

**Adult Social Care Charging Policy** – Proposed changes to the original text are highlighted in yellow.  
Results from the public consultation on proposed changes to the Policy held between 6 July 2020 and 28 September 2020.

Section	Original	Proposed	Consultation result
1 Introduction	<p>The Adult Social Care Charging Policy was last updated in April 2016 to take account of changes in legislation brought about by the Care Act 2014.</p> <p>This biannual review of the Adult Social Care Charging Policy is published in accordance with section 9 of the Policy. It incorporates the clarifications laid out in the two addendums published in December 2016 and November 2017.</p>	<p>The Adult Social Care Charging Policy was last updated in July 2018 to incorporate two addendums published in December 2016 and November 2017 clarifying some elements of the Policy published in 2016.</p> <p>This biannual review of the Adult Social Care Charging Policy is published in accordance with section 9 of the Policy.</p>	n/a
4 Adult Social Care Charging Policy Principles	<p><b>Principle 2</b> – In accordance with the Care Act 2014, certain types of service will be provided free of charge. These services are:</p> <ul style="list-style-type: none"> <li>• information and advice</li> <li>• needs assessment of all types</li> <li>• financial assessment</li> <li>• support planning</li> <li>• intermediate care</li> <li>• community equipment and minor adaptations costing less than £1000</li> </ul>	<p><b>Principle 2</b> – In accordance with the Care Act 2014, certain types of service will be provided free of charge. These services are:</p> <ul style="list-style-type: none"> <li>• information and advice</li> <li>• Independent Advocacy services provided under the Care Act 2014</li> <li>• needs assessment of all types</li> <li>• financial assessment</li> <li>• support planning</li> <li>• intermediate care</li> <li>• community equipment and minor adaptations costing less than £1000</li> </ul>	<p><b>Agree: 39 (70%)</b>  <b>Neutral: 15 (27%)</b>  <b>Disagree: 2 (4%)</b></p>

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	<ul style="list-style-type: none"> <li>• aftercare services/support provided under section 117 of the Mental Health Act 1983 (see also Policy Statement number 6.57)</li> <li>• services for anyone suffering from any form of Creutzfeldt-Jakob disease.</li> </ul>	<ul style="list-style-type: none"> <li>• aftercare services/support provided under section 117 of the Mental Health Act 1983 (see also Policy Statement number 6.68)</li> <li>• Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care</li> <li>• services for anyone suffering from any form of Creutzfeldt-Jakob disease.</li> </ul>	
4 Adult Social Care Charging Policy Principles	<b>Principle 8</b> - The local authority will ensure that sufficient information and advice is available so that that the customer or their representative are able to understand any contributions they are asked to make.	<b>Principle 8</b> - The local authority will ensure that sufficient information and advice is available so that that the customer or their representative are able to understand any contributions they are asked to make. Customers will be encouraged to seek independent financial advice, especially before entering into any long-term agreements.	<b>Agree: 36 (75%)</b> <b>Neutral: 8 (17%)</b> <b>Disagree: 4 (8%)</b>
5 Scope of the Adult Social Care Charging Policy	Charges will be made in respect of the following support:	Charges will be made in respect of the following support: <ul style="list-style-type: none"> <li>• All Personal Budgets will be subject to a Financial Assessment regardless of how the Personal Budgets are used or whether the budget is taken as a Direct Payment, Individual Service Fund or the local authority commissions the care on behalf of the customer.</li> </ul>	n/a

Section	Original	Proposed	Consultation result
	<ul style="list-style-type: none"> <li>Personal Budgets will be subject to a Financial Assessment regardless of how the Personal Budgets are used or whether the budget is taken as a Direct Payment, Individual Service Fund or the local authority commissions the care on behalf of the customer.</li> </ul>		
6.1	The local authority will take into consideration the mental capacity of the customer, as well as any illness or condition they may have, when communicating with them, when carrying out a Financial Assessment and when collecting any debts.	The local authority will take into consideration the mental capacity of the customer, as well as any illness or condition they may have, when communicating with them, when carrying out a Financial Assessment and when collecting any debts. In line with the Care Act 2014, and the principles set out in the Mental Capacity Act 2005, the local authority will assume that customers have mental capacity and can make decisions for themselves unless it is established otherwise, in which case appropriate support will be identified.	<b>Agree: 31 (65%)</b> <b>Neutral: 8 (17%)</b> <b>Disagree: 9 (19%)</b>

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6.5	The local authority will apply the nationally set limits and thresholds for personal expenses allowance (PEA) and minimum income guarantee (MIG).	The local authority will apply the nationally set limits and thresholds for personal expenses allowance (PEA) and minimum income guarantee (MIG). The local authority will take any eligible Disability-Related Expenditure incurred by the customer into account when carrying out a Financial Assessment for community-based care.	<b>Agree: 38 (79%)</b> <b>Neutral: 6 (13%)</b> <b>Disagree: 4 (8%)</b>
6.7	The local authority will take all capital assets into account except those specifically disregarded under the regulations. Capital acquired through an Equity Release scheme based on the customer's main or only home will be taken into account alongside any other capital held by the customer. The residual beneficial interest in the customer's main or only home will be disregarded appropriately for the situation, i.e. for the first 12 weeks in the case of residential care, and completely for non-residential care.	The local authority will take all capital assets into account except those specifically disregarded under the regulations. Capital acquired through an Equity Release scheme based on the customer's main or only home will be taken into account alongside any other capital held by the customer. The residual beneficial interest in the customer's main or only home will be disregarded appropriately for the situation, i.e. for the first 12 weeks of long-term residential care, and completely for non-residential care.	<b>Agree: 23 (51%)</b> <b>Neutral: 16 (36%)</b> <b>Disagree: 6 (13%)</b>

Section	Original	Proposed	Consultation result
6.8	Equity Release schemes can also be used to fund an annuity to provide a regular income. The capital used to purchase the annuity will be disregarded. The local authority will take all income into account except those specifically disregarded under the regulations. Income arising from an annuity secured on the customer's main or only home will be disregarded provided that the conditions laid out in the regulations are met.	Equity Release schemes can also be used to fund an annuity to provide a regular income. The capital used to purchase <b>any such</b> annuity will be disregarded. The local authority will take all income into account except those specifically disregarded under the regulations. Income arising from an annuity secured on the customer's main or only home will be disregarded provided that the conditions laid out in the regulations are met.	<b>Agree: 28 (61%)</b> <b>Neutral: 15 (33%)</b> <b>Disagree: 3 (7%)</b>
6.10	The local authority will apply the same rules for disregarding property for community-based services as it does for residential and nursing <b>property</b> . If, for instance, a customer moves into an Extra Care setting, and a spouse or other qualifying relative who lived <b>there</b> continuously before the customer <b>moving</b> into the Extra Care setting continues to live in their former home, then the value of the customer's interest in the property will be disregarded until the spouse or other qualifying relative moves out.	The local authority will apply the same rules for disregarding property for community-based <b>services</b> as it does for residential and nursing <b>services</b> . If, for instance, a customer moves into an Extra Care setting, and a spouse or other qualifying relative who lived <b>in their former home</b> continuously before the customer <b>moved</b> into the Extra Care setting continues to live in their former home, then the value of the customer's interest in the property will be disregarded until the spouse or other qualifying relative moves out.	<b>Agree: 30 (64%)</b> <b>Neutral: 13 (28%)</b> <b>Disagree: 4 (9%)</b>

Section	Original	Proposed	Consultation result
6.11	If a customer owns a property that is not their main or only home, the local authority will take the value of <b>the</b> property into account when calculating a customer's contribution.	If a customer owns <b>or part-owns</b> a property that is not their main or only home, the local authority will take the value of <b>their interest in the</b> property into account when calculating a customer's contribution.	<b>Agree: 23 (48%)</b> <b>Neutral: 12 (25%)</b> <b>Disagree: 13 (27%)</b>
6.15	If a customer is only drawing a minimal income, or choosing not to draw income from a pension or similar financial instrument, then the local authority <b>can</b> apply notional income. This must be the maximum income that could be drawn under an annuity product. If applying maximum notional income, any actual income from the financial instrument will be disregarded to avoid double counting.	If a customer is only drawing a minimal income, or choosing not to draw income from a pension or similar financial instrument, then the local authority <b>will</b> apply notional income. This must be the maximum income that could be drawn under an annuity product. If applying maximum notional income, any actual income from the financial instrument will be disregarded to avoid double counting.	<b>Agree: 22 (48%)</b> <b>Neutral: 10 (22%)</b> <b>Disagree: 14 (30%)</b>

Section	Original	Proposed	Consultation result
6.18	The local authority will regularly reassess a person's ability to meet the cost of any charges to take account of any changes to their resources. Customers <b>should</b> notify the local authority when their circumstances change and may request a review of their Financial Assessment at any time. Officers will check the assessment and adjust as necessary, taking into account any additional information available.	The local authority will regularly reassess a person's ability to meet the cost of any charges to take account of any changes to their resources. Customers <b>MUST</b> notify the local authority <b>promptly</b> when their <b>financial</b> circumstances change and may request a review of their Financial Assessment at any time. Officers will check the <b>financial</b> assessment and adjust as necessary, taking into account any additional information available. <b>Any change in customer contributions will usually be backdated to the date that the financial circumstances changed.</b>	<b>Agree: 28 (60%)</b> <b>Neutral: 8 (17%)</b> <b>Disagree: 11 (23%)</b>
6.20	Where the local authority decides that a customer has deliberately deprived themselves of assets in order to avoid paying care costs, the local authority <b>may</b> either charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, seek to recover the lost income by charging that person.	Where the local authority decides that a customer has deliberately deprived themselves of assets in order to avoid paying care costs, the local authority <b>will</b> either charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, seek to recover the lost income by charging that person.	<b>Agree: 25 (52%)</b> <b>Neutral: 12 (25%)</b> <b>Disagree: 11 (23%)</b>
6.21	<b>A</b> contribution is expected for young people entering adulthood with an eligible care need.	<b>Subject to the outcome of a Financial Assessment,</b> <b>a</b> contribution is expected for young people entering adulthood with an eligible care need.	<b>Agree: 35 (73%)</b> <b>Neutral: 7 (15%)</b> <b>Disagree: 6 (13%)</b>

Section	Original	Proposed	Consultation result
6.35	When a customer is receiving respite care or short term residential care (that is, when someone is in a care home for a period not exceeding four consecutive weeks in any 12-month period), other than post-hospital-discharge recovery periods, the local authority has the power to charge as if they were receiving domiciliary care. The local authority will instead make a nominal charge equal to the <b>Income Support</b> /Pension Credit rate, depending on the customer's age, less the statutory personal expenses allowance.	When a customer is receiving respite care or short term residential care (that is, when someone is in a care home for a period not exceeding four consecutive weeks in any 12-month period), other than post-hospital-discharge recovery periods, the local authority has the power to charge as if they were receiving domiciliary care. The local authority will instead make a nominal charge equal to the Pension Credit/ <b>basic Universal Credit</b> rate, depending on the customer's age, less the statutory personal expenses allowance.	<b>Agree: 22 (46%)</b> <b>Neutral: 19 (40%)</b> <b>Disagree: 7 (15%)</b>
6.36	When a customer is being cared for away from home in a hospital or in accommodation such as a care home, and they cannot arrange to protect their property or pets themselves, the local authority must act where it believes that if it does not take action there is a risk of moveable property being lost or damaged. The local authority will recover any reasonable costs incurred in protecting the moveable property.	When a customer is being cared for away from home in a hospital or in accommodation such as a care home, and they cannot arrange to protect their property or pets themselves, the local authority must act where it believes that if it does not take action there is a risk of moveable property being lost or damaged. The local authority will recover any reasonable costs incurred in protecting the moveable property <b>from the customer.</b>	<b>Agree: 23 (48%)</b> <b>Neutral: 12 (25%)</b> <b>Disagree: 13 (27%)</b>

Section	Original	Proposed	Consultation result
6.37	When a customer needs to move into long-term residential care, is admitted to a registered Care Home or registered Nursing Home, the local authority will disregard the value of <b>any property the customer owns</b> the customer's main or only home in their financial assessment for 12 weeks starting from <b>the date of the panel decision or</b> the date of admission to residential care, <b>whichever is later</b> .	When a customer needs to move into long-term residential care, is admitted to a registered Care Home or registered Nursing Home, the local authority will disregard the value of the customer's main or only home in their financial assessment for 12 weeks starting from the date of admission to residential care.	<b>Agree: 30 (63%)</b> <b>Neutral: 13 (27%)</b> <b>Disagree: 5 (10%)</b>
6.40	Top-up payments must be made where a customer chooses more expensive residential or nursing care than the local authority is offering. An agreement will have to be signed for a top up before the care home placement goes ahead. A customer is not allowed to pay their own top-up except where a deferred payment has been agreed. The local authority has discretion over whether to allow a top-up payment to be deferred after the first 12 weeks of long-term residential care.	Top-up payments must be made where a customer chooses more expensive residential or nursing care than the local authority is offering. An agreement will have to be signed for a top up before the care home placement goes ahead <b>or before financial assistance is provided when the customer is already in a care home placement</b> . A customer is not allowed to pay their own top-up except where a deferred payment has been agreed <b>or where after care services are being provided to the customer under Section 117 of the Mental Health Act</b> . The local authority has discretion over whether to allow a top-up payment to be deferred after the first 12 weeks of long-term residential care.	<b>Agree: 24 (50%)</b> <b>Neutral: 16 (33%)</b> <b>Disagree: 8 (17%)</b>

Section	Original	Proposed	Consultation result
Self Funders	<p><b>General approach:</b> Self Funders are expected to arrange and fund their own care. If they are unable to do so, even with the support of others, then the local authority will arrange the care on their behalf and charge them an administration fee for doing so. Self funders may also ask the local authority to arrange their community-based care for them, in which case an administration fee will be charged.</p> <p>Self Funders will be charged the full cost of any services provided as they receive them.</p> <p>If the customer has disclosed their financial details, the local authority will estimate when the customer's assets will fall below the threshold and will contact them near that time to arrange a review of their Financial Assessment.</p>	<p><b>General approach:</b> Self Funders are expected to arrange and fund their own care. If they are unable to do so, even with the support of others, then the local authority will arrange the care on their behalf. An administration fee will be charged for doing this for customers receiving community-based services.</p> <p>Self Funders will be charged the full cost of any services provided as they receive them.</p> <p>If the customer has disclosed their financial details, the local authority will estimate when the customer's assets will fall below the upper capital threshold and will contact them near that time to arrange a review of their Financial Assessment.</p> <p>If a Self Funder's assets fall below the upper capital threshold sooner than expected, they should contact the local authority and request a review of their Financial Assessment. In these circumstances, the customer will be asked to explain why the capital has reduced sooner than expected. The local authority will consider whether or not the customer has deliberately deprived themselves of assets in order to avoid paying care costs.</p>	<p><b>Agree: 22 (46%)</b>  <b>Neutral: 16 (33%)</b>  <b>Disagree: 10 (21%)</b></p>

Section	Original	Proposed	Consultation result
	If a Self Funder's assets fall below the threshold sooner than expected, they should contact the local authority and request a review of their Financial Assessment. In these circumstances, the local authority will consider whether or not the customer has deliberately deprived themselves of assets in order to avoid paying care costs.		
6.56	The local authority will apply administration charges (set-up and annual maintenance) to recover the costs it incurs where it is asked to arrange services on behalf of someone with assets above the Upper Capital Limit.	The local authority will apply administration charges (set-up and annual maintenance) to recover the costs it incurs where it is asked to arrange <b>community-based</b> services on behalf of someone with assets above the Upper Capital Limit.	<b>Agree: 22 (46%)</b> <b>Neutral: 18 (38%)</b> <b>Disagree: 8 (17%)</b>
6.57	The set-up administration charge will be payable when the services in an agreed Support Plan are first set up for a new customer.	The set-up administration charge will be payable when the <b>community-based</b> services in an agreed Support Plan are first set up for a new customer.	<b>Agree: 24 (51%)</b> <b>Neutral: 14 (30%)</b> <b>Disagree: 9 (19%)</b>

Section	Original	Proposed	Consultation result
6.58	The annual maintenance administration charge will cover all changes to the support plan required in the next 12 months. The fee will be payable in advance. The first charge will be applied when the services are first set up. Subsequent annual charges will become payable on the anniversary of the initial start date. If during the year, administrative support is no longer required (if, for instance, the self-funder decides to arrange their own services), the local authority will refund a proportion of the annual maintenance administration charge for any whole calendar months remaining.	The annual maintenance administration charge will cover all changes to the <b>community care</b> support plan required in the next 12 months. The fee will be payable in advance. The first charge will be applied when the <b>community-based</b> services are first set up. Subsequent annual charges will become payable on the anniversary of the initial start date. If during the year, administrative support is no longer required (if, for instance, the self-funder decides to arrange their own services), the local authority will refund a proportion of the annual maintenance administration charge for any whole calendar months remaining.	<b>Agree: 23 (50%)</b> <b>Neutral: 15 (33%)</b> <b>Disagree: 8 (17%)</b>
6.59	When a Self Funder is in short term residential care <b>in a local authority home</b> for up to eight weeks, they will be charged the full cost fee less an allowance to reflect the fact that the customer has to continue to maintain their own home.	When a Self Funder is in short-term residential care for up to eight weeks, they will be charged the full cost fee less an allowance to reflect the fact that the customer has to continue to maintain their own home.	<b>Agree: 20 (43%)</b> <b>Neutral: 16 (35%)</b> <b>Disagree: 10 (22%)</b>

Section	Original	Proposed	Consultation result
6.61	In the unlikely event of a Provider Failure (i.e. when a service the customer is receiving can no longer be provided and the reason for that is that the provider's business has failed), the local authority will give self-funders information and advice about finding alternative services. The local authority will make a charge for arranging care and support for someone with assets above the Upper Capital Limit, in the same way as it would for on-going services.	In the unlikely event of a Provider Failure (i.e. when a service the customer is receiving can no longer be provided and the reason for that is that the provider's business has failed), the local authority will give self-funders information and advice about finding alternative services. The local authority will make a charge for arranging <b>alternative</b> care and support for someone with assets above the Upper Capital Limit, in the same way as it would for on-going services.	<b>Agree: 25 (52%)</b> <b>Neutral: 14 (29%)</b> <b>Disagree: 9 (19%)</b>

Section	Original	Proposed	Consultation result
Direct Services	<p>The local authority is a direct provider of residential care and day care services. Often these services are provided to customers with eligible care and support needs and in these circumstances, charging will be as described above. The local authority may also sell spare capacity to customers without eligible care and support needs, and to customers wishing to supplement their care and support over and above their eligible services. A separate Trading Policy will cover the details of how this operates. In these cases, the following will apply.</p>	<p>The Council is a direct provider of care in very limited settings. The Council will apply the charging principles set out in this document in determining whether to charge an individual where services are provided to customers with eligible care and support needs.</p> <p>The Council may also sell spare capacity to customers without eligible care and support needs, or offer services that do not require the person to have an eligible need, or are aimed at supplementing care and support over and above eligible services. A separate service specific charging policy will cover the details of how this operates for relevant services and the Council will set out an individual agreement with each customer that will detail the obligations of both the Council and the customer. The fees due will be subject to an annual review in terms of inflationary and other cost pressures and all customers will be notified in advance of any proposed change to fee levels.</p>	<p><b>Agree: 20 (42%)</b>  <b>Neutral: 20 (42%)</b>  <b>Disagree: 8 (17%)</b></p>

Section	Original	Proposed	Consultation result
6.64	The local authority's Fair Repayment Promise is that "If you owe money to the Council such as rent or Council Tax, your repayment will be at an affordable rate." Where any arrears of social care charges are due and depending on the circumstances, people may be given a reasonable length of time in which to pay the money and may not be expected to pay it all off in one go.	The local authority's Fair Repayment Promise is that "If you owe money to the Council such as rent or Council Tax, your repayment will be at an affordable rate." Where any arrears of social care charges are due and depending on the <b>customer's specific</b> circumstances, people may be given a reasonable length of time in which to pay the money and may not be expected to pay it all off in one go.	<b>Agree: 36 (77%)</b> <b>Neutral: 9 (19%)</b> <b>Disagree: 2 (4%)</b>
6.65	The Care Act 2014 allows Local Authorities to charge carers for the services provided, but no charges will be applied for services provided directly to carers to support them. The local authority may review the decision not to charge carers at its own discretion.	The Care Act 2014 allows Local Authorities to charge carers for the services provided, but <b>the Council has decided that</b> no charges will be applied for services provided directly to carers to support them. The local authority may review the decision not to charge carers at its own discretion.	<b>Agree: 33 (69%)</b> <b>Neutral: 11 (23%)</b> <b>Disagree: 4 (8%)</b>