/personal pensions **will be** included as income in the financial assessment.
- 9.9 This will include those pensions that are inherited by the service user. Where the service user’s spouse is a permanent resident in a residential/nursing home and 50% of their pension is disregarded as an allowance while they remain living at home, this income must be declared when providing details for the financial assessment.
- 9.10 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 will be taken fully into account except where it is:

- (a) purchased with a loan secured on the person's main or only home (providing certain conditions as set out in the guidance are met); or
- (b) a gallantry award such as the Victoria Cross Annuity or George Cross Annuity.

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

(a) Where a service user has removed the funds and placed them in another product or savings account, they will be treated according to the rules for that product;

(b) Where a service user is only drawing a minimal income, then we will apply notional income equivalent to the maximum income that could be drawn under the annuity product. We will disregard the actual income to avoid double counting;

(c) Where a service user is drawing down an income that is higher than the maximum available under the annuity product, the actual income that is being drawn down will be taken into account.

9.12 Any income from an insurance policy will be taken into account however the amount of income from a mortgage protection insurance policy that will be disregarded is the weekly sum of:

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

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

- (a) Armed Forces Independence Payments and Mobility Supplement
- (b) Child Support Maintenance Payments and Child Benefit
- (c) Child Tax Credit
- (d) Council Tax Reduction Schemes where this involves a payment to the person
- (e) Disability Living Allowance (Mobility Component) and Mobility Supplement
- (f) Christmas bonus
- (g) Dependency increases paid with certain benefits
- (h) Discretionary Trust
- (i) Gallantry Awards
- (j) Guardian's Allowance

- (k) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme
- (l) Income frozen abroad
- (m) Income in kind
- (n) Pensioners Christmas payments
- (o) Personal Independence Payment (Mobility Component) and Mobility Supplement
- (p) Personal injury trust, including those administered by a Court
- (q) Resettlement benefit
- (r) Savings credit disregard
- (s) Social Fund payments (including winter fuel payments)
- (t) War widows and widowers special payments
- (u) Any payments received as a holder of the Victoria Cross, George Cross or equivalent
- (v) Any grants or loans paid for the purposes of education; and
- (w) Payments made in relation to training for employment.
- (x) Any payment from the:
  - (i) Macfarlane Trust
  - (ii) Macfarlane (Special Payments) Trust
  - (iii) Macfarlane (Special Payment) (No 2) Trust
  - (iv) Caxton Foundation
  - (v) The Fund (payments to non-haemophiliacs infected with HIV)
  - (vi) Eileen Trust
  - (vii) MFET Limited
  - (viii) Independent Living Fund (2006)
  - (ix) Skipton Fund
- (x) London Bombings Relief Charitable Fund.

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

9.14 The following income is partially disregarded:

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).

How capital is treated

9.15 If a service user has savings or other capital in excess of £23,250, they will be assessed to pay the full cost of their care package until the value of their capital falls below this level. Contact should be made with the Council to request a full financial assessment at least two months before this point.

9.16 Where their savings or other capital is between £14,250 and £23,250, income from this source will be calculated at £1 per each £250 or part £250 and will be taken into account as part of the assessment:

For example if a person has savings of £15,000, we will include £3.00 per week as income, when working out the assessed charge.

**9.17 Savings and other capital of less than £14,250 will not be included in the financial assessment.**

9.18 Other forms of capital may be taken into account as set out in Annex B of the Care and Support Statutory Guidance.

9.19 Where there is evidence to prove that savings or capital have been deliberately given away or transferred in order to reduce the service user's ability to pay for services, the sum in question may still be included in the financial assessment as "notional" capital. (See 9.36-9.40 Deprivation of Assets and Debts).

Treatment of Property

**9.20 The value of the property that the service user occupies will not be included in the financial assessment.** However if the service user owns property that is not their main or only home, it will be treated as a capital asset and will be included in the assessment, unless they qualify for a statutory disregard as set out in the Care and Support Statutory Guidance. This means they will be assessed as being responsible for the full cost of their care.

9.21 The service user will be entitled to a 12 week property disregard during which they will still have to pay a contribution based upon their income and expenditure. The property disregard will start from the effective date of the full cost assessment or the start of the tenancy for the Extra Care Housing or Supported Living placement.

Allowances made for basic living costs

9.22 An allowance is made in the financial assessment for ordinary living costs. This allowance will be based on the minimum income guarantee (MIG), equivalent to Income Support or the Guarantee Credit element of Pension Credit, plus a buffer of 25%.

9.23 The allowance will cover items such as:-

- Food
- Clothes
- Insurance, including building and contents, mortgage protection and life assurance
- Water rates
- Utility bills such as gas, electricity and telephone
- Everyday transport costs
- TV licence
- Subscriptions to satellite or digital TV companies
- Repair and replacement of household items

- Other expenditure such as credit card debts or personal loans and arrears. .

**Please note that this list is neither exhaustive nor exclusive and is intended as a guide.**

#### Couples/Household Assessments

- 9.24 Financial assessments are normally based on the service user's income and assets however if they are living with a partner, **a household or joint assessment may be carried out, if this is more beneficial to the service user.**
- 9.25 We will need details of the household or joint income and expenses to do this.

#### Housing Benefit and Council Tax Benefit

- 9.26 In certain circumstances service users may be in receipt of Housing Benefit or Council Tax Benefit.
- 9.27 These are benefits that are given when a person has been financially assessed by the Council as being unable to meet all or part of their rent or council tax.
- 9.28 It may be that all of the service user's rent and council tax are met by these benefits. However, on some occasions only part of these charges are met in this way and the service user will have to pay the amount outstanding.
- 9.29 The Financial Assessment and Management Team will only make a housing cost allowance for the actual amount of rent or council tax that the service user is being asked to pay.

#### Disability Related Expenses (DRE)

- 9.30 In addition to the various allowances that are taken into account in assessing a service user's charge, people with specific expenses in excess of "standard" living costs may receive a further reduction in their charge for disability related expenses.
- 9.31 Those **extra** costs that a service user has to pay because of their disability may include for example: extra heating, the maintenance and repair of disability related equipment, incontinence laundry costs or costs to address sensory impairment.
- 9.32 The "standard" rates for DRE are as follows:-
- £5.50 if the service user is receiving the low or middle rate of disability living allowance, the standard rate of personal independence payment or the low rate of attendance allowance.

- £11.00 if the service user is receiving the higher rate of disability living allowance, the enhanced rate of personal independence payment or the high rate of attendance allowance.
- 9.33 Service users have the right to appeal if they are unhappy with their DRE allowance which is covered in Appendix A.
- 9.34 Where a service user is making an appeal against the assessed charge on the grounds that their DRE exceeds the allowance included in their financial assessment, evidence of the expenditure must be supplied with the appeal.
- 9.35 Appeals will be considered on a case by case basis; however Appendix B provides examples of the type of DRE that further allowance may be given for.

#### Deprivation of Assets and Debts

- 9.36 People with care and support needs are free to spend their income and assets as they see fit, including making gifts to friends and family. However, it is also important that people pay their fair contribution towards their care and support costs.
- 9.38 There are some cases where a person may have tried to deliberately avoid paying for care and support costs through depriving themselves of assets – either capital or income.
- 9.39 Where the Council believes there is evidence to support this, it will either charge the service user as if they still possessed the asset or, if the asset has been transferred to someone else, it seek to recover the lost income from charges from that person.
- 9.40 Where a person has accrued a debt, the local authority will use its powers under the Care Act to recover that debt. In deciding how to proceed, the local authority will consider the circumstances of the case before deciding a course of action. This may include issuing a County Court claim to recover the debt. However, this power will only be used after other reasonable alternatives for recovering the debt have been exhausted.

### **10. NOTIFICATION OF CHARGES**

- 10.1 Details of the charge or an estimate of the charge will be given in writing to the service user at the conclusion of the visit. However, there are likely to be situations where information relating to the User's finances is not available at the time of the visit, which may require a further visit or requested details to be sent through to the Financial Assessment and Management Team in order to complete the financial assessment.
- 10.2 There are also circumstances where welfare advice given to the service user may lead to applications for various benefits. The service

user will be charged on their current level of finances and any additional income will then be picked up as soon as the outcome of the benefit take-up has been notified to the Financial Assessment and Management Team.

- 10.3 Once all the financial information has been received, written confirmation of the charge will be sent to the service user. Charges will commence from the commencement of the care package.
- 10.4 Service users will be informed at the time of the financial assessment of the procedure to follow if they believe they should not have to contribute towards the cost of their care. (Please see Section 10 on Appeals below). If there is a concern that the financial assessment is incorrect then this should be pursued through the Financial Assessment and Management Team. If a service user feels unable to pay owing to financial hardship then an appeal should be submitted

## **11. APPEALS PROCEDURE**

- 11.1 Any service user who feels that the payment of the assessed charge would result in financial hardship may appeal against the charge.
- 11.2 There are three levels of appeal:
- > Level 1 Deputy Exchequer Manager
  - > Level 2 Appeals Panel
  - > Level 3 Appeals Sub-Committee
- 11.3 The Appeals Procedure is attached - Appendix A

## **12. COMPLAINTS**

- 12.1 Where a service user or their representative is unhappy with any aspect of the financial assessment process or the charge levied, they have the right to make a complaint under the Council's statutory complaints procedure.
- 12.2 Complaints can be made by completing the [online complaints form](#), or by sending the complaint to Civic Centre, FREEPOST MB 1658, Stockwell Close, Bromley, BR1 3UH.

## **Guide to the Appeals Procedure**

### **Introduction**

In order to monitor the implementation of the Contributions Policy and its impact upon users, it is not considered practical or advisable to seek to define rigid criteria for the reduction or waiving of charges. However, the following guidance notes may be useful.

### **1 KEY PRINCIPLES**

- ◆ Any Service User who feels that payment of the assessed charge would result in real hardship may appeal.
- ◆ An appeal will follow the initial assessment if the service user indicates that they are unable or unwilling to pay the assessed charge.
- ◆ An appeal can be submitted by a Care Manager/Care Coordinator, service user's representative or advocate if the service user is unwilling or unable to appeal on his or her own behalf. If this is the case the service user should provide written authorisation to communicate with their representative.
- ◆ Service users are expected to pay their assessed charges or at least a contribution towards the cost of their services while their appeal is being considered.

### **2 LEVELS OF APPEAL**

The appeals process has three stages: -

#### **2.1 Level 1 – Deputy Exchequer Manager**

The Deputy Exchequer Manager has the delegated authority to reduce the assessed maximum charge at the first stage of the appeal for a specified period of time up to a maximum of one year.

The Deputy Exchequer Manager will deal with the appeal within six weeks from the date that the appeal is received.

A record will be kept of the appeal and the outcome and the service user and/or their representative will receive written notification of the decision.

#### **2.2 Level 2 – The Appeals Panel**

If the service user is unhappy with the Deputy Exchequer Manager's decision regarding his or her appeal or refuses to co-operate with the charging procedure but would be at risk without provision of the service, an appeal should be submitted to the Domiciliary Care Appeals Panel of the Education, Care and Health Services.

The panel is made up of two officers from the Council (a representative from the Education, Care and Health Services, a representative from the Resources Department) and an independent representative from Bromley Carers. They will examine the evidence submitted by the service user, together with the Deputy Exchequer Manager's report and recommendations. The panel has the authority to reduce charges or waive them completely for a limited period, or until the next annual financial review, according to the service users' circumstances.

The second stage appeal will be prepared for the next available panel sitting after receipt of the appeal and the service user will be advised when this will be.

### 2.3 Level 3 – Appeals Sub-Committee

Any service user, who remains dissatisfied with the outcome of the appeal after the second stage, may put their case to the Appeals Sub-Committee. The process for level 3 appeals is attached.

## 3 GROUNDS FOR APPEAL

Appeals are expected to fall into five broad categories:-

### 3.1 Financial hardship due to exceptional expenditure arising from infirmity or disability

It is expected that the type of additional expenses claimed by service users would cover:

- ◆ Increased heating costs
- ◆ A medically prescribed diet involving expenditure above normal living costs
- ◆ Medical or hygiene needs, chemists sundries not covered by NHS provision
- ◆ Exceptional wear and tear on clothing or special clothing requirements because of disability etc.

Evidence of the increased expenses will be required in terms of supporting bills, receipts, etc.

### 3.2 If the service user's disposable income is being used to purchase a significant amount of private care

Service users may appeal on these grounds where they can prove that they do not have the real level of disposable income indicated by the charging formula and /or are already using their AA / DLA to purchase other forms of care such that they cannot contribute the assessed sum towards the cost of services provided by the Council.

The definition of 'private care' is attention to personal care needs equivalent to the Social Care Services provided by the Council. It does not extend to private medical or nursing services which could be expected to be met by existing NHS provision, or private gardening, window cleaning or house maintenance services. Service users incurring expenses of this type would be expected to appeal on grounds of financial hardship arising from the cost of disability.

In considering these appeals, the costs of private care are not preferential: the Deputy Exchequer Manager must balance the cost and contributions of both private and Council provided services in meeting the service users' assessed needs and maintaining their quality of life.

### **3.3 If the service user refuses to pay but withdrawal of the services would seriously endanger their physical or mental health so as to put them at risk**

Appeals of this kind will depend on the outcome of the full needs assessment. Initially, the Deputy Exchequer Manager should consult with the Care Manager and Group Manager to determine whether the service user could be persuaded to co-operate with the charging process or would be prepared to accept a reduced charge. If yes, the appeal can be considered by the Deputy Exchequer Manager but if there is an outright refusal to pay, the Deputy Exchequer Manager should refer the appeal to the Charging Policy Appeals Panel.

### **3.4 If a service user has real and unavoidable financial difficulties and is using their available resources to repay high levels of debt**

Appeals of this kind would not be expected from service users who had savings available to clear their debts but would include those whose income has reduced below Income Support level because of debt repayments.

Evidence of the level of debt will be required and details of any existing repayment agreements e.g. Housing Rent arrears, Social Fund Crisis Loan repayment, fuel arrears agreements, credit card agreements, CAB involvement etc.

Service users who have limited savings and low levels of disposable income who have incurred large bills of an unforeseen nature e.g. essential house maintenance such as emergency roof repairs, renewal of heating/hot water system, or funeral expenses of spouse or close relative

would also be eligible to appeal on grounds of financial hardship for a temporary reduction or waiving of charges, as appropriate.

Real and unavoidable financial difficulties might also include service users whose use of disposable income and ability to co-operate with the charging process are seriously affected by drug or alcohol abuse.

### **3.5 Other circumstances**

It is not anticipated that large numbers of service users would fall into this category but there is a clear need to take account of other circumstances such as family crises etc. affecting a service users' ability to pay their assessed charge.

## **APPEALS SUB-COMMITTEE**

### **1 Introduction**

- 1.1 Where a person is dissatisfied with the decision of the Appeals Panel with regard to the contribution to be paid towards the provision of domiciliary care services, the matter can be referred to the Appeals Sub-Committee, a panel consisting of three councillors.
- 1.2 The person will be able to put his/her case at an informal meeting of the Panel and can bring with them their carer, a relative or friend to help explain why they do not agree with the amount they are being asked to pay.

### **2 Process**

- 2.1 You will be told of the date of the Panel meeting and the arrangements. This will include details of car parking, access to public transport and any arrangements necessary to assist those with special needs.
- 2.2 You and the Chairman of the Panel should ensure that the meeting is conducted in a way, which enables the person to put their case simply and without formality.
- 2.3 The Panel and the Appellant will be given a copy of the financial assessment and any other documents relevant to the assessment prior to the meeting date.
- 2.4 It is envisaged that written information will be kept to a minimum.
- 2.5 The Members of the Panel may ask questions of the Department's officer and may also ask questions of you or your representative.

### **3 Decision**

- 3.1 The decision will be given in writing to the appellant within 5 working days.

- 3.2 Where appropriate the Panel will indicate the date from which the revised contributions will take effect.

DRAFT

<b>GUIDE TO DISABILITY RELATED EXPENDITURE ALLOWED ON APPEAL 2015/16</b>
--

### Fuel & Heating

If you can prove that you spend more each year on all fuel than the following allowances because of your disability, we will take your additional expenditure into account:

Single in flat or terraced house	£1,203
Couple in flat or terraced house	£1,587
Single in semi-detached	£1,278
Couple in semi-detached	£1,684
Single in detached house	£1,555
Couple in detached house	£2,049

### Community Alarm

Subject to this being an assessed need, we will allow the actual cost up to £8.68 unless already included in Housing Benefit.

### Privately arranged Personal Care

Your Care Manager will need to confirm that this help is needed and is not included in the care the Council provides. Your Care Manager will need to confirm the requirement as part of your Care Plan and that Council supported care is reduced accordingly. Payments to immediate members of the family cannot be taken into account. If you have been assessed to require respite care, but prefer to make private arrangements for a holiday with a carer, you can claim the holiday cost for the carer, spread over 52 weeks.

### Private Domestic help

Your Care Manager will need to confirm that this help is needed and is not included in the care the Council provides, as with privately arranged personal care. Payments to immediate members of your family cannot be taken into account. The amount we will allow will be based upon the current hourly rate for personal care that the Council provides, equivalent to 1.5 hours per fortnight.

### Laundry

It may be helpful to think about how many extra loads of washing you do in a week compared with the time before you became disabled. We will allow £3.61 per week if your laundry needs exceed 4 loads per week. This allowance includes the cost of specialist washing powders. The Care Plan should identify an incontinence problem and indicate that a referral to the CCG for continence aids has been made.

If you qualify for the laundry allowance of £3.61 per week, we will allow £1.00 per week allowance for the cost of buying replacement or additional sets of bedding which is subject to wear and tear from frequent laundering.

Item	Things to consider	Evidence Required
<p><b>Fuel &amp; Heating</b></p> <p>See guidelines</p>	<p>Do you feel the cold and need your heating temperature to be set higher?</p> <p>Is the heating on at night? Are you housebound and need the heating on all day?</p>	<p><b>Last 4 bills:</b></p> <p><b>Gas</b></p> <p><b>Electricity</b></p> <p><b>Receipts</b></p> <p>Y/N</p>
<p><b>Community Alarm System</b></p> <p>Allowance: Actual cost up to £8.68 per week</p>	<p>Do you pay a Provider privately (other than Bromley Council or your Landlord) for a Community Alarm system like Carelink or similar?</p> <p>Who is the Provider?</p>	<p><b>Bills from the Provider to Cover a minimum of 8 weeks</b></p> <p><b>Receipts</b></p> <p>Y/N</p>
<p><b>Privately arranged Personal Care</b></p> <p>Allowance: Actual cost up to £7.78 per ½ hour or £13.28 per hour</p>	<p>Do you pay someone to look after your personal care needs?</p>	<p><b>Signed receipts for at least 8 weeks, using a receipt book</b></p> <p>Y/N</p>
<p><b>Private Domestic help</b></p> <p>Allowance: £9.93 per week max</p>	<p>Do you pay someone to do domestic cleaning, or other odd jobs? (i.e. window cleaner)</p>	<p><b>Signed receipts for at least 8 weeks, using a receipt book</b></p> <p>Y/N</p>
<p><b>Laundry</b></p> <p>Allowance: £3.61+ £1.00 per week (sheets if incontinent)</p>	<p>Do you spend extra on washing clothes, or sending things to the laundry/dry cleaners because of your disability? (i.e. incontinence)</p> <p>Do you do more than 4 loads of washing per week?</p>	<p><b>Any receipts</b></p> <p>Y/N</p>

## **Clothing**

The Care Plan should refer to identified needs, e.g. abnormal wear and tear on clothing or footwear or purchase of items specially made or adapted for your disability. We will allow the actual cost of specialist clothing; it may be easier to calculate if you add up the total amount you spend on these items in a year and divide by 52.

If you do not need adapted clothing but require extra clothes because of the wear and tear associated with your disability, we will allow a maximum allowance of £3.39 per week.

## **Diet & Food**

Allowance for the cost of special dietary needs will be made where they are likely to improve or maintain the user's health, and where the cost is more than normal food. The cost of freezer meals equates to everyday normal living costs and should not be regarded as an exceptional expense. We have used the Government's Family Spending Data 2012 (uplifted by inflation) to assess excess expenditure on particular food items caused by illness or disability. The threshold figures for normal food costs per week are:

One person retired household, mainly dependent on state pensions: £27.95. We will allow up to £9.23 per week as additional expenditure over and above the normal food costs.

Couple retired household, mainly dependent on state pensions: £56.52. We will allow up to £10.41 per week as additional expenditure over and above the normal food costs.

## **Gardening**

The amount we will allow is discretionary based on the cost of maintaining your garden to a basic standard, providing the need for garden maintenance is because of your disability, not because you prefer to employ a gardener as a lifestyle choice. If there is no-one else in the household who could be expected to assist in maintaining your garden to a safe standard, the maximum cost we will allow for a gardener is £327.86 per annum based on 1 hour per fortnight for 6 months @ £25.22 per hour.

## **Transport & Travel**

The allowance we make is discretionary, based on costs that are greater than those incurred by an able bodied person. Mobility costs should be met by benefits such as DLA Mobility component, travel concessions and Taxi card scheme and will not be taken into account as part of Disability Expenditure unless your expenditure exceeds this allowance.

Item	Things to consider	Evidence Required
<p><b>Clothing</b></p> <p>Allowance: up to £3.39 per week Special shoes unlimited</p>	<p>Do you need special clothes or shoes to be made for you?</p> <p>Do you need more clothes because of your disability due to frequent laundering or other wear and tear</p>	<p><b>Receipts to show typical annual expenses</b></p> <p>Y/N</p>
<p><b>Diet &amp; Food</b></p> <p>Allowance: Single - over £27.95 up to £9.23 per week Couple – over £56.52 up to £10.41 per week</p>	<p><b>Discretionary</b></p> <p>Do you have special dietary needs i.e. gluten allergy free.</p> <p>Please give details:</p>	<p><b>Letter or other proof from your GP with details of the diet required. Food bills</b></p> <p>Y/N</p>
<p><b>Gardening</b></p> <p>Allowance: up to £6.30 per week</p>	<p><b>Discretionary</b></p> <p>Based on individual costs with receipts</p>	<p><b>Signed receipts for at least 2 months using a receipt book</b></p> <p>Y/N</p>
<p><b>Travel &amp; Transport</b></p> <p>Allowance: up to £13.11 per week</p>	<p>No allowance unless expenditure exceeds benefits such as DLA Mobility component, travel concessions and Taxi card scheme</p>	<p><b>Evidence in Care Plan of need for specialist transport. Receipts</b></p> <p>Y/N</p>

## **Servicing & Maintenance Costs of Specialist Disability Equipment**

Allowances will take account of the maintenance and repair of disability related equipment, including equipment or transport needed to enter or remain in work: this may include computer costs, where necessitated by the disability, where this helps a disabled person to live at home or enter employment. Allowance will be made for actual cost of maintenance contract or purchase of batteries, spares etc. Divide total annual costs by 52 to obtain average weekly expenditure.

## **Communication Needs**

Discretionary allowance based on evidence that costs exceed everyday living expenses and are disability related, e.g. use of mobile phones for text messaging, increased use of telephone calls because you are unable to write letters, or internet access as preferred means of communication because of sensory impairment.

The cost of a telephone is regarded as an everyday living expense and allowance will not be made for telephone costs unless specifically disability-related, as indicated above. Where an item, such as a computer, is shared with other members of the household, reviewers should apportion costs according to the amount of use by the service user.

## **Miscellaneous**

User may have other disability related expenses such as wear and tear on furniture, needing more frequent replacement. Users should think about what they pay for and list the items. Break expenditure down to a weekly figure.

If you have to pay for meals or transport costs for personal assistants or carers, you can claim for any additional household or other necessary costs that you incur.

<b>Item</b>	<b>Things to consider</b>	<b>Evidence Required</b>
<p>Servicing &amp; Maintenance Costs of Specialist Disability Equipment</p> <p>Divide total annual costs by 52 to obtain average weekly expenditure.</p>	<p>Allowance will be made for actual cost of maintenance contract or purchase of batteries, spares etc.</p>	<p><b>Evidence of expenditure</b></p> <p><b>Receipts</b></p> <p>Y/N</p>
<p><b>Communication Needs</b></p> <p>One off payment specialist equipment.</p> <p>Up to 50% off phone bill only if appropriate. Mobile phone: up to £2.30 per week only if <b>disability related</b></p>		<p><b>Evidence of exceptional expenditure</b></p> <p><b>Bills/Receipts</b></p> <p>Y/N</p>
<p><b>Miscellaneous</b></p> <p>Hairdresser – up to £6.53 per week</p> <p>Chiropody – up to £2.16 per week</p>	<p>You may have other expenses that have not been covered in this form.</p>	<p><b>Evidence of exceptional expenditure</b></p> <p><b>Bills/Receipts</b></p> <p>Y/N</p>
<p><b>TOTAL</b></p>	<p>What is the total weekly amount you spend on your disability, which you feel the Council should take into consideration when assessing what you can afford to pay for your services?</p>	