



Fairer Charging Policy

April 2010

Adult Social Care and Health Department

Contents

Legislative Context	3
Charging Principles	4
Non-residential Community Care Service Charges	5
<i>Services Provided Free of Charge</i>	5
<i>Flat rate Charges</i>	5
<i>Assessed Charges for Non-residential Community Care Services</i>	5
<i>Supporting People</i>	5
<i>Direct Payments</i>	6
<i>Financial Assessment</i>	6
<i>Exemption from Assessed Charges</i>	6
Assessing Ability to Pay	7
<i>Overview</i>	7
<i>Capital</i>	7
<i>Calculation of Income</i>	8
<i>Welfare Benefits</i>	8
<i>Equity Release Schemes</i>	9
<i>Household Expenditure</i>	9
<i>Couples</i>	9
Disability Related Expenditure	11
<i>Exclusions</i>	12
<i>Verification of Expenses</i>	12
<i>Special Equipment</i>	13
<i>Shared Costs</i>	13
The Charging Period and Charge Payable	14
Decline to provide Financial Details	14
Delays in completing the Financial Assessment	14

Methods of Payment	15
Debt Recovery	15
Review of Financial Circumstances	15
Annual Review	16
Service User Contribution Issues	17
<i>Waivers</i>	<i>17</i>
<i>Reviews, Appeals and Complaints</i>	<i>18</i>
Privacy	18
Equality Impact	18
Appendices	
<i>Appendix 1 Example Home Care Charges Calculations</i>	<i>19</i>
<i>Appendix 2 Bracknell Forest Borough Council Charge Rates</i>	<i>21</i>
<i>Appendix 3 Home Reversion Scheme</i>	<i>22</i>
<i>Appendix 4 Disability Related Expenditure – guide amounts</i>	<i>23</i>
<i>Appendix 5 Review, Appeals & Complaints Procedure</i>	<i>27</i>
<i>Appendix 6 Glossary of Terms</i>	<i>31</i>

Legislative Context

Social Services Departments of Local Government Authorities are entitled to charge for non-residential services provided to adults, under Section 17 of the *Health and Social Services and Social Security Adjudication Act (1983)*. Under Section 17 (3) of this Act, service users can request a review of their assessed charge at any stage.

In November 2001, the Department of Health issued statutory guidance to Local Government Authorities on charges for non-residential Social Services entitled *Fairer Charging Policy for Home Care and other non-residential Social Services - Guidance for Councils with Social Services Responsibilities*. This guidance requires that all social services departments implement a Fairer Charging Policy.

The Council's *Fairer Charging Policy* will ensure that:

- Social Services maintain a reasonable level of income to fund services
- Service users in receipt of non-residential care services contribute to the cost of their services subject to a financial assessment
- Service users receive a benefits check as part of their financial assessment to ensure that they have access to their full benefits and entitlements.

Bracknell Forest Council is committed to ensuring it uses a consistent and fair approach to charging service users. This approach will promote high quality, sustainable services for community members that require Social Services.

Charging Principles

Bracknell Forest Council adopts the following principles to ensure fair charging to service users:

- Charges to service users will be fair and reasonable, and calculated with their input through an individual financial assessment
- Individual financial assessments will ensure that service users are only charged what they can reasonably afford to pay
- Charges will not exceed the cost of providing the service and will not include any component for assessment or administration processes for the service provided
- Benefits advice will be available to service users through the assessment process and will ensure that service users have access to their full benefits and entitlements
- After charges have been applied, service users will retain at least their basic Income Support or Pension Credit Guarantee level + 25% as *Protected Income*, thus ensuring that people charged will only pay what they can reasonably afford for services
- Services to meet assessed needs will not be refused or withdrawn if a person does not pay their assessed contribution, or lodges an appeal against the assessed charge. Debt recovery may be pursued for all outstanding verified charges
- Charges will be assessed by reference to both level of service and the service user's means and will be levied after a full financial assessment.

Non-residential Community Care Service Charges ***Services Provided Free of Charge***

The following services will be provided to service users free of charge:

- Community equipment;
- Day Care Services; and
- Service for children except where:

a. The service is provided under Section 2 of the *Chronically Sick and Disabled Persons Act 1970*; **and**

b. The child has, in his or her own right, substantial income or substantial capital which generates income **or** has received a substantial award which is generating income which the child is absolutely entitled to.

Flat rate Charges

The following services will be provided to service users at a fixed rate charge:

- Community meals & meals provided at Day Care services.

Assessed Charges for Non-residential Community Care Services

An assessed charge will be made for:

- Home Care;
- Direct Payments; and
- Supporting People.

Supporting People

This policy will apply to people using chargeable Supporting People services.

Refer to the Supporting People Charging Guidance for further information. This can be accessed at www.bracknell-forest.gov.uk or by contacting the Customer Service Centre on 01344 352000.

Direct Payments

A financial assessment for service users receiving Direct Payments will be undertaken in accordance with this Fairer Charging Policy. Direct Payments will be made net of any assessed service user contribution¹.

Financial Assessment

A full financial assessment will be undertaken for all individuals who receive services for which an assessed charge can be made.

The financial assessment will ensure that service users:

- Have sufficient money to meet their basic housing costs and any disability related expenditure; and
- Retain their basic Income Support or Pension Credit Guarantee level +25% as 'Protected Income', which is not included in the assessment calculations.

The assessment calculation is represented as:

Assessable income
- Protected income
- Housing costs
- Allowable Expenses
- Disability Related Expenditure
<hr/>
= Chargeable income

Examples of calculated charges are provided at *Appendix 1*.

Exemption from Assessed Charges

Several groups of service users will not incur charges for service including:

- People that have any form of Creuzfeldt Jacob Disease;
- People that access services provided under s.117 of the Mental Health Act (1983); and
- People in receipt of Intermediate Care services. Where these services are provided in addition to an established (albeit in some cases interrupted) package of care, the established package continues to be chargeable. The service user's assessment will identify those services provided under Intermediate Care arrangements.

¹ Under normal circumstances, children will not be charged for services.

Assessing Ability to Pay

Overview

The charge assessment is based on the service user's income, against which deductions will be made for allowable expenditure.

Where a service user's capital (excluding the value of their main home) exceeds the limits specified in *Charging for Residential Accommodation Guide (CRAG)*², they will be required to pay the standard charge for each hour of service received up to the Council's maximum weekly charge.

All other service users, after paying for their home care services, housing costs and disability related expenditure, will be left with a weekly amount not less than basic Income Support or Pension Credit Guarantee plus a 25% buffer.

The charge will be the lesser of the service user's available income or the standard charge for the received services supplied subject to the Council's minimum and maximum charges (refer to *Appendix 2* for current rates).

No contribution will be required where services users' assessed contribution is less than the Council's minimum contribution detailed in *Appendix 2*.

Capital

The value of capital and assets is as defined in CRAG and the National Assistance (Assessment of Resources) Regulations (1992).

Service users with capital above the CRAG upper limit (other than the value of their main home), are liable to pay the maximum charge for services they receive.

Where service users have capital value below the CRAG upper limit, but more than the CRAG lower limit, their ability to pay will be assessed using standard processes and take into account an assumed weekly income from the capital. This is called *tariff income*.

The capital limits will be reviewed annually in accordance with CRAG.

² Department of Health (1992) Charging for Residential Accommodation Guide (CRAG)

Calculation of Income

The following sources of income will be fully disregarded in the charging assessment:

- Earnings
- Statutory Sick Pay, Statutory Adoption Pay and Statutory Maternity Pay or Allowance
- Mobility component of Disability Living Allowance
- Night time element of the care component of Disability Living Allowance and Attendance Allowance unless night time care is provided by Social Services
- First £20 of any Charitable Income unless it is wholly disregarded as per CRAG
- Savings Credit element of Pension Credit
- Working Tax Credit
- War widows' supplementary pension
- A partner's disability related benefits
- Winter fuel and Cold Weather payments
- Social Fund Payments
- Maintenance payments specifically relating to a child
- Child benefit.

The following sources of income will be partially disregarded in the charge assessment:

- War disablement pension and War Widows Pension (£10 per week disregarded)
- Sub tenants - disregards apply as per CRAG
- Boarders - disregards apply as per CRAG.

Service users whose capital/savings are less than the maximum limit as set out in CRAG but above the CRAG lower limit (refer *Appendix 2*) will have a tariff income assumed. This will be calculated in accordance with the rules specified in CRAG.

All other income will be used in the assessment along with any tariff income from savings/capital (refer *Appendix 2*). Unless stated otherwise in this policy, the treatment of all income will follow CRAG.

Welfare Benefits

As part of the financial assessment process, advice will be provided to service users regarding benefit entitlement. Assistance will be available to complete benefit applications should a potential entitlement be identified.

Equity Release Schemes

The most common form of Equity Release Scheme is a Home Reversion Scheme (HRS), where a home owner will transfer the ownership of all or part of their home to a commercial or 'not for profit' organisation. Depending on the terms of the HRS, the funds released may be paid to the home owner in full on the date of the transfer, or may be translated into an annuity, or a combination of these. Refer to *Appendix 3* for further information regarding Home Reversion Schemes.

Other forms of equity release will be considered on an individual basis and income from the equity release may be considered in the financial assessment.

Household Expenditure

The following Household Expenditures may be allowed depending on the service user's circumstances:

- Rent net of housing benefits
- Mortgage net of income support or pension credit assistance
- Board and lodgings (as defined and managed in CRAG)
- Council Tax net of Council tax benefit
- Building insurance (not including contents)
- Essential service charges and ground rent net of assistance funding
- Payments under court order (e.g. child maintenance)
- Essential home maintenance (where this is not provided by a third party e.g. landlord or Council). Essential household maintenance may include maintenance required for the health and safety of the service user (e.g. electrical or heating system repairs).

Couples

When assessing one member of a couple it is the Council's policy to assess in the most beneficial way to the service user. All couples will be offered a joint assessment to identify the most beneficial outcome, whilst noting that a spouse or partner is not obliged to disclose their resources, should they choose not to.

When assessing one member of a couple as a single person:

- 100% of solely owned and 50% of all jointly owned capital and savings will be taken into account (excluding the value of the main home);
- All assessable income appropriate to the service user will be considered,
- An allowance will be made for 50% of the couple's total joint basic household expenditure;
- The 'basic' level of Income Support or Pension Credit Guarantee will be 50% of the couple's allowance + 25% buffer; and
- An allowance will be made for the service user's Disability Related Expenditure where they receive a Disability Related Benefit (i.e. Attendance Allowance, Disability Living Allowance or the Severe Disability Premium).

When assessing as a couple:

- The income and savings capital for the couple will be considered. If the spouse or partner is not willing to disclose this information, the service user will be assessed as a single person;
- An allowance will be made for 100% of the couple's basic household expenditure;
- The 'basic' level of Income Support or Pension Credit Guarantee will be that of a couple;
- The couple's assessed disposable income is then halved prior to considering any individual Attendance Allowance or Disability Living Allowance awarded;
- An allowance will be made for the service user's Disability Related Expenditure where they receive a Disability Related Benefit (i.e. Attendance Allowance, Disability Living Allowance or the Severe Disability Premium); and
- When both partners receive a joint care package, the standard CRAG capital limits will be doubled.

Disability Related Expenditure

The Department of Health defines Disability Related Expenditure (DRE) as any reasonable additional cost that the service user incurs due to a disability or condition³. DRE is available to service users in receipt of a Disability Related Benefit however, if a Disability Related Benefit is awarded subsequent to the financial assessment, DRE can be backdated to the date of the award, where applicable. Bracknell Forest Council will refer to the service user's individual assessment when deciding whether to allow individual items of DRE.

DRE will be considered when:

- The extra cost is needed to meet a service user's specific need due to a condition or disability as identified in the service user's assessment;
- The cost is reasonable and can be verified. Receipts may be requested; and
- It is not reasonable for a lower cost alternative item or service to be used.

Indications of reasonable DRE costs are shown at *Appendix 4*. These costs will be reviewed each year as part of the budget setting process.

Exclusions

No DRE allowance will be made for the following expenditure:

- Structural or landscaping work (e.g. tree surgery, path laying or re-laying) in gardens or to buildings unless;
 - Disabled Facilities Grant contributions apply in respect of the works carried out; or
 - The service user uses a scooter or wheelchair and the modifications to the garden or building are essential to enable use of the scooter or wheelchair, or to provide secure storage for the scooter and the facility is used as such. In this case the amount will be calculated as if the modifications were equipment with a suitable life span applied;
- Exterior window cleaning;
- The difference between the actual cost and the lower cost alternative where it is reasonable for the service user to use a lower cost alternative;
- General items or services required for daily living, which would be used by the general population;
- Amounts paid in relation to care provided by a family member;
- Any item or service met by a payment from a Community Care Grant or where another funding source has been provided.

Where a particular item of expenditure combines more than one item or service, instead of disallowing all of the expenditure, the elements that meet the service user's specific need due to their disability or condition can be allowed. For example hair washing is allowed if the service user could not do this task themselves. However, hair cutting would not be allowed as this is a service used by the general population and is not a disability related expense.

Verification of Expenses

The service user may be requested to provide receipts for expenses claimed. If receipts have not been kept, the service user will be asked to provide receipts of future expenses.

Receipts or evidence is required for common expenses, i.e. utilities. The amounts in *Appendix 4* show an average expenditure for various household types. This will be used to calculate the extra costs due to the service user's condition or disability. These amounts will be reviewed as part of the annual budget setting process.

If the service user does not provide receipts, despite requests to do so, Bracknell Forest Council may decide that the expense should not be allowed.

Special Equipment

Costs for purchasing special equipment (e.g. stair lifts), will be allowed if they meet the service user's specific need due to a disability or condition.

The amount allowed will be based on the life span of the equipment and the purchase price paid by the service user.

Maintenance and repair costs for special equipment will be allowed if that equipment meets the service user's specific need due to a disability or condition.

The weekly amount allowed will be the annual cost divided by 52 weeks.

Shared Costs

If more than one person lives in the service user's home the additional costs relating to a disability or condition will be shared between the occupants whose needs contribute to the additional costs.

The cost of providing domestic assistance or gardening, if allowed, may be attributed to all the adult occupants of the service user's home.

The Charging Period and Charge Payable

The following points relate to the charging period and the charge payable:

- Visit times are considered as 15 minutes per week minimum and thereafter in 15 minute increments;
- The charge payable will not be more than the maximum weekly charge agreed as part of the Council's annual budget setting process ;
- The hourly rate will be agreed as part of the budget setting process ;
- The charge payable is the lower of:
 - The number of hours of service provided per week multiplied by the hourly rate;
 - The service user's assessed charge; and
 - The maximum charge that applies at the time of notification;
- The charges paid will be reconciled against the hours delivered for that individual week;
- Where a service user's assessment states that two carers are required to assist them, e.g. lifting or transferring the service user, both carer's time will be charged for;
- Any overpayments will be reimbursed to the service user or credited towards the cost of future services. The service user will be notified accordingly; and
- Service users will be charged from the date the Council advises them in writing of their assessed contribution.

Decline to provide Financial Details

Service users have the right to choose not to disclose their financial details. If this right is exercised they may be required to pay the maximum charge applicable at the time of notification.

Delays in completing the Financial Assessment

If a service user unreasonably delays completing the financial assessment they will be required to pay the standard charge for the services provided, until a financial assessment is completed. If a financial assessment results in a lower charge than this, consideration will be given to refunding the difference depending on the circumstances of the case. Discretion in this matter will be held by the Chief Officer: Adult Social Care.

'Unreasonable delay' will be determined on a case by case basis, however as a general rule the Council will expect the service user or their representative to be available for a visit within 2 weeks of contact from the Financial Assessment team. Where the service user or representative prefers to complete the financial circumstances statement by post, then it is expected that this will be returned to the Council within 2 weeks.

If further information is required for the financial assessment then it is expected that the service user will provide this within 2 weeks of the date it was requested.

If the service user co-operates with the assessment within 28 days of service commencement, any reduction in charge will be reimbursed or credited against future service costs.

Methods of Payment

Bracknell Forest Council offers a variety of payment methods for service users assessed as required to contribute to the cost of their care. The Council's preferred method of payment is via direct debit. Refer to the Fairer Charging leaflet for further information and payment options. This leaflet is available from the Financial Assessment team.

Debt Recovery

If the service user does not pay the charges either in full or in part and the invoice remains unpaid, the Council's debt recovery procedures may be instigated. This may result in legal action and extra costs to the service user.

Review of Financial Circumstances

Service users are required to inform the Financial Assessment team as soon as their financial circumstances change, as this may affect their assessed charge. This specifically includes receipt of a new benefit, other changes of more than £10 per week to their income or expenditure, and changes of more than £2,500 to capital or savings. Service users may inform the Council of lesser changes at any time and should do so promptly if they believe that a change will result in a reduction to their financial assessment and want it to be applied immediately.

Following notification of a change or a review visit, a new financial assessment will be completed using the information provided. If the revised assessment results in an increase in the weekly charge, the service user will be notified of the revised charge and it will be backdated to when the service user's circumstances changed.

If the revised assessment results in a decrease in the weekly charge, this will be backdated to one month before the date of the review or the date that the service user's circumstances changed, whichever is the later date.

The service user's financial circumstances and assessed charge may be reviewed at any time.

Occasions that may instigate a review are listed below.

- On request from the service user or his / her authorised representative
- Following an award or withdrawal of a benefit
- New information is received as to the service user's income and expenditure
- When the Department of Work & Pensions increases benefits
- As a result of changes to the hourly rate or maximum charge during the budget setting process
- At the request of the appropriate Service Manager
- Annual review.

Annual Review

In addition to the reviews described above, the financial assessment will be reviewed annually to take account of the annual increases in benefits and other incomes which take place each April. Where the service user is in receipt of benefits paid at standard rates, the revised amount will be substituted. Benefits paid at non standard rates will be increased by the same inflator used by the Department of Work and Pensions to increase benefits.

For other components of the financial assessment, such as occupational pensions, disability related expenditure, rent and Council tax, a percentage increase linked to Retail Price Index (RPI) will be applied.

Changes resulting from the annual increases or the application of a revised protected income rate will apply from the date assigned to these changes.

An explanation and full details of the revised assessment will be sent to the service user, who will be asked to check the figures and contact the Financial Assessment team if they believe it is not an accurate representation of their circumstances.

The Financial Assessment team will send a financial assessment review form to service users annually. Service users can use the form to advise the Council of any changes to their circumstance, particularly their Disability Related Expenditure. Service users also have the option to request a visit from a member of the Financial Assessment team to assist in completing the form or undertake a financial review in more detail.

Service user contribution issues

Bracknell Forest Council aims to ensure all assessed service users' financial contributions for services are fair and reasonable.

The Council acknowledges that at times, some service users may experience difficulties or exceptional circumstances which should be considered on an individual basis, and treated with dignity and respect. To ensure these service users are provided with an opportunity to have their individual circumstances considered, the Council offers two ways they can formally request that their assessed charge is reconsidered, through:

- Waivers; or
- Reviews, Appeals & Complaints processes (refer *Appendix 5*).

Waivers

A waiver is a request to set aside the assessed charge for a fixed period prior to any invoices being raised. A waiver will only be issued in exceptional circumstances, where to raise a charge would have a detrimental impact on the service user or others.

If the Care Manager believes a waiver is appropriate they will refer the matter via the Service/Locality Manager to the Chief Officer: Adult Social Care.

If the Chief Officer: Adult Social Care agrees that to charge the service user would have a detrimental impact on them, then the charge will be suspended for up to three months and then reviewed. Examples of reasons to issue a waiver may include (this is not an exhaustive list):

- Vulnerable adults at risk of abuse, and where Social Services are closely monitoring the situation;
- Service users at risk of self-harm or neglect e.g. through drug or alcohol abuse or mental health problems;
- Where service users are experiencing trauma (e.g. bereavement of a close relative or family breakdown and where their financial or other circumstances are temporarily unstable);
- Where a service user is in severe financial difficulty and to incur a further debt would have a detrimental impact on them.

Any requests for such waivers must be recorded on Social Care & Learning *Charging for Home Care Waivers form* (available from Finance Services) and waivers up to £1000 must be approved by the Chief Officer: Adult Social Care. Waivers over this amount require the approval of both the Chief Officer: Adult Social Care and the Head of Departmental Finance. A copy of this form will be held by the Head of Departmental Finance who maintains a record of all waivers.

Reviews, Appeals and Complaints

Bracknell Forest Council has a robust complaints process to ensure services users can express their views, request a review, lodge an appeal against their assessed service charge or make a complaint. The Council welcomes feedback from service users, and has dedicated officers to manage the review, appeals and complaints processes.

If a service user is dissatisfied with their assessed charge calculation, believes that they have insufficient funds to pay the charge, or that the charge is incorrect (i.e. incorrect hours of service have been charged) they have the right to request a review under the non-residential charges Review and Appeals procedure.

The service user or their authorised representative can start the review process at any time by contacting their social worker or the Financial Assessment Team.

Details of how to access the review and appeals process are included in the *Fairer Charging for adult Social Service* information leaflet and home Care Charges leaflet, which is given to all service users in receipt of Home Care services. Further information regarding the stages of the Reviews, Appeals and Complaints process and the stages of resolution is detailed in *Appendix 5*.

Privacy

Information will be collected to enable the calculation of charges relating to services provided and assessment of welfare benefit entitlement. In accordance with the *Data Protection Act 1998*, this information will only be shared with other relevant people and agencies in accordance with the data protection principles or with the written consent of the service user or their legally appointed representative.

A service user has the right to request to view their personal information held by the Council at any stage.

Equality Impact

An equality impact assessment has been undertaken for Bracknell Forest Council's *Fairer Charging Policy* to ensure that all service users are considered equally and there is no adverse impact on any group of people within the community due to race, ethnicity, gender, disability, sexuality or age. This policy has specific measures in place to ensure that disabled people are treated equally to non-disabled people in relation to service charges. No adverse impact has been identified, and this policy has been assessed as compliant with Anti Discrimination regulations.

Appendices

Appendix 1 Example Home Care Charges Calculations

Example 1 Single person over 60, no disability-related benefit

Income	
State Pension	£ 97.65
Pension Credit	£ 34.95

Total Income	= £132.60

Allowances	
Pension Credit Guarantee	£132.60
Plus 25% Buffer	£ 33.15

Total Allowances	= £165.75

NO CHARGE FOR HOME CARE

Example 2 Single person aged between 25-59 years + DRE of £25.00

Income	
Income Support	£ 93.45
Disability Living Allowance	£ 47.80

Total Income	= £141.25

Allowances	
Basic Income Support	£ 93.45
Plus 25% Buffer	£ 23.36
DRE	£ 25.00

Total Allowances =	£141.81

NO CHARGE FOR HOME CARE

Example 3 Single person aged 60 years or over + DRE of £5.50

Income	
Retirement Pension	£110.00
Occupational Pension	£ 25.00
Attendance Allowance	£ 47.80
Income from Capital of £18,000	£ 16.00

Total Income =	= £198.80

Allowances	
Basic Pension Credit	£132.60
Plus 25% Buffer	£ 33.15
Disability Related Expenditure	£ 5.50

Total Allowances =	= £171.25

Assessed maximum contribution = **£27.55** per week (i.e. the difference between Total Income and Total Allowances)

Example 4 Single person over 60, with Attendance Allowance + DRE of £32.20

Income	
Retirement Pension	£ 97.65
Pension Credit (Inc SDP)	£ 88.60
Attendance Allowance	£ 47.80

Total Income =	= £234.05

Allowances	
Basic Pension Credit	£132.60
Plus 25% Buffer	£ 33.15
Disability Related Expenditure	£ 32.20

Total Allowances =	= £197.95

Assessed maximum contribution= £36.10 per week

Appendix 2 Bracknell Forest Council Charge Rates (2010-11)

Rates for
2010-11

Homecare Hourly rate	£15.80
Minimum Assessed Contribution	£2.50
Maximum Weekly Charge	£454.78

Capital Limits 2010 - 2011

Maximum	£23,250 (full charge applies above this level)
£0 - £14,249	Disregarded
£14,250 – £23,249	Tariff Income applied at the rate of £1 for every complete £250, or part £250.

Protected Income	Basic Income Support or Pension Credit guarantee+ 25%
-------------------------	---

Appendix 3 Home Reversion Scheme

The most common form of Equity Release Scheme is a Home Reversion Scheme (HRS), where a home owner will transfer the ownership of all or part of their home to a commercial or 'not for profit' organisation. Depending on the terms of the HRS, the funds released may be paid to the home owner in full on the date of the transfer, or may be translated into an annuity, or a combination of these.

Where a HRS results in the home owner receiving an annuity or where payments are made by instalments be they for life or for a fixed period, then all such payments will be treated as income, unless any of the following provisions apply:

- Where certain detailed conditions set out in CRAG relating to annuities are met, then specified amounts comprised within the gross income from the annuity can be disregarded, namely, the component of the gross income which represents the weekly amount of interest on the loan (net or gross of income tax, where applicable);
- Where any part of the income or capital derived from a HRS plan is used to fund capital developments or disability related works to the property in question, the income so used may be disregarded from the charge calculation. The service user must produce evidence to this effect in order to claim such a disregard;
- Where the released funds are paid in instalments the total value of all the instalments outstanding will be added to the total value of all other savings held by the service user. If this total exceeds the current CRAG upper capital limit, the instalments will be treated as income and taken into account over a period equivalent to that which it represents, e.g. a payment due to be made calendar monthly is taken into account for a calendar month; and
- If this total is less than the current CRAG upper capital limit, each instalment will be treated as capital.

Appendix 4 Disability Related Expenditure – guide amounts

ITEM	AMOUNT	EVIDENCE
Heating Allowance	Single Person – Flat / Terrace £997 Couple – Flat / Terrace £1,313 Single Person – Semi Detached £1,058 Couples – Semi Detached £1,394 Single Person – Detached £1,287 Couples – Detached £1,696 Difference between actual and average (above) will be divided by 52 to obtain a weekly expenditure.	Bills from Provider
Water Charges	Amounts in excess of £203.50 pa (average expenditure).	Bills from Provider
Community Alarm System	Actual cost unless included in Housing Benefit or Supporting People Grant.	Bills from Provider
Privately arranged care	Actual cost if included in Assessment and Bracknell Forest supported care is reduced accordingly. Up to £11.00 per week allowed.	Signed receipts for at least 4 weeks using a proper receipt book
Private Domestic help	Actual cost if included in Assessment and Bracknell Forest supported care is reduced accordingly.	Signed receipts for at least 4 weeks using a proper receipt book
Assistance with shopping (if not provided as part of a care plan)		Max £5.50pw if noted in Assessment.
Laundry / Washing powder		£1.00 per load in excess of 2 loads per person per week if noted in Assessment. Up to £5.50 per week claimable.
Dietary needs	Max £2.96 pw if more than £25.85 pw per person is spent on food and non-alcoholic drinks AND dietary needs are identified in Assessment.	Details of special purchases.

Bracknell Forest Council Adult Social Care and Health Fairer Charging Policy

Basic Gardening	Max £11.00 pw if noted in Assessment. Seasonal fluctuations have been taken into account.	Signed receipts for at least 4 weeks using a proper receipt book
Wheelchair	£3.25 pw manual wheelchair £7.94 pw powered wheelchair	Evidence of purchase.

Care manager or OT to confirm that this is an essential requirement. No allowance if equipment is provided free of charge.		
Powered Bed	Actual cost divided by 500 (10 yr life) up to a maximum of £3.65 pw. Care manager or OT to confirm that this is an essential requirement.	Evidence of purchase.
Turning Bed	Actual cost divided by 500 up to a maximum of £6.32 pw. Care manager or OT to confirm that this is an essential requirement.	Evidence of purchase.
Powered reclining chair	Actual cost divided by 500 up to a maximum of £2.88 pw	Evidence of purchase.
Stair-lift	Actual cost divided by 500 up to a maximum of £5.11 pw	Evidence of purchase without DFG input
Hoist	Actual cost divided by 500 up to a maximum of £2.51 pw	Evidence of purchase without DFG input
Wear and tear on clothing.	Max £4.39pw if more than £4.50pw is spent on replacements and need is identified in Assessment	Receipts
Wear & tear on bedding	Max £1.64pw if need is identified in Assessment	Receipts
Incontinence Aids	Not allowed unless identified in Assessment that NHS supplies cannot be used or are inadequate.	Receipts
Chiropodist	Actual cost if identified in Assessment and NHS chiropodist not available. Based on 6 weekly visits.	Receipts
Hair Washing	Actual cost of washing & drying allowed where service user is unable to wash own hair, and hair wash is not part of the care package. Actual average weekly costs up to £5.81 per week	Receipts
Medical and chemist items	Consider items that should be made available via prescription. Allow cost of annual season ticket divided by 52 week or actual cost, whichever is less. £1.96	Receipts. Request for future receipts to be kept if unavailable
Travel costs	Costs net of any DLA Mobility Component may be allowed if they are incurred solely or mainly due to disability and the need is identified in the Assessment.	Receipts
Other Costs		As identified in Assessment

Appendix 5 Review, Appeals & Complaints Procedure

Introduction

Bracknell Forest Council's *Review, Appeals and Complaints* procedure exists to protect the rights of all service users by encouraging a fair and open resolution of individual issues.

This process provides a safeguard to those people who have been assessed to pay a charge, however cannot reasonably afford to pay the assessed charge (or part of it), or service users feel that the charge has been incorrectly assessed.

Under Section 17 (3) of the Health and Social Services and Social Security Adjudication Act (HASSASSA) 1983 service users have the right to ask the Council to review their charge at any time if they receive a service from the Council, for which they are being charged and they believe their charge is too much. The person can request a review, and if they can demonstrate to the Local Authority that their means are insufficient for them to reasonably pay the assessed charge the Local Authority may reduce the amount of the charge accordingly. In some case they may waive the charge. However, it is for the person, with help if necessary from an adviser, friend or advocate to demonstrate to the Local Authority that their means are insufficient to reasonably meet their assessed charge.

The Review and Appeals Process

As with all service charges, the service user will have a comprehensive financial assessment and be notified of their assessed contribution towards their care. Where a service user can provide supporting evidence to the Council to demonstrate that they have been unfairly assessed or are unable to afford the charge, they can request a review of their charge or lodge an appeal. If service users are concerned about their charge, they should contact the Financial Assessment team as soon as possible to resolve the issue promptly.

If service users are dissatisfied with the outcome of discussion with the Financial Assessment Team, they can make a request to the Council to investigate their circumstances and resolve the matter.

The council will consider reviews or appeals within one year of the date of charge notification and only accept at its discretion those received outside this timescale.

Stage 1 – Review

Service users can request a review by having a simple review form completed. This can be completed in by the service user, or with assistance from a family member, friend, Care Manager/ Social Worker, Financial Assessment Officer or advocate via the telephone, or email. Once this completed form and information to support the review is received, the case will be reviewed within 10 working days.

The review will be considered by two senior reviewing officers; The Principal Accountant for Adult Social care and a Service Manager. The reviewing officers will:

- Review information from the Financial Assessment, ensuring the information is accurate and complete;
- Establish whether the service user has additional factors or information which should be taken into consideration;
- Request the charge to be re-calculated, if appropriate;
- Advise the service user of the review outcome and any changes to the charge, effective date, and the service user's right to access the next stage of the process if they are still dissatisfied with the outcome and explanation provided. This advice will be provided in writing and be ready for collection or delivery within 24 hours of the Reviewing Officers' decision.

The service user should request the review panel stage within 10 working days of the review outcome.

If the reviewing officers require clarification from the service user regarding their application for review, they will make contact with the service user within 5 working days. Where there is doubt regarding the stated expenditure, or expenses appear higher than typically expected, the reviewing officers may request supporting evidence from the service user, as well as use its discretion in making decisions about the appropriate allowances to be awarded.

Where a service user does not co-operate with the review process, or refuses to provide satisfactory evidence, they may continue to be charged the assessed amount, or the Council's maximum service user contribution.

Non co-operation or objection to the principle of charging will not qualify a user for a reduction in their charge.

While a review is being undertaken, the service user will continue to pay the assessed charge until the reviewing officers decide to change or continue the assessed charge. The reviewing officers have discretion to backdate charge reductions to the date of the request for an appeal, or in exceptional circumstances, to the date the charges commenced.

In cases where it appears that the service user can not reasonably be expected to pay the assessed charge the Reviewing Officers can defer charges until the review is completed. If necessary a request for a Waiver can be made to either the Chief Officer :Adult Social Care or Head of Departmental Finance (refer to *Waivers* section of this policy on page 15).

Stage 2 – Independent Review

If the service user is still dissatisfied at the end of the stage 1 review, they can appeal against the reviewed decision. Appeals will be considered by an Independent Review Panel. This panel consists of three people, independent of Bracknell Forest Council, with knowledge of Social Services. The position of chair to this panel will be appointed via an advertised recruitment process.

The Independent Review Panel will be convened within 15 working days of the Council receiving the initial request for a review.

Both the department and the service user can provide written submissions to that panel up to 10 days before the panel hearing.

In extraordinary circumstances if the 3 panel members consider from the submissions that the appeal is “frivolous, vexatious, repetitive or out of jurisdiction” the panel can recommend to the Head of Department Finance that the appeal should not be heard. The decision of the Head of Departmental Finance as to whether to proceed is final.

The Independent Review Panel will consider the issues and information presented at the stage 1 review and any new related information. The service user may represent themselves or a nominated representative at the panel meeting.

The Panel will be able to hear from the service user and a reviewing officer (involved in stage 1 of the review) and seek legal advice where appropriate.

The Chair of the Independent Review Panel will advise the Head of Departmental Finance and the service user of its findings and recommendations in writing, within 24 hours of the panel hearing.

The Head of Departmental Finance will respond in writing to the Independent Review Panel's recommendations and identify any the action the Council will take within 3 days of receiving the Panel's recommendations.

The decision of the Social Care & Learning Department prevails.

Where the service user is still dissatisfied with the outcome s/he has the right to access the statutory complaint procedure (NHS and Community Care Act 1990). The complaint will be considered at stage 2 of those procedures.

Timescales for the acceptance of complaints will be consistent with those used in the Statutory Complaints Procedure.

Statutory Complaints Procedure

The Complaints Manager can be contacted via post, freephone, or email as follows:

Post or visit

Complaints Manager - Adult Social Care and Health

Bracknell Forest Council

Time Square

Market Street

Bracknell

RG12 1JD

Direct Line: 01344 351737

Freephone: 0800 1694491 (answerphone)

E-mail: asc.complaints@bracknell-forest.gov.uk

Further information about complaints:

Further information about making a complaint is available in the following leaflets:

- Adult Social Care – How to make a complaint or give a compliment
- Bracknell Forest Council – Comments, compliments or complaints about Council Services

Other useful contacts for complaints:

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Tel: 0300 061 0614

Text: 'call back' 0762 480 4323

Email: advice@lgo.org.uk

ADVICE Team available 8.30 am – 5pm Monday - Friday

Leaflet available provided by the Local Government Ombudsman entitled 'Complained to the Council? - still not satisfied?'

Citizens Advice Bureau

40-42 The Broadway

Bracknell

RG12 1AG

0845 120 2969

Fax 01344 867171

Appendix 6 Glossary of Terms

Basic Income Support

This term refers to the basic level of Income Support **or** guarantee level of pension credit (for service users of 60 years of age and over). The amount considered 'basic' is annually determined by the Department of Work and Pensions. Service User's *Protected Income* is calculated using the basic amount + 25% buffer.

Charging for Residential Accommodation Guide (CRAG) Published by the

Department of Health and available at

www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance.

CRAG offers guidance to Local Government Authorities on financially assessing service users for contributions to services.

Community Meals are arranged by the Council for people living in their own homes who are unable to prepare themselves a hot meal.

Day Care Services are for the elderly and people with disabilities and offer a range of activities and college tutored courses. A daily hot meal and drinks service is often provided as well as transport to and from the service.

Essential Household maintenance Required to ensure service user health and safety within their home. Examples include repairs to hot water service, heating service, water systems and plumbing, essential roof and guttering maintenance.

Guarantee Credit (Pension Credit Guarantee) Replaced Income Support for people over 60. If your income is below a certain level, the guarantee credit makes up the difference.

Home Care/ Home Support services can include:

- Intimate personal care
- Prompting of medication
- Preparation and cooking of food
- Shopping, collection of benefits
- Laundry services
- Household tasks
- Specialised help for service users suffering from Dementia.

Income Support A benefit for people with a low income. It can be paid on its own if you have no other income, or it can top up other benefits or earnings to the basic amount the law states people need to live on.

Intermediate Care is a coordinated short term care arrangement of up to six weeks to enable people to maximise their level of independence in order for them to remain living in the community.

Savings Credit (Pension Credit Savings)

For people aged 65 and over, this is intended to reward people who have made provisions for retirement above the basic state pension.