



DERBY CITY COUNCIL

Adults, Health and Housing Directorate

# Fairer Contributions Policy

Community Based Care Services

March 2011

Version 2

## Version control and Document History

### Version Control

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## 1. Legislative background

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### 1. Legislative background

- 1.1. Under Section 17 of the Health and Social Services and Social Security Adjudication Act 1983 (HASSASSAA) Social Services Authorities have discretion to charge for non-residential services provided to adults.
- 1.2. Services provided under the following Acts fall within Section 17:
  - 1.2.1 Section 29 of the National Assistance Act 1948 (welfare arrangements for disabled persons including those suffering from any mental disorder)
  - 1.2.2 Section 45(1) of the Health Services and Public Health Act 1968 (arrangements for the welfare of old people)
  - 1.2.3 Schedule 8 of the National Health Service Act 1977 (care of mothers and young children, prevention of illness and care/after care and home help/and laundry facilities)
  - 1.2.4 Paragraph 1 of Part 2 of Schedule 9 of HASSASSAA 1983 (meals and recreation for elderly people other than the provision of services for which payment may be required under Sections 22 or 26 of the National Assistance Act 1948 – such as residential provision)
  - 1.2.5 Carers and Disabled Children's Act 2000.

In addition Section 2 of the Chronically Sick and Disabled Persons Act 1970 lists additional services which can be provided as if under Section 29 of the National Assistance Act 1948.
- 1.3. Contributions for Direct Payments can be sought under section 57 (4) and (5) of the Health and Social Care Act 2001.
- 1.4. Whilst charging is not mandatory, there is an expectation from Central Government that Local Authorities will charge for services under Local Authority Circular LAC (94) (1).
- 1.5. Statutory Guidance on a charging framework has been issued to councils under Section 7 of the Local Authority Social Services Act 1970.
- 1.6. The Community Care (Delayed Discharges) Act 2003. This legislation requires equipment and minor adaptations to be provided free of charge. In addition, intermediate care services to be provided free of charge for a period of up to six weeks.

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## 2. Key Principles

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### 2. Key principles

The key principles of the policy are:

- 2.1. It relates to non-residential support provided to adult service users.
- 2.2. Contributions will not be made for providing advice about the availability of support or for the assessment of community care needs.
- 2.3. Contributions will not exceed the full cost of providing the support.
- 2.4. It encourages the link between the policy and maximising service users' income.
- 2.5. A full financial assessment will be offered to ensure that no service user is asked to contribute more than she/he is able to pay.
- 2.6. Contributions will not reduce a service user's disposable income below basic levels of Income Support/Pension Credit + 25% buffer.
- 2.7. The service user will be advised of the contribution rates applicable to the support they receive by the Fairer Charging Team. The actual contribution calculated after the full financial assessment has been completed will commence from the date of the assessment.
- 2.8. Support will not be stopped if a service user refuses to pay or appeals against the contribution level.
- 2.9. A Complaints and Appeals mechanism will be available.
- 2.10. Any debt accrued could be recoverable as a civil debt in line with the Council's debt recovery policy.

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## 3. Scope of the Fairer Charging Policy

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### 3. Scope of the Fairer Charging Policy

3.1. Contributions will be made in respect of the following support:

- 3.1.1 Home Care (this includes help with personal care – including, practical tasks, shopping, bathing, night care and night sitting). This includes personal care provided in extra care settings
- 3.1.2 Day Care, whether in a day centre or other day activities
- 3.1.3 Transport to and from a day centre
- 3.1.4 Direct Payments
- 3.1.5 Personal budgets will be subject to a contribution regardless of how they are used or whether the budget is taken as a Direct Payment, Individual Service Fund or the Council commissions the care.
- 3.1.6 Supported living arrangements will be chargeable under the policy.
- 3.1.7 On going professional support shall be chargeable under the policy.
- 3.1.8 Jointly funded services – contributions will be sought for the element of funding provided by Derby City Council only, this is regardless of whether the further funding is provided by the NHS, voluntary or charitable sector or some other body
- 3.1.9 There are other types of support for which contributions are made. However, these are outside the scope of the policy through discretion or because Local Authorities are required to act under Statutory Guidance, which determines whether or not to charge, and how the financial assessment is calculated, such as:
  - i Residential Care - charging for residential support will continue to be covered by the National Assistance (Assessment of Resources) Regulations 1992 and guidance contained in CRAG (the Charging for Residential Accommodation Guide)
  - ii Residential Respite Care – Respite Care in a residential/nursing home will be charged in accordance with the National Assistance (Assessment of Resources) Regulations 1992 and guidance on temporary care contained in CRAG



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### 3. Scope of the Fairer Charging Policy

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- iii adaptations - the financial assessment for adaptations to property is determined by the Local Government and Housing Act 1989, Department of the Environment Circular 12/90 (Housing Renovations Grants)
- iv Life Lines & Other Telecare Equipment – are at present outside the scope of the Fairer Charging Policy, but will be charged for at a fixed rate unless a legal exclusion applies
- v Meals – meals are charged on a flat rate basis and do not form part of the fairer charging assessment.





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## 4. Continuity of support

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### 4. Continuity of support

- 4.1. The policy supports the legal view that support to meet assessed needs cannot be either refused or withdrawn by the Council if their assessed contribution is not paid.
- 4.2. The policy supports the view that a process of proactive income collection should be an integral part of the Fairer Charging Policy.



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## 5. Maximisation of income

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### 5. Maximisation of income

- 5.1. The policy supports the view that all service users should be offered advice and support on maximising their income. This may take the form of benefits advice, Council Tax discounts or how to apply for specifically funded initiatives, for example Warm and Well, Handyperson scheme.
- 5.2. The policy supports the view that the Council's Fairer Contributions Policy should take account of existing and future policies on Social Inclusion.
- 5.3. Where a service user has received additional income to that which was available at the financial assessment it is their duty to inform the Fairer Charging Team of the change in circumstance as this may affect their financial assessment. Any increase in income will be backdated to the date the income increased.

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## 6. The Policy details

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### 6. The Policy details

#### 6.1. Provision of Information

6.1.1 Each service user will be asked to provide details of his/her income and assets to enable a financial assessment to be undertaken to determine what his/her contribution towards the cost of his/her support will be.

6.1.2 Supporting evidence will be required to confirm the financial details. Examples of acceptable supporting evidence are:

- i receipts
- ii invoices
- iii bank statements/bank book
- iv bonds
- v Stock and Share Certificates
- vi Benefit Award Letters
- vii payslips
- viii Deeds of Trust
- ix Deeds of Gift.

This list is not exhaustive or exclusive, service users are encouraged to keep any appropriate supporting evidence for financial assessments and reassessments.

6.1.3 Where a service user's finances are being managed by a non-related third party they will be required to provide proof of this authorisation, such as a Court of Protection Order, Power of Attorney Document or letter of Appointeeship.

#### 6.2. Non-Disclosure of Information

6.2.1 A service user who does not disclose the necessary information to complete a financial assessment will be assumed to be able to meet the full contribution of his/her support. Examples of non disclosure include:

- i repeated missed appointments
- ii agreeing to pay the maximum contribution
- iii refusing to provide information when requested.

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## 6. The Policy details

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### 6.3. Value of Assets

- 6.3.1 A service user with assets valued at more than the upper capital limit as defined in the National Assistance (Assessment of Resources) Regulations 1992 and CRAG (The Charging for Residential Accommodation Guide) will be required to pay above the maximum amount set by the Council if the cost of the care package merits this.
- 6.3.2 Some capital may be disregarded in the financial assessment, these disregards will be no less generous than the disregards for Residential Care charges as defined by CRAG.
- 6.3.3 The value of the property that the service user lives in will also be disregarded. However, if the service user moves out of their main home on a permanent basis the Fairer Charging Team should be informed as the value of the property or the proceeds of the sale may be taken into account in a financial assessment.
- 6.3.4 If a service user transfers their interest in a property that they own for less than the properties value then this may be taken into account as notional capital in a financial assessment if a service user later moves home or enters permanent Residential/Nursing Care.
- 6.3.5 Apart from the property in which the service user lives other capital may be disregarded, these disregards will be no less generous than the disregards for Residential Care charges as defined by CRAG.
- 6.3.6 Tariff Income will not be calculated on capital between the lower and upper capital limits in line with CRAG.

### 6.3.7 Deprivation of Capital

- i Where the service user has disposed of an asset they may be treated as still being in possession of this asset if a significant reason for the disposal was the avoidance of contributions for care. Guidance will be taken from CRAG where necessary.
- ii It is up to a service user to prove that they no longer own the asset. Failure to do so may result in the service user being treated as if they still own the asset.
- iii Derby City Council reserves the right to request historic bank statements to determine whether or not a service user has deprived themselves of capital.

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## 6. The Policy details

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### 6.4. Assessing Income

6.4.1 The service user's total income will be calculated. Income will include:

- i State Benefits (for example Retirement Pension, Income Support/Pension Credit, Carer's Allowance, Job Seekers Allowance (JSA) and Disability Benefits. Except for the exceptions listed in 6.5.4.)
- ii occupational/private pensions and annuities
- iii income from private Health Insurance Schemes
- iv income from other sources.

### 6.5. Deprivation of Income

6.5.1 If a service user deprives themselves of income for the purpose of reducing their contribution then they will still be treated as receiving this income.

6.5.2 The reduction of their contribution must be a significant reason for depriving themselves of this income but need not be the main reason.

6.5.3 Derby City Council reserves the right to request historic bank statements, or financial documentation to determine whether or not a service user has deprived themselves of income.

6.5.4 The following **Income Disregards** will be applied:

- i earnings, it is the intention of this policy to encourage and enable those who wish to take up employment, including disabled people and their carers, to do so. Therefore, this policy seeks to avoid creating disincentives to work by disregarding earnings
- ii earnings are defined in the same way as in CRAG
- iii mobility component of Disability Living Allowance
- iv Mobility Allowance
- v mobility supplement of War Disablement Pension
- vi War Widows Special Payments

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## 6. The Policy details

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- vii other War Widows Pensions and War Disablement Pension
- viii higher rate of Disability Living Allowance (DLA) (Care) or Attendance Allowance (AA), the difference between higher rate and the middle rate for DLA (care) and Lower rate for AA shall be disregarded
- ix Constant Attendance Allowance, where a service user is in receipt of Constant Attendance Allowance at either the Intermediate or Exceptional rate the difference between their payment and the full day rate of Constant Attendance Allowance will be deemed as an element paid for night care. This amount will therefore be disregarded
- x interest or share dividends (capital)
- xi Child Tax Credit, Child Benefit or income paid to maintain a child
- xii Savings Credit element of Pension Credit
- xiii Winter Fuel Payments and Cold Weather Payments
- xiv charitable payments
- xv Direct Payments from Derby City Council

This will give the service user's Assessable Income.

### 6.6. Disregards or Allowances

#### 6.6.1 Personal Disregard

6.6.2 A Personal Disregard will be worked out by adding together:

- i The basic Income Support/Pension Credit allowance including any type of age related, family, Carers' or disability premium with the exception of Severe Disability Premium
- ii Plus a buffer of 25% (this will be worked out based on the total of the Income Support/ Pension Credit Level + any appropriate premiums).

6.6.3 It is expected that basic Income Support/ Pension Credit allowances will cover costs of living such as:

- i food and drink
- ii clothing



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## 6. The Policy details

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- iii insurance, including building & contents, mortgage protection, life assurance
- iv water rates
- v fuel bills such as gas, electricity and solid fuel
- vi cigarettes or tobacco
- vii transport (including bus fares) unless exceptional transport costs are incurred as a result of a disability and not covered by a personal budget
- viii TV licence and subscriptions to satellite or digital TV companies
- ix telephone/internet/broadband bills
- x repair and replacement of household items
- xi other expenditure such as credit card debt or personal loans (including County Court Judgements) and arrears
- xii service plans and extended warranties
- xiii holidays.

This list is neither exhaustive nor exclusive and all expenditures will be looked at on an individual basis.

- 6.6.4 An allowance will be given in respect of Maintenance Orders determined by the Court or Child Support Agency (CSA).
- 6.6.5 A **Housing Allowance** for housing costs, such as mortgage interest, rent, ground rent and council tax will be given net of any housing, council tax or any other benefit received.
- 6.6.6 A **Housing Allowance** will be made for service charges if compulsory under a tenancy or lease.
- 6.6.7 A **Housing Allowance** to cover mortgage costs will not be given if the service user is in receipt of a payment made under a Mortgage Protection Scheme.
- 6.6.8 A **Housing Allowance** to cover mortgage costs will be given to cover the mortgage interest payment only, in accordance with Income Support/Pension Credit regulations. However, the amount allowed would be the actual rate of the loan or the average Council of Mortgage Lenders variable rate, which ever is the lower.
- 6.6.9 Where a service user lives with another adult carer other than his/her



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## 6. The Policy details

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spouse/partner no **Housing Allowance** will be given as it is assumed that any contribution towards rent/mortgage interest and/or Council Tax will be made from the service user's Personal Disregard. The exception to this rule is if the housing costs of the adult carer increase as the result of the service user living there. In these cases an allowance will be awarded equal to the additional costs incurred by the adult carer

6.6.10 Where a service user lives with a spouse or partner but is financially assessed as a single person a **Housing Allowance** will be given to cover 50% of the couple's total joint liability.

6.6.11 Where a service user lives with a spouse or partner and the financial assessment is calculated on the couple's joint income and assets a Housing Allowance will be given to cover the whole of the couple's total joint liability.

### 6.6.12 Disability Related Expenditure (DRE)

- i If the service user receives a disability benefit such as Disability Living Allowance (Care) or Attendance Allowance, additional allowances can then be given to reflect additional costs incurred as a result of the service user being disabled.
- ii A list of common Disability Related Expenditures and standard allowances is included in the appendices.
- iii Where the service user accepts the standard allowances given as sufficient to meet her/his additional Disability Related Expenditure no supporting evidence will be required.
- iv In cases where the service user feels that the standard allowance given does not cover the additional cost she/he can ask for a Full DRE financial assessment.
- v Supporting evidence will be required to justify a higher allowance than the standard allowance. Higher Allowances may be approved by the Fairer Charging Team manager. Copies of supporting evidence will be kept with the paperwork regarding the financial assessment.
- vi Where money has been paid to a family member as payment for them meeting a need of the service user. An allowance will not usually be given unless there are exceptional circumstances.





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## 6. The Policy details

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- vii Where a service user has additional transport costs due to their disability, an allowance will only be made if these costs exceed any Mobility Allowance they receive from Disability Living Allowance.
- viii Where expenditure has been paid for out of a Direct Payment or Personal budget, no Disability Related Expenditure will be allowed for in the financial assessment.
- ix If the supporting evidence is not available at the time of the visit a period of 28 days will be given to allow the service user time to obtain the information or documents required.
- x If the additional information is provided within the 28 days any reassessment of the contribution level will be backdated to the original visit.
- xi If the additional information is not provided within the 28 days any reassessment of the contribution level will be effective from the date the last piece of supporting evidence is received by the Fairer Charging Team.

### 6.7. Disposable Income

- 6.7.1 When all of the service user's Allowances have been worked out these will be deducted from her/his total Assessable **Income**.
- 6.7.2 This will result in the service user's Disposable **Income**.

### 6.8. The Contribution

- 6.8.1 The contribution applied will be equivalent to the service user's disposable income or a set percentage of their personal budget/cost of service or the maximum contribution whichever is the lowest.
- 6.8.2 The percentage of the personal budget/cost of service that is used to calculate the contribution will be reviewed on an annual basis and may therefore be subject to change
- 6.8.3 If the service user's assessment results in a zero, or negative disposable income figure, support outlined on the care/support plan will be provided at a nil contribution.
- 6.8.4 The service user will be informed in writing of what her/his contribution will be. A service user will be notified if we intend to correspond with an

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## 6. The Policy details

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authorised representative.

### 6.9. Independent Living Fund

- 6.9.1 Where a service user is in receipt of an Independent Living 1993 Fund award the care provided by the award will be considered as care purchased by the user in addition to that provided by the Council. This additional care will not be subject to the authorities Fairer Contributions Policy. However the service user's contribution towards the award, half of the service user's Disability Living Allowance and Severe Disability Premium (if applicable), will be considered a Disability Related Expenditure.
- 6.9.2 Any additional care in excess of the award, which is the Council's contribution, will be subject to the Council's Fairer Contributions Policy.
- 6.9.3 The amount of the contribution will be capped at the level that ensures that the net Council contribution to the award does not fall below the funds minimum.
- 6.9.4 Where a service user is in receipt of an Independent Living Extension Fund award, the care provided by the award will not be subject to the Council's Fairer Contribution Policy, nor will the award be assessed as income. As no contribution is made by the service user towards this element of their care package no Disability Related Expenditure would be allowed.

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## 7. Treatment of couples

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### 7. Treatment of couples

#### 7.1. Background

- 7.1.1 Section 17 of the HASSASSA Act 1983 envisages that councils will have regard only to an individual service user's means in assessing ability to pay a contribution.
- 7.1.2 Section 42(1) of the National Assistance Act 1948 does however state that a married partner is liable to maintain her/his spouse.
- 7.1.3 This will mean that parents and other members of an adult service user's family cannot be required to pay the contributions except in certain legal circumstances, for example, where a family member may be managing the service user's own resources.

#### 7.2. Joint assessment

- 7.2.1 However, the couple may request that a financial assessment is undertaken on their joint resources; in these circumstances both an assessment as a couple and as a single person will be completed. The assessment used to calculate the service user's contribution will be the one that benefits the service user the most.
- 7.2.2 Civil Partnerships and same sex couples will be treated equally with all other couples.
- 7.2.3 The service user must have access to assets equivalent to the upper capital limit as defined in CRAG, in her/his own right before she/he is required to pay above the maximum contribution set by the Council.

#### 7.3. Assessing the service users a single person

- 7.3.1 A service user will be regarded as having 50% of assets owned jointly with a spouse or partner.
- 7.3.2 A **Housing Allowance** will be given to cover 50% of the couple's total joint liability.
- 7.3.3 Income Support/Pension Credit rates used to calculate the service user's personal disregard will be those given to a single person.

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## 7. Treatment of couples

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- 7.3.4 Where the service user receives less than their basic Income Support/Pension Credit level due to income or savings held by their partner, they will be assumed as receiving this basic level of income for the purpose of the financial assessment.
- 7.3.5 Where a service user's partner is in receipt of Income Support or Pension Credit at the couples' rate it would be necessary for them to disclose details of this benefit as part of the benefit will be for the needs of the service user.

### 7.4. Assessing the service user taking account of the couple's financial circumstances

- 7.4.1 If the service user's partner is willing to participate in a financial assessment on the basis of the couple's joint income, assets and expenditure then they must be willing to provide details to facilitate this request.
- 7.4.2 All Income and capital that is taken into account for a service user is also taken into account for their partner. This includes benefits including all disability related benefits and Carer's Allowance.
- 7.4.3 The personal disregard given will be that of the relevant Income Support/Pension Credit rates for a couple plus any premiums either partner may be entitled to with the exception of the Severe Disability Premium + 25%. Where the Department for Work and Pensions recognise the service user as part of a relationship the personal disregard will be based on the appropriate rate.
- 7.4.4 If the service user's spouse/partner is not willing to provide the information needed the service user will be financially assessed as a single person and consideration will be to whether the service user may have beneficial interest in income or capital held by his/her partner.
- 7.4.5 Disability Related Expenditure will be given to both the service user and his/her spouse/partner if both receive disability related benefits.
- 7.4.6 The contribution made will be equivalent to 50% of the couple's disposable income or cost of the support (whichever is less).



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## 7. Treatment of couples

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### 7.5. Beneficial Interest in Income/Savings

- 7.5.1 In some circumstances the service user may have a legal right to a share in the value of an asset, for example a bank account, even if it is not in his/her name.
- 7.5.2 If the council has some reason to believe that the service user does have means other than those initially disclosed, a request will be made for the service user to arrange for the partner to disclose his/her relevant resources.
- 7.5.3 If there is no such disclosure the service user may be treated as having sufficient access to resources beyond than those held in her/his own name.
- 7.5.4 In these circumstances the service user will be assumed able to meet the full contribution of his/her support.
- 7.5.5 Where there is a dispute in these matters shall be dealt with through the appeals process.



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## 8. Direct Payments and Personal Budgets

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### 8. Direct Payments & Personal Budgets

- 8.1. Contributions for service users receiving Direct Payments or a Personal Budget will be assessed in accordance with the Fairer Contributions Policy. These contributions will be deducted from gross payments unless there are special circumstances to why this cannot happen.
- 8.2. The service user is expected to supplement the net payment with their own funds equivalent to the notified contribution to support their care plan activities.



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## 9. Exemption from paying for non-residential support

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### 9. Exemption from paying for non-residential support

- 9.1. Service users suffering from any form of Creutzfeldt Jacob Disease (CJD) will be exempt from paying contributions.
- 9.2. Where support is provided to a service user specifically as part of a Section 117 After Care Plan then legally no contribution can be made and such support will be provided free.
  - 9.2.1 These service users should be considered on a case by case basis and the support excluded from contribution must be provided directly as a result of an After Care plan.
  - 9.2.2 There is no general exemption for all contributions for support solely because a service user is subject to Section 117 legislation.
- 9.3. No contribution will be asked for equipment or intermediate care provided under The Community Care (Delayed Discharges) Act 2003.
- 9.4. The Council has decided that carer's will not be charged for support provided to them under the Carers and Disabled Children Act 2000.



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## 10. Agreement to pay

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### 10. Agreement to Pay

10.1. Each service user/authorised representative with the appropriate mental capacity will be required to sign an undertaking to pay form.

10.2. If a service user/authorised representative does not sign this form they will be assumed as agreeing to pay the relevant contribution for the support if they accept the support that is offered.





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## 11. Reassessment of Contributions

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### 11. Reassessment of Contributions

- 11.1. All service user contributions will be adjusted each April in line with benefit changes, and in line with inflation. All financial assessments will be reviewed on a rolling programme.
- 11.2. In addition, if the service user has a change in their financial situation they must inform the Fairer Contributions Team and a reassessment will be completed. Derby City Council reserves the right to recover any loss of income caused as a result of a change in circumstance not being disclosed.
- 11.3. Service users must also inform the Fairer Contributions Team of “life changes” which effect their financial situation such as the death of a partner, a partner moving out or entering permanent care, or the birth of a child they are liable to maintain or a child they are liable to maintain moving out.
- 11.4. Any reduction in the service user’s contribution due to a change in financial situation or “life change” will take effect from the date of the event unless there is an unreasonable delay in notifying the Fairer Contributions Team in which case the change shall take effect from the notification date.



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## 12. Contributions for actual service delivery

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### 12. Contributions for actual service delivery

12.1. The cost of a service user's contribution for their care package will be calculated on the basis of the cost of their actual support.

12.2. Contributions will be reduced or ceased in the following circumstances:

12.2.1 when support ceases as a result of planned or unplanned hospital stays

12.2.2 admission of the service user to permanent Residential or Nursing care

12.2.3 the Fairer Charging Team will reduce contributions for service users /carers due to planned holidays, and extended breaks

12.2.4 periods of support that Derby City Council have not fulfilled

12.2.5 the planned support provided by the council ends or reduces.



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## **13. Contributions for support that includes short term care**

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### **13. Contributions for support that includes short term care**

- 13.1. Where a service user receives a care package that includes both non-residential support and short term residential care in the same week contributions will be calculated using the Fairer Contributions policy.
- 13.2. Where a short term care placement is funded in full by the health service, a housing association or other organisation, the service user will not be required to make a contribution towards their non-residential services, in line with the charging policy above.



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## 14. Collection of income

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### 14. Collection of income

- 14.1. If a service user/authorised representative refuses to pay his/her assessed contribution, the council will continue to provide support outlined on his/her support plan but cases of non-payment will be subject to the council's income collection procedures.
- 14.2. If a service user contests any action taken under the council's income collection procedures he/she will be advised that his/her case can be referred to the relevant Service Director for consideration where this has not already taken place.
- 14.3. Income recovery action will be suspended pending the outcome of the referral to the Service Director.
- 14.4. Where a service user's financial affairs are managed by an authorised representative and payment for support provided is not received, or where support is stopped by the authorised representative because of the contribution being levied, consideration will be given to starting a case review in accordance with the Council's Adult Safeguarding procedures.
- 14.5. A reminder letter will be sent to service users where amounts remain unpaid after 14 days and 28 days. A final letter invoking legal action shall be issued after the second reminder.



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## 15. Customer service

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### 15. Customer service

15.1. The Council is committed to providing a service that is accessible, accurate, prompt and helpful and that does not discriminate on the grounds of age, gender, sexuality, ethnicity, religion, disability, marital status or culture.

15.2. Any service user who is unhappy with the service provided will be encouraged and enabled to speak to the relevant Head of Service.



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## 16. Data protection and confidentiality

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### 16. Data protection and confidentiality

- 16.1. The Council collects information to enable the assessment of need, calculate contributions relating to support provided and provide statistical data to the Government on its performance.
- 16.2. The information that is collected depends on the type of help, advice, support and care that a service user needs.
- 16.3. The information may also be shared with other relevant people and agencies with the consent of the service user.
- 16.4. In certain circumstances information may be shared with other relevant people or agencies without the consent of the service user, for example to prevent a crime being committed and where this is permissible in law.
- 16.5. A service user has the right under The Data Protection Act 1998 to see information held by the Council upon payment of the relevant fee.

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## Appendix 1 - Disability Related Expenditure

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### Disability Related Expenditure

1. The standard 'disability related allowance' (DRE) for service users in receipt of a disability benefit is £25.67 per week for 2011/12.
2. The standard DRE for a couple both in receipt of disability benefits and assessed as a couple is £38.51. If part of a couple but assessed individually, half of the couples DRE is awarded (£19.26).
  - a. If a couple but only the service user receives disability benefits, the standard rate of £25.67 is awarded.
  - b. If a service user requests a full 'DRE' assessment, the Visiting Officer will ask about the costs incurred for the following items:
    - additional heating costs
    - additional bedding costs (subject to care plan details)
    - additional clothing costs (subject to care plan details)
    - Community Alarm
    - gardening costs
    - home maintenance
    - Home Shopping Delivery Costs
    - ILF Contributions
    - laundry costs (subject to care plan details)
    - privately purchased care
    - powered bed – purchase and maintenance
    - powered chair – purchase and maintenance
    - scooter – purchase and maintenance
    - stair lift – purchase and maintenance
    - turning bed – purchase and maintenance
    - hoist – purchase and maintenance
    - wheelchair - purchase and maintenance
    - transport costs
    - special diet

## Appendix 2 Charges and Allowances 2011/12

Description	Charges/ Rates/ Amounts
<b>Home Care</b>	Charged on assessed amount up to the full cost amount of actual rate per hour or £14.64 per hour, whichever is lower.
<b>Day Care</b>	<p>Charges will vary depending on centre attended. Charged on assessed amount up to the full cost amount of the service attended, whichever is lower.</p> <p>Older People Main £42.48 per day  Older People Satellite £20.00 per day  Learning Disability Aspect £102.84 per day  Learning Disability Inspire £79.07 per day  Learning Disability Wetherby £39.64 per day  Learning Disability Community Centres £35.02 per day</p> <p>In addition charges may apply for optional services;  £3.20 to access transport per day  £3.20 to purchase hot meal per day (flat rate for all)  £2.50 to purchase a cold meal per day (flat rate for all)</p>
<b>Savings &amp; Maximum Charge Full Cost</b>	<p>Under £23,250 capital, maximum weekly charge of £125 per week.  £23,250 or over full cost will apply (no financial support shall be made available from the Council)  £46,500 joint savings threshold for a couple for full cost.</p>
<b>Disability Related Expenditure</b>	<p>Fixed amount of £25.67 per week for an individual in receipt of disability benefits  Fixed amount of £38.51 per week for a couple both in receipt of disability benefits  People may also choose to have a full disability related expenditure assessment.</p>
<b>Personal Budgets</b>	Actual assessed amount up to the value of the Personal Budget.



## Appendix 2 Charges and Allowances 2011/12

<b>Minimum Weekly Income Set Amounts before charges apply</b>	<p>Single person aged 60 years and over with no disability premiums = £181.75</p> <p>Couple both over aged 60 years or over with no disability premiums = £277.57</p> <p>Single person aged 25 to 59 yrs old with a standard disability premium = £128.38</p> <p>Single person aged 25 to 59 with standard and enhanced disability premium = £147.75</p> <p>Single person aged 18 to 24 with standard and enhanced disability premium = £129.13</p>
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