



# **North Tyneside Council**

## **Contributions Policy for Adult Care and Support Services**

**Updated October 2016**

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<b>1.</b>	<b>Introduction</b>
1.1	<p>North Tyneside Council's Contributions Policy for adult care and support services complies with the Care Act 2014 and, in particular, Sections 14 and 17.</p> <p>Its aim is to produce a fair and consistent framework for charging and financial assessment for all adults who receive care and support services, following an assessment of their individual needs, and their individual financial circumstances.</p> <p>The policy will be continually reviewed and amended in line with statutory guidance and advice issued by the Department of Health.</p>
1.2	For the purposes of this policy, an adult is any customer aged 18 and above.
<b>2</b>	<b>Legal basis for charging and financial assessment</b>
2.1	The Care Act 2014 provides a single legal framework for charging for care and support. It enables Local Authorities to decide whether or not to charge an adult when it is arranging to meet care and support needs of the adult, or a carer's support needs.
2.2	Section 14 of The Care Act 2014 provides Local Authorities with the power to charge adults in receipt of care and support services, where the Local Authority is permitted to charge for the service being provided.
2.3	Section 14 of The Care Act 2014 provides Local Authorities with the power to charge for services meeting carer's needs, by providing services directly to the carer.
2.4	Section 17 of The Care Act 2014 permits Local Authorities to undertake an assessment of financial resources. The financial assessment will determine the level of an adult's financial resource, and the amount (if any) which the adult may be likely to be able to pay towards the cost of meeting their needs through care and support services.
2.5	Section 14 of The Care Act 2014 instructs that Local Authorities

	<p>are not permitted to charge for provision of the following types of care and support:</p> <ul style="list-style-type: none"> <li>• Community equipment (aids and minor adaptations): a service which consists of the provision of an aid, or minor adaptation to property, for the purposes of assisting with nursing at home or aiding daily living. An adaptation is minor if the cost of making the adaptation is £1,000 or less;</li> <li>• Intermediate care (including re-ablement support) services for <b>up to 6 weeks</b>;</li> <li>• Care and support provided to people with Creutzfeldt-Jacob Disease;</li> <li>• Services that are provided under Section 117 of the Mental Health Act (1983) which relate to an adult's mental health problems and cannot be charged for</li> <li>• Any service or part of service which the NHS is under duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care, or services provided to adults who are terminally ill and assessed as palliative end of life care;</li> <li>• Services which the Local Authorities have a duty to provide through other legislation;</li> <li>• Assessment of needs and care planning, including the cost of the financial assessment, as these constitute 'meeting needs'.</li> </ul>
<p><b>2.6</b></p>	<p>North Tyneside Council will refer to the Care and Support Regulations (Statutory Instruments) and Care and Support Statutory Guidance and Annexes issued under The Care Act 2014, in all regards for specific guidance relating to charging and financial assessment.</p> <p>As such, these statutory regulations form the basis of this policy, except where the Council exercises its power of discretion as set out within the regulations.</p>
<p><b>3</b></p>	<p><b>Equality and Diversity</b></p> <p>The Council is committed to ensuring that no one is treated in any way less favourably on the grounds of personal differences such as age, race, ethnicity, mobility of lifestyle, religion, marital status, gender, sexual orientation, physical or mental impairment,</p>

	caring responsibilities and political or other personal beliefs.
<b>4</b>	<b>Policy objectives</b>
<b>4.1</b>	<p>The principles underpinning this policy are:</p> <ul style="list-style-type: none"> <li>• Where the Council is required to arrange care and support for free, it does so;</li> <li>• That adults are not charged more than it is reasonably practicable for them to pay following a Financial Assessment. The Financial Assessment will take into account any additional costs that an adult may face as a result of their disability;</li> <li>• To provide clear and transparent information so adults know what they will be charged for;</li> <li>• To apply the rules consistently, to avoid variation in the way adults are assessed and charged;</li> <li>• To promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;</li> <li>• To support carers to look after their own health and wellbeing and to care effectively and safely;</li> <li>• To be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet needs of adults;</li> <li>• To apply charging rules equally so those with similar needs or services are treated the same and to minimise anomalies between different care settings;</li> <li>• To ensure that the charge to the adult for services provided is no greater than the cost of that service being delivered to the Council;</li> <li>• To encourage and enable those who wish to stay in or take up employment, education or training, to plan for the future costs of meeting their needs to do so;</li> <li>• To ensure that where an adult lacks capacity to undertake a Financial Assessment that the Council consults a suitable person defined as having either <ul style="list-style-type: none"> <li>➤ Enduring Power of Attorney (EPA);</li> <li>➤ Lasting Power of Attorney (LPA) for Property and Affairs;</li> <li>➤ Lasting Power of Attorney (LPA) for Health and Welfare;</li> <li>➤ Property and Affairs Deputyship under the Court of Protection; or</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>➤ any other person dealing with that person's affairs, for example - someone who has been given Appointeeship by the Department of Work and Pensions (DWP) for the purpose of benefits payments</li> </ul>
<b>5.</b>	<b>Principles</b>
<b>5.1</b>	An adult requiring care and support must initially satisfy an eligibility assessment and only where an adult has an eligible need, will a financial assessment be required.
<b>5.2</b>	All adults requiring care and support must have a financial assessment. An adult's financial circumstances will determine whether the adult is eligible for support towards the cost of their care and support from the Council.
<b>5.3</b>	The purpose of the financial assessment is to ensure that the level of contribution calculated is within the adult's means and what they can reasonably afford to pay and leaves them with the guaranteed minimum level of income set by the Government.
<b>5.4</b>	The Council will ensure that all adults are supported to maximise their benefit entitlement and assist with the completion of benefit claim forms where necessary.
<b>6.</b>	<b>The Financial Assessment</b>
<b>6.1</b>	Where the Council has determined that an adult is eligible for care and support services, it will undertake a financial assessment to ensure that the adult is not charged more than it is reasonably practicable for them to pay.
<b>6.2</b>	Once completed a written record of how the financial contribution has been calculated will be provided to the adult.
<b>6.3</b>	The adult is responsible for advising the Council of any changes to their financial circumstances that may impact upon their financial assessment.
<b>7.</b>	<b>'Light-Touch' Financial Assessment</b>
<b>7.1</b>	In some circumstances the Council may choose to treat a person as if a financial assessment had been carried out. In order to do so, the Council must be satisfied on the basis of evidence provided by the individual adult that they can afford, and will continue to be able to afford, any charge due. This is known as a 'light-touch' financial assessment. The individual adult has the right at any time to request a full financial assessment.
<b>7.2</b>	The Council will consider a 'light-touch' financial assessment if:

	<ul style="list-style-type: none"> <li>• The adult has significant financial resources and does not wish to undergo a full financial assessment for personal reasons, but wishes nonetheless to access local authority support in meeting their needs;</li> <li>• In such circumstances, and where care and support is provided in a community setting, the Council will charge an 'arrangement fee'. (see section 12.7 below)</li> <li>• Where an adult is in receipt of benefits which demonstrate that they would not be able to contribute towards their care and support costs; and</li> <li>• Where there is difficulty in contacting the adult or their representative within a reasonable time to undertake the financial assessment. In such cases the Council will assess the client using a 'light-touch' financial assessment and charge accordingly. The charge will be reviewed when contact has been established and a full financial assessment undertaken.</li> </ul>
<b>8.</b>	<b>Non-Disclosure of Financial information</b>
<b>8.1</b>	An adult has the right to choose not to disclose their financial circumstances, for example where they can afford and will continue to be able to afford to pay any charges due for care and support. If the adult chooses to exercise this right, then they will be required to pay the full cost of their care and support at the time the service is delivered.
<b>9</b>	<b>Charging and financial assessment for care and support in A care home on a permanent basis</b>
<b>9.1</b>	The Council will charge for care and support delivered in a Care Home on a permanent basis.
<b>9.2</b>	Adults requiring permanent care and support in a Care Home must initially satisfy an eligibility assessment for care and support. Only where an adult has an eligible care and support need will a financial assessment be required.
<b>9.3</b>	All adults requiring permanent care and support in a Care Home must have a Financial Assessment. The adult's individual financial circumstances will determine whether they are eligible for support towards permanent care costs from the Council.
<b>9.4</b>	Adults will be made aware at the outset of the maximum amount

	<p>of funding the Council makes available towards care and support provided by independent / voluntary sector Care Homes. This is known as 'The Local Authority Rate'. This rate is inclusive of any assessed customer contribution, and in the case of Nursing Care, includes the free Nursing Care element (FNC) paid by the NHS.</p>
<p><b>9.5</b></p>	<p>Where an adult chooses more expensive accommodation than the Local Authority Rate and the top-up is to be paid by a third party, the third party must confirm they are able to meet the costs of the top-up for the duration of the agreement, including any price changes that may occur.</p> <p>Both they and the adult will be made aware of the cost and to whom payment is to be made, together with the frequency, as well as provision for reviewing the agreement on an annual basis, the consequences of failing to maintain payment and the effect changes in any parties' financial circumstances will have on the agreement.</p>
<p><b>9.6</b></p>	<p>Where an adult is eligible to receive Local Authority funding for support in a care home setting, but decides to reside in another Local Authority area, North Tyneside Council will pay the Local Authority rate for the area where the customer decides to live.</p> <p>Where the Local Authority rate for that area is more expensive than the Local Authority rate in North Tyneside, the Council will require the adult, or a third party to meet the difference by way of a 'Top-Up' payment.</p> <p>The third party will be asked to enter into an agreement, covering all of these points. Refer to North Tyneside's procedure for "Out of Borough Top ups" for further information.</p>
<p><b>9.7</b></p>	<p>Adults who own a property, over which security can be taken, may be eligible to defer care costs against the value of the property.</p> <p>This is known as a Deferred Payment Agreement. On an individual basis, North Tyneside Council will consider other assets than a property as eligibility for the Deferred Payment Scheme.</p> <p>North Tyneside Council will make Deferred Payment Agreements</p>



	<p>available under the national 'Universal Deferred Payment Agreement Scheme' and 'North Tyneside Council Deferred Payment Agreement Scheme' providing the eligibility criteria has been met.</p> <p>Details of Deferred Payment Agreements can be found within the Council's Deferred Payment Agreement Policy located at <a href="http://www.northtyneside.gov.uk">www.northtyneside.gov.uk</a></p>
<b>9.8</b>	<p>The Council will undertake a financial and benefits check for adults entering Residential Care on a permanent basis to ensure that their income is maximised. Contributions are payable from the date care commences.</p>
<b>9.9</b>	<p>The Financial Assessment will take into account income, capital and the value of any assets.</p> <p>The charging methodology will take into consideration any mandatory disregards of income, capital and property as defined in the Care and Support (Charging and Assessment of Resources) Regulations 2014.</p>
<b>9.10</b>	<p>The Financial Assessment will take into account statutory amounts required to be retained by the customer from their income. These are known as 'Personal Expenditure Allowance' (PEA) and 'Disposable Income Allowance' (DIA). These amounts are dependent upon the adult's individual financial circumstances, and are reviewed annually by the Department of Health.</p> <p>The rates applicable for the relevant financial year (April – March) are set out on the Councils website <a href="http://www.northtyneside.gov.uk">www.northtyneside.gov.uk</a> Where a customer has no income the Local Authority must ensure that they receive a personal expenditure allowance at the prevailing rate.</p>
<b>9.11</b>	<p>Financial assessments will be regularly assessed to ensure that the person is able to meet the cost of any charges and this will be on an annual basis but this will depend on individual circumstances. An assessment will take place if there is a change in circumstances or if the person requests an assessment .</p>

<b>10.</b>	<b>Charging and financial assessment for care and support in a care home on a temporary basis – short-term placement (excluding respite care)</b>
<b>10.1</b>	The Council will charge for care and support delivered in a care home on a temporary basis (short-term placement).
<b>10.2</b>	Following an assessment of an adult's eligible care and support needs, a decision may be taken that the adult would benefit from a temporary stay in a Care Home. A temporary resident is defined as an adult whose need to stay in a Care Home is intended to last for a limited period of time and where there is a plan to return home. The adult's stay should be unlikely to exceed 52 weeks, or in exceptional circumstances, unlikely to substantially exceed 52 weeks.
<b>10.3</b>	Where an adult's stay is intended to be permanent, but circumstances change and the stay becomes temporary, then the Council will assess and charge as a temporary stay.
<b>10.4</b>	Adults that have a temporary stay that becomes permanent will be assessed for a permanent stay at the date permanency is confirmed and the Care and Support plan is amended.
<b>10.5</b>	The Council will financially assess all adults having a temporary stay in a Care Home, and will charge from the date of admittance.
<b>10.6</b>	The financial assessment for temporary stays will completely disregard the adult's main or only home where the adult intends to return to that home.
<b>10.7</b>	The financial assessment will treat income and capital in the same way as if the customer was entering a Care Home on a permanent basis with the following exceptions: <ul style="list-style-type: none"> <li>• Where the adult is in receipt of Disability Living Allowance or Attendance Allowance, these are completely disregarded from the financial assessment;</li> <li>• Where the adult receives Severe Disability Premium or Enhanced Disability Premium, these benefits cease when Disability Living Allowance or Attendance Allowance ceases; or</li> <li>• The financial assessment will be adjusted where the</li> </ul>

	temporary stay extends into this period
<b>10.8</b>	The Council will ensure that where a spouse or partner resides in the same residence as the adult, that the spouse/partner will have an income of at least the basic level of income support or pension credit, to which they would be entitled to in their own right.
<b>10.9</b>	<p>The Council will ensure that where Housing Benefit is paid, this is disregarded.</p> <p>The Council will ensure that payments made by the adult to keep and maintain their home, such as rent or insurance premiums are disregarded at the rate of £20 per week.</p> <p>In exceptional circumstances, where the payments are more than this amount, the Council will consider disregarding a higher amount but will request evidence to support the decision.</p> <p>Contributions are payable from the date care commences.</p> <p>A new financial assessment will be required in each financial year where an adult requires temporary accommodation in a Care Home.</p>
<b>11.</b>	<b>Charging and financial assessment for respite care provided in a care home setting</b>
	<p>The Council will charge for respite care delivered in a care home.</p> <p>Respite care is defined as a short-term placement, which has an agreed start date and agreed end date.</p> <p>It is classed as 'replacement care' and is usually provided to a cared for person, to enable their carer to take a break from their caring role.</p>
	The Council will assess an individual's ability to pay for respite care, using the charging and financial assessment process for care and support services provided in a adult's own home as set out in 12 below.
<b>12.</b>	<b>Charging and financial assessment for care and support in an adult's own home, including supported living</b>

12.1	North Tyneside Council will charge for care and support delivered in other care settings including a person's own home.
12.2	Adults requiring care and support in their own home or other care settings, such as Extra Care Housing must initially satisfy an eligibility assessment for care and support. Only where an adult has an eligible care and support need will a financial assessment be required.
12.3	Where an adult has an eligible care and support need, the Council will calculate how much the personal budget might be using its Resource Allocation System (RAS). Once the indicative budget is known, the care support planning process, taking into account the adult's desired outcomes, will determine the agreed personal budget.
12.4	<p>Adults will have the option to take their personal budget as: a council commissioned services; an Individual Service Fund; as a Direct Payment; or a combination of any of these options.</p> <p>Adults who take their personal budget as a Direct Payment may purchase alternative types of care to meet their care and support needs as defined in Sections 31 to 33 of The Care Act 2014</p>
12.5	The Council has a specific 'Direct Payments Policy' that sets out the criteria for care and support being managed through Direct Payments. <a href="http://www.northtyneside.gov.uk">www.northtyneside.gov.uk</a>
12.6	<p>The Council will undertake a financial assessment to determine the amount an adult can contribute towards their care and support costs. The financial assessment will be based, as a minimum, on income, capital, housing costs and disability related expenditure (DRE).</p> <p>Adults with capital in excess of the higher capital limit will be responsible for meeting all of their care and support costs.</p> <p>Evidence will be required to substantiate fully an adult's financial circumstances. Please refer to Schedule A of this policy for guidance in relation to DRE.</p>
12.7	Where an adult has capital in excess of the higher capital limit and is therefore classed as 'self-funding' and is required to pay the full cost of their care and support, they are still entitled to

	<p>request that their services are arranged by the Council.</p> <p>The Council will charge an 'arrangement fee' for doing this.</p> <p>The annual fee for 2015/16 is £260 per annum. This amount will be reviewed annually.</p>
<b>12.8</b>	<p>The Council will ensure that adults retain at least the 'Minimum Income Guarantee.'</p> <p>This retained income level is designed to promote independence and social inclusion and is intended to cover basic needs for ordinary living expenses such as food, light and heating, after housing costs have been taken into consideration.</p> <p>Direct housing costs will only be considered where the adult is liable for such costs, i.e. holds the tenancy agreement or is party to the mortgage.</p> <p>The 'Minimum Income Guarantee' ensures that the adult retains income to the equivalent of Income Support or Guaranteed Credit element of Pension Credit, plus a minimum buffer of 25%.</p>
<b>12.9</b>	<p>The financial assessment will refer to the Care and Support (Charging and Assessment of Resources) Regulations 2014 for all disregards in respect of income and capital when making a determination of the adult's financial resources.</p>
<b>12.10</b>	<p>When the financial assessment has been concluded, the adult will be informed in writing of the weekly amount they must contribute towards their care and support costs.</p> <p>Adults will not be charged more than the amount determined by the financial assessment.</p> <p>Contributions are payable from the date that care and support services commence.</p> <p>Adults who require services to be arranged by the Council will be invoiced on a four weekly basis in arrears for their care and support costs.</p> <p>Adults receiving their care and support costs through a Direct</p>

	<p>Payment will receive 'net' payments weekly in arrears, to which they must then make arrangement pay their contribution.</p> <p>Adults who receive their care and support through an ISF will be invoiced on a four weekly basis and the Council will make the gross payment to the care provider.</p>
<b>12.11</b>	The Council will aim to review all financial assessments with the adult or their financial representative on an annual basis, and changes will apply for the date of the actual re-assessment.
<b>13</b>	<b>Charging and financial assessment for support for carers</b>
<b>13.1</b>	The Care Act 2014 provides Councils with the power to charge for support for carers, where they have an eligible support need in their own right.
<b>13.2</b>	Carers support is support provided directly to the Carer and not support provided directly to the adult being cared for. For example sitting services and respite care are provided to the cared for person and are chargeable, although their provision benefits the Carer.
<b>13.3</b>	<p>North Tyneside's current policy is not to charge Carers for the support they receive in their own right.</p> <p>This decision will be reviewed before March 2016 and any appropriate notice of change will be given.</p> <p>Following, the review, if the Council changes its policy in terms of charging Carers, the financial assessment will follow the same calculation methodology as those receiving care and support outside of a care home. This may be a 'light-touch' financial assessment, however the Carer can request a full financial assessment, if they so wish.</p>
<b>14.</b>	<b>Financial Assessment Considerations</b>
<b>14.1</b>	<p>Deprivation of income and/or assets is the disposal of income and capital (property and investments) in order to avoid or reduce care charges.</p> <p>Disposal can take the form of transfer of ownership or conversion into a disregarded form.</p>

	<p>In all cases, it is up to the adult to prove to the Council that they no longer possess an income or an asset.</p> <p>The Council will determine whether to conduct an investigation into whether deprivation of income or assets has occurred.</p> <p>Where an investigation is conducted, this will be conducted under guidance contained within the Regulation of Investigatory Powers Act 2000.</p> <p>Following the investigation, where the Council decides that an adult has deliberately deprived themselves of an asset or income in order to reduce a charge for care and support, the Council will initially charge the adult as though they still own the asset or income.</p>
<b>14.2</b>	<p>Property other than the adult's main or only home will be included within the financial assessment as a capital asset where they are the beneficial owner or have a beneficial interest in the property</p> <p>The only exception to this rule is where the adult is taking steps to sell any additional property(s). The Council would expect that reasonable steps are taken by the adult to ensure that the sale is progressed in a reasonable timeframe. The Council reserves the right to review this situation on a 6 monthly basis.</p>
<b>14.3</b>	<p>The Care Act 2014 requires that financial assessments are completed for adults as individuals.</p> <p>Where capital is held and income is received on a joint basis, then it is assumed that each person is entitled to 50% of that income. A couple is defined (for administration of their financial affairs) as two people living together as spouses or partners.</p> <p>Where appropriate the Authority will assess as a couple, if the outcome of the financial assessment is more beneficial to the adult being cared for.</p>
<b>14.4</b>	<p>An allowance for housing costs (e.g. rent/mortgage/council tax) will be made within the financial assessment for actual costs incurred, on production of evidence to substantiate liability for</p>

	<p>expenditure. Where the adult is not liable for these costs, but contributes towards these through a private board agreement or similar, then the adult will be expected to meet this expenditure from their guaranteed income.</p>
<b>14.5</b>	<p>Where funds are held in trust, the financial assessment will seek to determine whether income received or capital held in trust should be included or disregarded. Copies of trust documents (e.g. Trust Deed, Will Settlement etc) are required to be produced as part of the financial assessment.</p>
<b>14.6</b>	<p>Where the adult receiving care and support has capital at or below the higher capital limit, but more than the lower capital limit, they will be charged £1 per week for every £250 in capital between the two amounts. This is called “tariff income”. For example, if an adult has £4,000 above the lower capital limit, they are charged a tariff income of £16 per week.</p>
<b>15.</b>	<p><b>Recovery of Debt</b></p>
<b>15.1</b>	<p>The Care Act 2014 consolidates the Council’s powers to recover money owed for arranging care and support for an adult.</p> <p>Section 69 of this Act provides equal protection to both the Local Authority and the person.</p> <p>Section 70 of the Act also provides the Local Authority with the power to recover charges from a third party where a person has transferred assets to them in order to avoid paying charges for care and support.</p> <p>Where North Tyneside Council is not able to recover the debt it will pursue the recovery by making a claim to the County Court for a Judgment Order.</p> <p>These powers can be exercised where an adult refuses to pay the amount they have been assessed as being able to pay, or have been asked to pay (where the cost of care and support is less than their assessed contribution).</p>
<b>15.2</b>	<p>The powers granted to the Council for the recovery of debt also extends to the adult or their representative, where they have misrepresented or have failed to disclose (whether fraudulently or</p>



	otherwise), information relevant to the financial assessment of what they can afford to pay.
<b>15.3</b>	<p>Where there is a refusal to pay for care and support costs by the adult or their representative, the Council will act reasonably and endeavour to resolve the issue in one of the following ways, before making application to the County Court.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• Making contact with the adult or their representative in writing, to establish why the contribution to care and support costs has not been met and for payment arrangements to be made. These repayments must be affordable and relevant to the outstanding debt.</li> <li>• Where mental capacity is not established North Tyneside Council will support the representative to gain Deputyship as appropriate;</li> <li>• Where mental capacity is not established and there is no appropriate representative to gain Deputyship North Tyneside Council will consider applying to be a Deputy; and</li> <li>• Use of independent mediation through an independent third party such as a voluntary organisation, advocate or solicitor where appropriate</li> </ul>
<b>15.4</b>	<p>Documentary evidence must be gathered in all cases to support any application to the County Court. This includes documentary evidence that -</p> <ul style="list-style-type: none"> <li>• the adult is eligible for, has been offered, and refused, a Deferred Payment Agreement (where applicable)</li> <li>• All invoices raised</li> <li>• Recorded dates of contact made with the adult or their representative and the outcome of these meetings</li> <li>• Any other relevant information</li> </ul>
<b>15.5</b>	In all cases the desired outcome is to prevent debt escalating and for the adult to enter into affordable repayments of the debt as well as being able to pay ongoing costs as they arise.
<b>15.6</b>	Social workers will be advised of the debt and will become

	involved as appropriate
<b>15.7</b>	The Council will give regard to the level of debt and the cost of recovery, and will not proceed with recovery action where the cost of recovery would be disproportionate.
<b>15.8</b>	All debt that arises from 1 <sup>st</sup> April 2015 must be recovered within 6 years from when the sum became due to the council.
<b>16.</b>	<b>Reviews and Appeals</b>
<b>16.1</b>	If An adult is unhappy with the assessment or considers after the assessment that they cannot afford to pay, then they have the right to request a review of the charge that has been assessed.
<b>16.2</b>	North Tyneside Council adopts a two-stage procedure for this process. <b>See Appendix B.</b>  <b>Note:</b> This process does not prevent an adult or their representative from informally discussing the outcome with the Financial Assessment Visiting Officer or Manager - Financial Services. It is recommended that any obvious errors be brought to the Officer's attention for resolution prior to a formal review commencing.
<b>17</b>	<b>Complaints</b>
<b>17.1</b>	If a customer is dissatisfied with the process or outcome of the financial assessment then they are entitled to make a complaint. The leaflet entitled "How to Complain about Adult and Children's Social Services" is available upon request from Customer & Member Liaison Office, North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park, Newcastle upon Tyne NE27 0BY,  Tel: (0191) 643 2280. Fax: (0191) 643 2430 Email: <a href="mailto:customerliaisonoffice@northtyneside.gov.uk">customerliaisonoffice@northtyneside.gov.uk</a>

## Appendix A – Disability Related Expenditure

Adults that are in receipt of care in all settings, with the exception of permanent care in a Care Home, and are in receipt of disability benefits (Attendance Allowance/Disability Living Allowance and Personal Independence Payment) will be asked about additional costs incurred as a direct result of their disability. Allowances will be made where costs are not, and would not expect to be, met by the Council.

Only costs incurred by the adult receiving care and support will be considered as part of the assessments as allowable expenditure.

The Council has the right not to allow costs that should be met by other agencies, such as the NHS. This applies to therapies such as physiotherapy, chiropody and incontinence pads.

### Income / Disregards 2015/16 North Tyneside

Disregard Basic Income Support plus 25%

“Basic Income Support” includes Personal Allowance, age and disability premiums but **NOT** Severe Disability Premium, Attendance Allowance or Disability Living Allowance.

Amounts will be :

Over Pension Age - Single £189.00 per week Couples £288.57 per week

Under Pension Age - Single £131.69 per week Couples £201.00 per week

Attendance Allowance -if on higher rate (£82.30) disregard difference between higher and lower rate  
(£27.20) unless in receipt of both day and night care

Mobility Allowance -Disregard fully

War Disability and War -Disregard the first £10 per week

Widows Pension N.B. War Widows Supplementary Pension Disregard fully  
£90.41

### Assets

Capital below £14,250 fully disregarded.

Tariff Income of £1 per week for every £250 (or part of £250) above £14,250 and up to £23,250 (if the upper capital limit is applied).

## Disability Related Expenditures 15/16

The following table provides guidance of examples of additional costs which an individual may face as a result of disability. These additional costs may be taken into account in the Disability Related Expenditure (DRE).

*This list is neither exhaustive or exclusive* and the Council recognises that each individual's circumstances may vary. As a result the Council will consider other additional costs that may be incurred, on the production of evidence or receipts to substantiate these amounts.

<b>EQUIPMENT</b>		
<b>Item</b>	<b>Standard Weekly Amount Allowable based on NAFAO Guidance</b>	<b>Notes</b>
Wheelchair - manual	£3.75	Considered if not provided free of charge – evidence of purchase will be required
Wheelchair - powered	£9.12	As above
Powered Bed	£4.20	Actual cost divided by 500 up to a maximum allowance (10 year life) – evidence of purchase if available
Turning bed	£7.27	Actual cost divided by 500 up to a maximum allowance - evidence of purchase if available
Powered reclining chair	£3.30	Actual cost divided by 500 up to a maximum allowance - evidence of purchase if available
Stair lift	£5.88	Actual cost divided by 500 up to a maximum allowance – evidence of purchase without DFG input
Hoist	£2.88	Actual cost divided by 500 up to a maximum allowance - evidence of purchase without DFG input

<b>SERVICES</b>		
<b>Item</b>	<b>Suggested Weekly Amount Allowable</b>	<b>Notes</b>
Personal alarm	Actual cost	Actual rental charge if not covered by housing benefit
Personal care	Actual cost	If purchased privately and identified in the Support Plan and Council supported care is reduced accordingly
Cleaning/Domestic	£ 10.50	Actual cost up to a maximum allowance if purchased privately and identified in the Support Plan – (based on 1.5 hours per fortnight as currently assessed by social care staff for house work cases)
Garden Maintenance	£ 2.50	Discretionary based on individual costs of garden Maintenance – indicative amount based on NAFAO guidance
Personal assistance	Actual Cost	Actual cost if purchased privately and identified in the Support Plan and not covered by a Direct Payment
Chiropody/manicure	Actual Cost	Actual cost if purchased privately and identified in the Support Plan and not covered by a Direct Payment

<b>ADDITIONAL LIVING EXPENSES</b>		
<b>Item</b>	<b>Suggested Weekly Amount Allowable</b>	<b>Notes</b>
Holidays	Additional actual costs	<b>Additional actual cost for costs incurred for carer support</b> in excess of normal costs for similar holiday divided by 52
Prescription Charges	£104.00 per annum	Cost of annual season ticket divided by 52 where not eligible for free prescriptions (£104.00)
Special dietary needs		<b>Additional cost</b> of special dietary needs due to an illness or disability –

		details of special purchases required
Transport	Actual additional weekly costs	<b>Additional cost</b> of transport not covered by DLA mobility component and due to illness and disability for <b>necessary</b> trips.
Laundry	£3.61	Where incontinence is identified or other illness that may cause additional need for laundry in excess of normal needs – based on NAFAO guidance
Heating	£ 1,143 £1,508 £1,214 £1,600 £1,477 £1,947	Flat terraced house. Single person Flat/terrace house Couple Semi detached house Single Semi detached house couple Detached house Single Detached House couple – based on NAFAO guidance
Special Clothing or footwear	Additional cost/52	Additional cost of specialised clothing or footwear, or additional wear to clothing or footwear caused by illness or disability
Social Activities	£ 5.00	<b>Actual additional costs</b> in respect of disability, i.e. delivery charge for paper, paying for carer to accompany, etc
Internet Costs	£3.50	Where the internet offers the only choice for purchasing shopping due to mobility problems
Incontinence Pads	£10	<b>Only</b> if free pads are not suitable where incontinence has been identified.
Hairdressers	£5	<b>Max additional cost</b> for a basic weekly hair wash where there is no one else available to assist
Repairs/maintenance of essential equipment	Actual Cost	Actual cost in respect of equipment essential to continuing independence in the home

<b>HOUSING COSTS</b>	Actual costs incurred, on production of evidence to substantiate liability for expenditure.
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## **Appendix B**

### **Review and Appeals Process – Financial Assessments**

#### **Residential and Non-Residential Services**

##### **Purpose:**

The Council refers to the Care and Support Regulations (Statutory Instruments) and Care and Support (Charging and Assessment of Resources) Regulations 2014 in all regards for specific guidance relating to charging and financial assessment.

This policy allows some discretion in terms of dealing with individual cases and each case is determined on individual financial circumstances and the outcome of a financial assessment. The complaints procedure is not suitable for dealing with appeals of this type in that it examines the process and does not have the capacity to exercise discretion based on the details of the case.

The Local Government Ombudsman has emphasised that customers should be given clear information as to the criteria for having charges reduced or waived, and of their right to a hearing before an appeal panel if their initial challenge is unsuccessful.

**The Financial Assessment Appeals process sets out the mechanism through which individuals may appeal against their assessed charge.**

The process has two stages as set out below:

##### **Stage One**

Where a customer disagrees with the level of charge set following a financial assessment, they can request a review. The request would normally be within 20 working days of receiving confirmation, in writing, of the assessed charge.

The review will be completed within 15 working days of receipt of the request and undertaken by the Manager Financial Services. The customer will be notified in writing of this, with an undertaking that any reduction (if agreed) will be applied from the date of notification of the assessed/re-assessed charge, i.e. the date from which the charge would take effect.

The Manager of Financial Services will:

- Establish that the charging policy has been appropriately applied and that the charge has been calculated correctly.
- Establish that benefits have been maximised appropriately.

- Establish that any additional costs of disability have been allowed in accordance with agreed amounts.
- Consider any exceptional costs that result from disability, identified by the customer and assess the need for a reduction in the charge through the exercise of discretion.
- Check the care and support plan and discuss with the Care Manager whether any other exceptional circumstances apply.
- Ensure that, where appropriate, additional supporting evidence of actual expenditure is provided
- Arrange to meet with the customer user/family or carer as necessary to discuss the circumstances of the appeal.
- Obtain the agreement of the Strategic Commissioning Manager OP and PD to the outcome of the appeal.
- Notify the customer in writing of the outcome of the appeal and advise the customer of the right to move to Stage 2, if dissatisfied with the outcome of the appeal.

## **Stage Two**

If a customer is dissatisfied with the outcome of Stage 1 of the Appeals process they can request that the matter be referred to Stage 2, for consideration by the Financial Assessment Appeals Panel (see Flow Chart). The request would normally be within 20 working days of receiving confirmation, in writing, of the stage 1 decision.

- The Visiting Officer who undertook the initial visit, or the Manager of Financial Services in those cases where the original assessment has been amended but the customer remains dissatisfied will present the case to the Review Panel.
- The customer will be offered the opportunity to present his/her case in writing, or in person.
- The customer will be offered the opportunity to be represented or supported by an advocate.



- Interpreting services will be made available as required to assist the customer to fully participate in the process. Information will be provided in an appropriate format such as large print, Braille or audiotape.
- The customer will be asked to give permission for recovering additional information or documents to be obtained from the appropriate agencies, e.g. a report from a GP.
- Any documents to be considered by the Appeals Panel should be submitted at least 7 working days prior to the panel meeting.
- All panel documents will be circulated at least 5 working days prior to the date of the panel.
- The decision of the panel will be notified in writing to the customer within 5 working days of the panel meeting.

## Financial Assessment Review/Appeals Process Flowchart

Financial Assessment completed by Visiting Officer based on information provided by the User and the Department of Works and Pensions

Customer notified of charge (including a breakdown of how the charge has been calculated and how to pay)



Customer disagrees with the outcome of the financial assessment. The assessing Visiting Officer should explain how the charge has been calculated explaining decisions in relation to property, savings or disability disregards where appropriate

Charge can be maintained or amended following further information or clarification by the Customer and Visiting Officer.



### STAGE ONE - REVIEW

#### **Process**

Customer does not agree with the Visiting Officer decision. The customer can request a review, normally within 20 working days from being notified of the assessed charge.

Case is referred to Manager Financial Services who will review the case with support from the Council's Legal Section and Strategic Commissioning Manager OP and PD (where appropriate)

#### **Outcome**

The Manager Financial Services can maintain the original decision or replace with a new decision. The review will be completed within 15 working days of receipt and the customer notified in writing of the outcome.



### STAGE 2 - APPEAL

Customers who disagree with the decision can appeal to the Financial Assessment Appeal Panel within 20 working days of the decision

The Manager Financial Services will acknowledge all appeals within 10 working days.

**The case will be referred to the Financial Assessment Appeal Panel within 20 working days.**

The charge should be put on hold pending the outcome of the appeal. If the appeal is unsuccessful then the person will be required to pay the full charge backdated to the original date of the assessment. The customer should be notified of this in writing.

The Financial Assessment Appeal Panel can:

Maintain the decision

Or

Revise the decision in light of new finding of fact

### **Terms of Reference for the Financial Assessment Panel**

Name	Financial Assessment Appeal Panel
Reports to	Head of Adult Social Care Service
Membership	Strategic Commissioning Manager OP and PD Senior Manager Personalisation Locality
Meeting to be held	As and when required
Aim	To resolve disputes in relation to Financial Assessments for Adult Social Care charges
Objective	To ensure that any charging decisions are fair, equitable, consistent and in line with the Council's Contributions Policy for Adult Care and Support Services.
Decision making powers	The panel can maintain the original decision Or Refer the case to the Manager Financial Services to review in light of new facts Or Replace the Manager Financial Service's decision with the Financial Appeal Panel decision

Communication	<p>The Strategic Commissioning Manager OP and PD will direct the Manager Financial Services in relation to the Appeal Panel's decision.</p> <p>The Head of Adult Social Care will be notified in writing of the outcome of the Appeals Panel.</p>
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