



Charging policy for Adult Social Care services

Version Control

1.0	April 2015	Initial Version of Policy
1.1	November 2015	Changes following Charging Consultation September/October 2015 effective 01 January 2016.
1.2	April 2016	Changes to Disability Related Expenditure values in accordance with NAFAO guidance.
1.3	April 2017	Changes to Disability Related Expenditure values in accordance with NAFAO guidance. Change to personal allowance calculation to reflect DoH guidance.
1.4	September 2017	Removal of the disregard of the night time element of Attendance Allowance, Disability Living Allowance and Personal Independence Payments.
1.5	April 2018	Changes to Disability Related Expenditure values in accordance with NAFAO guidance.

Contents

Version Control.....	2
Content.....	3
Purpose.....	4
Background.....	4
Principles.....	4
Policy Statement.....	5
Charging for residential and nursing care.....	5
Charging for care and support at home.....	5
Charging for respite care.....	6
Financial assessment.....	6
Light-touch financial assessments.....	6
Capital.....	7
Income.....	7
Personal allowances.....	7
Household expenditure.....	7
Disability related expenditure.....	8
Assessing ability to pay.....	8
Couples.....	9
The assessed charge.....	9
Direct payments and paying charges.....	10
Welfare benefits check.....	10
Information and advice.....	10
Reviews, appeals and complaints.....	10
Appendix A: Disability related expenditure examples.....	12

Purpose

1. This policy sets out Bracknell Forest Council's position with regard to charging for Adult Social Care services.
2. The policy is effective from 1st April 2015 (amended 1st January 2016) and supersedes any previous contribution or charging policies.
3. This policy has been produced in accordance with the legal requirements set out in the following statutory documents:
 - [The Care Act 2014, Sections 14, 17, 69 and 70](#)
 - [The Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#)
 - [The Care and Support Statutory Guidance 2014](#)
4. This policy states the Council's position on areas where there is discretion within the legislation.

Background

5. The Care Act 2014 provides a single legal framework for charging for care and support. Where a Local Authority arranges care and support to meet a person's eligible need, the local authority has a power to charge that individual, except where the local authority is required to arrange care and support free of charge.
6. Bracknell Forest Council will make a charge for adult social care support services with the exception of those services listed in paragraph 18.

Principles

7. The Council will apply a means test to ensure that people are not charged more than they can reasonably afford to pay.
8. Charges to people will be fair and reasonable, and calculated with their input through an individual financial assessment.
9. Charges will not exceed either the cost of providing the service or an individual's Personal Budget.
10. No contribution will be required towards the cost of the assessment; this will be funded by the Council.
11. A written record of the financial assessment will be given to the person to explain how the assessment has been carried out.
12. Benefits advice will be available to individuals through the assessment process and will ensure that they have access to their full benefit entitlement.
13. Services to meet assessed needs will not be refused or withdrawn if a person does not pay their assessed charge, or lodges an appeal against their assessed charge. Debt recovery may be pursued for any outstanding verified charges.

Policy Statement

14. This policy has been developed with reference to The Equality Act 2010 and the Public Sector Equality Duty. The Equalities Act requires public bodies to have due regard to the need to prevent discrimination, advance equal opportunities and encourage positive relationships.

Charging for residential and nursing care

15. Bracknell Forest Council will charge for residential and nursing accommodation under the Care Act 2014, unless it is prohibited from doing so. The Council will use the legislation and guidance referred to in paragraph 3 above to assess the level of the adult's resources and the amount of any contribution the person is required to make.

Charging for care and support at home

16. An assessed charge **will** be made for the following services:

- Home / Domiciliary Care
- Day Care
- Supported Living and Extra Care Housing
- Transport
- Employment Support
- Direct Payments

This is not an exhaustive list and other services will require an assessed charge including all those funded by way of a Personal Budget.

17. When a person receives more than one of the above services, charges will not be made for any one service in isolation. The impact of charges for one service on the person's income will be taken into account when assessing whether a charge should be made for another service.

18. The following services **will not** be charged for:

- Services for carers
- After-care services provided under section 117 of the Mental Health Act 1983
- Services provided to a person suffering from any form of Creutzfeldt Jacob Disease
- Equipment to help with daily living
- Minor adaptations to property where the cost does not exceed £1000
- Intermediate Care services, including reablement, of up to six weeks
- Providing information and advice, assessments of need and support planning

- Any short-term increase in the cost of care directly related to an emergency or crisis situation that is put in place prior to an assessment being completed. Only the cost **increase** will be considered as non-chargeable.
- Any service or part of a service that the National Health Service (NHS) has a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care

Charging for respite care

19. Charges for respite care will be in accordance with charging for residential and nursing care.

Financial assessment

20. The financial assessment will determine the person's ability to pay towards the cost of services. That is whether they will be required to pay all, part or none of the cost of their care and support.
21. Ability to pay is assessed by taking into account the person's capital, income, personal allowance, household expenditure and disability related expenditure.
22. If a person declines a financial assessment it will be assumed that they can afford to meet the full cost of their care and support from the start date of the service.

Light-touch financial assessments

23. In some circumstances the Council may consider that a financial assessment has already been carried out and there will be no need to go through the full process. The usual circumstances for this may be:
 - Where a person has significant financial resources and does not want to complete a financial assessment.
 - Where the Council is satisfied that the person can afford the charges due because their savings are clearly above the upper capital limit or they would have sufficient income to pay the full cost.
 - Where there is a small or nominal charge for a service which the person can clearly meet.
24. Evidence of these circumstances will be required and the Council must be satisfied that the person is willing to pay for their care and support as long as that care is needed.
25. The Council will make it clear to the person when it carries out a 'light-touch' financial assessment and of their right to request a full assessment at any time.

Capital

26. Capital taken into account, capital disregarded and the value of capital and assets is as defined within the Care Act 2014 regulations, with additional guidance provided by the Care and Support Statutory Guidance 2014.
27. A person with capital or assets of more than the upper capital limit, other than the value of their main home, will be required to pay the full cost of their care and support. The upper capital limit for care and support is £23,250.
28. Tariff income from capital will be calculated in accordance with the regulations.

Income

29. Income taken into account, and income that is to be disregarded, is defined in the Care Act 2014 regulations, with additional guidance provided by the Care and Support Statutory Guidance 2014, with the exception of:
 - Tariff income which will be calculated as stated above
30. The total of all income to be assessed is known as 'assessable income'.

Personal allowances

31. A personal allowance will be calculated for the individual.
32. The relevant personal allowance will equal the amounts set out in regulations for those people receiving community based services or in residential or nursing accommodation.

Household expenditure

33. An allowance will be made for the following household expenditure for care and support at home:
 - Mortgage repayments - net of payments from the Department of Work and Pensions or a mortgage protection scheme.
 - Rent payments – net of housing benefit
 - Council tax payments – net of council tax benefit
 - Service charges and ground rent – net of assistance funding
 - Essential home maintenance where this is not provided by a third party
34. An allowance will be made in respect of property building insurance for the individual's main home.
35. Allowances will be made in respect of Maintenance Orders determined by the Court or Child Support Agency (CSA)

Disability related expenditure

36. Allowance will be made for disability related expenditure (DRE) for care and support at home for all people in receipt of Attendance Allowance, the Care component of Disability Living Allowance or the Daily Living component of a Personal Independence Payment.
37. Reasonable expenditure needed for independent living by the person, where they have little or no choice other than to incur that expenditure, will be allowed. This policy will ensure that assessed charges do not result in a person being left without the means to pay for any other necessary care, support or for other costs arising from their disability.
38. A list of possible disability related costs and examples of reasonable evidence requirements are found in Appendix A. This list is neither exclusive nor exhaustive and will be reviewed as part of the monitoring of this policy.
39. The Council may verify that items claimed for have actually been purchased, particularly for unusual items or where there is a high cost. Evidence of DRE will be requested at the Council's discretion. Where evidence is not available the assessment will take into account the person's views and a request will be made for future receipts to be retained. If, despite a request to keep receipts, a person does not do so, and there is doubt about the expenditure, the cost will not be included in the assessment.
40. Costs claimed which arise from personal choice for a higher quality product or service than that provided by the Council will not be taken into account. Where a reasonable alternative is available for a lesser cost, an amount equal to the lesser cost will be allowed for.

Assessing ability to pay

41. The person's net available income will be calculated as follows for care and support at home:
 - Total 'assessable income'
 - Less**
 - Personal allowance
 - Household expenditure
 - Disability related expenditure
 - Equals**
 - Net available income
42. The Council seeks to ensure that a person's independent living is not undermined by its charging policy.
43. Following a change in circumstances, a reassessment of ability to pay can be requested by the person or their representative at any time.
44. If the Council has reason to believe that a person has access to means held by a partner or spouse, other than those disclosed, the Council may make a request for the partner or spouse to disclose his or her relevant resources. If there is no such disclosure, the Council may consider that it is not satisfied that the person has

insufficient means to pay for the service. In such situations the Council will consider the case in the light of legal advice.

Couples

45. When assessing one member of a couple as a single person the following will apply:
 - 100% of solely owned and 50% of all jointly owned capital will be taken into account
 - All assessable income appropriate to the individual will be taken into account. Where benefits are paid at the couple rate, the benefit will be apportioned
 - 50% of the couple's total joint household expenditure will be allowed for
 - The personal allowance will equal the level of Guarantee Credit (GC) or Income Support (IS) for a single person plus a 25% buffer for all community based services, and not half a couple's allowance plus 25%.
 - Disability related expenditure relating to the individual will be allowed for.
46. Individuals with a financial assessment effective on 01 January 2016, adversely affected by the change of policy on assessing couples effective from 01 January 2016, will be protected from an increase to their charge in accordance with the following:
 - Complete protection from any increase until 01 April 2016
 - Protection from 50% of the increase from 01 April 2016 until 31 March 2017
 - No protection from 01 April 2017

The assessed charge

47. The assessed charge will be equivalent to the person's net available income or the actual cost of the care and support, whichever is the lower amount.
48. Charges will apply from the start date of services or the date the person was notified of the charge in writing, whichever the latter. Where a person is found to have in excess of the upper capital limit after the service start date, full charges will be backdated to the start date of services where the Council is satisfied the person was made aware of the upper capital limit before the service started.
49. If the Council arranges care and support for somebody and they are required to pay for some or all of their care and support charges, the Council will tell them about this clearly and will collect the amount owed.
50. Parents and other members of an adult's family will not be required to pay the charges except in certain legal circumstances, for example, where a family member may be managing the person's own resources, or where a person has died and money is owed to the Council from the estate.

Direct payments and paying charges

51. Direct payments are monies paid to people to meet their eligible support needs. The amount of the direct payment depends on their needs and the outcome of the financial assessment. They allow people to have more independence, choice and control by enabling them to arrange their own care and support.
52. If a person has eligible needs and, following a financial assessment, is entitled to funding to help them meet those needs, that funding may be made via a direct payment.
53. Direct payments will be paid net of any assessed contribution.
54. Where a person receives Council arranged care and support in addition to a direct payment, any contribution will be deducted from the direct payment first. Any surplus will be invoiced against other services.

Welfare benefits check

55. An integral part of the financial assessment will be to offer welfare benefits advice. Advice will be offered about entitlement, assistance with the completion of claim forms and any follow-up action.
56. Advice will not be limited to benefits directly affecting charges. Equal emphasis to benefit entitlements will be given, irrespective of the impact on income to the Council.
57. People who prefer to obtain welfare benefits advice from an independent source will be offered this choice.

Information and advice

58. The Council will, as a minimum, provide information and advice throughout the financial assessment process and refer people for independent financial advice where needed, in line with its legal duties.

Reviews, appeals and complaints

59. People will be informed of their right to ask the Council for a review of the charge which has been assessed, if he or she considers that they cannot afford to pay it.
60. The Council will ensure the facility for a review is accessible to all and will ensure consistency on decisions. Information leaflets and correspondence notifying charges will include reference to the facility to ensure good practice.
61. People will be made aware of their right to an appeal if, following the outcome of a review he or she still considers they cannot afford to pay.
62. People will be made aware of their right to make a formal complaint.
63. Services to meet assessed needs will not be refused or withdrawn if a person refuses to pay their assessed contributions. If a person refuses to pay, the Council will continue to provide services and the debt will be pursued, if necessary through the civil courts.

64. Complaints about the financial assessment process or Adult Social Care can be made through the Adult Social Care complaints procedure in the following ways:

- You can telephone, e-mail or write to:
The Complaints Manager, Adult Social Care
Bracknell Forest Council
Time Square
Market Street
Bracknell
Berkshire
RG12 1JD
Telephone: 01344 351736
Email: asc.complaints@bracknell-forest.gov.uk

65. Further information about the complaints process can be found:

- On our website at:
<http://www.bracknell-forest.gov.uk/adult-social-care-how-to-make-a-complaint-or-give-a-compliment.pdf>
- In the leaflet 'How to make a complaint or give a compliment'

Appendix A: Disability related expenditure examples

Examples of disability related expenditure and reasonable evidence requirements:

This list is neither exhaustive nor exclusive and will be subject to ongoing review. Discretion will be given on the level of costs claimed taking into account an individual's particular circumstances. Evidence will be sought, where reasonable, at the Council's discretion.

Item of expenditure	Limitations	Evidence
Private domestic help	Actual cost where Care Manager confirms requirement as part of care plan and Bracknell Forest supported care is reduced accordingly. Payment to family members is not allowed.	4 weeks of signed receipts using a receipt book.
Privately arranged care	As per private domestic help. Maximum £12.49 per week	4 weeks of signed receipts using a receipt book.
Gardening	Basic lawn cutting and gardening to a maximum of £12.49 per week	4 weeks of signed receipts using a receipt book.
Special dietary needs	Discretionary noting that special dietary needs may not always be more expensive than a standard diet. Must be identified in the care plan. Maximum £3.53 per week.	Details and frequency of special purchases.
Special clothing or footwear / frequently replace clothing or footwear	Maximum of £5.22 per week if more than £5.50 is spent on replacements and the need is identified in the care assessment	Receipts.
Frequently replaced bedding	Maximum of £1.96 per week if the need is identified in the care assessment	Receipts.
Additional laundry	Maximum of £5.83 per week if the need is identified in the care assessment	Care plan identifies incontinence.
Medical and chemist items	Allow the cost of the annual prescription season ticket divided by 52 weeks or the actual cost, whichever is less	Receipts.
Incontinence Aids	Allow costs if the need is identified in the care assessment and where NHS supplies cannot be used or are inadequate	Receipts.
Chiropody	Actual costs based on six weekly visits and NHS chiropodist not available	Receipts.

Item of expenditure	Limitations	Evidence
Transport	Transport costs where they are greater than those incurred by and able bodied person. Where DLA / PIP Mobility component is in payment, only those costs over and above the Mobility in payment and available to meet these costs will be allowed. Need identified in the care plan	Receipts. Care plan will identify mobility difficulties.
Mobile phone	Lowest monthly rental charge and emergency calls only	Phone bill. Care Manager to confirm essential need.
Shopping	Assistance with essential shopping needs identified in care plan and Bracknell Forest supported care is reduced accordingly. As per private domestic help	Receipts using a receipt book.
Hair washing	Actual cost of washing and drying allowed where individual is unable to wash own hair and hair washing is not part of the care package. Maximum £6.91 per week based on average costs	Receipts.
Window cleaning	Actual cost of internal window cleaning to a maximum of £2.39 per week	Receipts.
Community alarm system	Actual cost if not met by Housing Benefit or Supporting People Grant	Bills from provider.
Additional fuel	Additional fuel costs over and above the average property costs shown below: Single person – flat / terrace £1,206 Couple – flat / terrace £1,591 Single person – semi-detached £1,281 Couple – semi-detached £1,688 Single person – detached £1,559 Couple – detached £2,054	Bills from provider.
Water	Additional water costs over and above the average cost of £206.00 per annum	Bills from provider.
Equipment		
Wheelchair	£3.92 per week manual. £9.52 per week powered.	Evidence of purchase. No allowance if equipment provided.
Powered bed	Actual cost divided by 500 up to a	Evidence of purchase.

Item of expenditure	Limitations	Evidence
	maximum of £4.33 per week	
Turning bed	Actual cost divided by 500 up to a maximum of £7.59 per week	Evidence of purchase.
Powered reclining chair	Actual cost divided by 500 up to a maximum of £3.34 per week	Evidence of purchase.
Stair-lift	Actual cost divided by 500 up to a maximum of £6.13 per week	Evidence of purchase without DFG input.
Hoist	Actual cost divided by 500 up to a maximum of £3.00 per week	Evidence of purchase without DFG input.