

STATUTORY REQUIREMENT w.e.f. 01.10.02	PROPOSALS
<p>No individual should be subject to charging if their weekly income (after allowances) is less than the basic rate of Income Support rate plus 25%. The basic rate of Income Support does not necessarily have to include the Severe Disability premium. This premium is paid to individuals in receipt of DLA (Care) Middle or Higher rate who also live alone.</p>	<p>All service users have been reassessed to ensure that anyone whose income is at or less than basic Income Support plus 25% does not pay charges for services other than meals at home, or at a Day Centre. These allowances have also been applied to anyone who is not in receipt of the Income Support benefit. The current computer system (Trojan) will be permanently changed to implement the new requirements from 1.4.03, however in the interim, additional allowances have been made for the service users affected to ensure nil assessments are in place.</p>
<p>Individuals receiving more than 10 hours of home care, whose disability benefits are included in the financial assessment should also have an individual assessment of their disability-related expenditure. For users receiving 10 hours or less, councils may continue with existing policies until 31.3.03.</p>	<p>Users receiving more than 10 hours weekly home care, whose disability benefit is included in an assessment of income, have been identified and we are in the process of completing assessments of their disability related expenditure.</p>
<p>The guidance states that Councils should disregard all earnings in charge assessments. This is extended to include Working Families Tax Credit and Disabled Persons Tax Credit.</p>	<p>The Council will disregard the earnings of Service Users and the tax benefits listed.</p>
STATUTORY REQUIREMENT w.e.f. 01.04.03	PROPOSALS
<p>All individuals will have access to a comprehensive benefit check and follow up service.</p>	<p>Currently specialist Customer Finance Officers carry out the financial assessment and offer initial benefits advice. More complex cases, including applications for Disability Living Allowance are referred to the Welfare Rights Unit. It is proposed that these arrangements continue.</p>

<p>Where disability benefits are taken into account as income in assessing ability to pay a charge, councils should assess the individual user's disability-related expenditure.</p>	<p>Currently disability benefits are taken into account and this will continue. Specialist Customer Finance Officers carry out a financial assessment and offer initial benefits advice. It is proposed that this service will be extended to include an assessment of disability-related expenditure. It is also proposed to introduce a 'standard disregard' figure for disability-related expenditure.</p>
<p>Attendance Allowance and Disability Living Allowance are paid at the highest rate only if a Service User needs help both day and night, and there are similar arrangements for Constant Attendance Allowance and Exceptionally Severe Disability Allowance. It would be wrong for Councils to take into account the part of a benefit for night care if it does not provide services at night. Night services are clarified as the period from which the household closes down for the night but dressing in the morning and undressing before going to bed are daytime activities.</p>	<p>The Council has always disregarded the part of Attendance Allowance and Disability Living Allowance paid for night-care where it does not provide services at night. These arrangements will continue.</p>
<p>Charges for different types of non-residential social service, and allied services, and how they affect individuals should be considered together, not in isolation.</p>	<p>Currently charges for meals and transport are paid for on a flat rate basis. Charges for other services provided in the community e.g. home care, day care, are combined and compared to the users weekly assessed charge that is based upon ability to pay. The client will pay either the standard rate for their services, or their weekly assessed charge whichever is the lower amount. Services provided in one given week are then billed together, giving a final weekly charge for assessable services and flat rate charges. It is proposed that this continue notwithstanding introduction of a maximum charge (£150.00 per week.)</p>
<p>Where councils charge for these services, flat rate charges are acceptable only in limited circumstances.</p>	<p>It is proposed to continue with flat rate charges for meals at home or in day care and transport in line with government guidance as such charges constitute ordinary living costs.</p>

It is expected that Councils will have considered and specifically consulted on the need to set a maximum charge.

Consultation has taken place and the main theme was that there should be a maximum weekly charge. In some councils this is set at a proportion of typical local residential care charges, to ensure that no perverse financial incentive is created for users to leave their own homes. The current contract rate for a standard bed in a residential home is £269 (75% of this rate is £201.75). It is, therefore, proposed that this be set at £200. However, as this would result in overly large increases (up to £89.26 per week) for those users in receipt of high home care packages paying the current full cost (thirteen in total), it is proposed that the maximum charge be implemented on an incremental basis so that this results in no user paying more than: £150 in 2003/04, £175 in 2004/05 and £200 in 2005/06.

It is expected that Councils will specifically consult on the need to assess disability related expenditure for all users, including those not in receipt of disability benefits.

Consultation was conducted on this issue and in general customers felt completing these assessments for every customer was unnecessary, especially given that some individuals will be nil charged for service, or subject to pay the standard rate due to capital limits.

<p>As a minimum, the same savings limits as for residential care charges, should be applied. Councils are free to operate more generous rules. Capital between £11,750 and £19,000 incurs a tariff income of £1 per week for every £250 or part £250. Capital above £19,000 requires payment at the maximum rate. The DoH uprates these figures each year in line with inflation. The value of the users main home is not included in the assessment of charges.</p>	<p>Current policy is in line with residential calculation care charges. It is proposed that this continues</p>
<p>Provision should be made for charges to be reviewed at regular intervals where savings are being used up by charges.</p>	<p>The council will make sure that income and savings for every service user are re-assessed at annual intervals.</p>
<p>Councils need to monitor the impact of charging policies on users and need to know how much it costs to administer their system.</p>	<p>Currently information is not collected in these areas. It is proposed to set up systems to measure the impact of charging policies on users and performance as outlined. Costs of administering the system will be collated along with unit costs for individual service types.</p>
<p>It is expected that Councils will include the Supporting People assessments and charges within any non-residential charging policy.</p>	<p>It is proposed to include Supporting People as a separate service type but an inclusive service when assessing ability to pay, similar to treatment of home care and day care services. The service will become part of the individual's 'package of care.'</p>
<p>Services which may not be charged for.</p>	<p>After-care services provided under section 117 of the Mental Health Act 1983 may not be charged for under section 17 of the HASSASSA Act 1983. Councils may not charge for providing advice about the availability of services or for assessment, including assessment of community care needs.</p>

Income Support disregards £10 per week of War Disability Pensions and all of the War Widows Supplementary pension. These disregards should at least be applied by Councils and consideration should be given to any higher disregards applied locally e.g. for Housing Benefit and Council Tax Benefit.

These incomes are disregarded entirely in local Housing/Council Tax assessments and it is proposed to apply this same 100% disregard.

The law assumes that Councils will only take a Service Users income and savings into account in assessing ability to pay. Councils may wish to consider in individual cases where a User's means may include resources not held in that person's name, usually for married or unmarried couples. If the Council has some reason to believe that the User does have access to other resources a request may reasonably be made for the User to disclose his or her relevant resources. Some benefits are assessed jointly for couples and savings may be jointly held. In cases where only the Users means are assessed, no assumption should be made that the whole of the person's disposable income is available for charging e.g. Income Support paid at the rate for a couple should not be taken into account without also taking account of the expenditure needs of both partners. Jointly held savings should be treated as divided equally unless it can be shown that this is not the case.

Currently the Council asks for information about a partner's income and savings. If the information is not provided the service user is assessed as an individual. If the information is provided a joint assessment is completed. The charge payable is whichever assessment results in a lower charge for the individual. This approach has been confirmed as good practice by the National Association of Financial Assessment Officers (NAFAO) and it proposed to continue with this approach.

The Government requires that sufferers of any form of Creutzfeldt Jacobs Disease (CJD) should not pay charges.

The Council will comply with this requirement.

It is a matter for Councils to decide whether to levy a contribution to costs or to seek the full costs of the service. Charges based on hours of services provided are generally preferable to charges based on broad usage bands. Where costs vary it is for the Council to decide whether to have a notional charge for Users with the same means.

The Council pays its providers different rates for weekends and Bank Holidays and other unsocial hours. It would be excessively complex to charge Service Users different rates for services and a single notional rate per hour is being proposed. Similar arrangements will be made for day care, meals & transport.

<p>Users may be charged for services provided to them and Carers only for services provided to them under the Carers and Disabled Children's Act 2000. Councils may not decide that a Carer is the service recipient and be charged purely on the grounds that a User is exempt from charges or has less income than the Carer. All of the parts of this guidance apply to charges for services provided to Carers.</p>	<p>The Council will comply with this requirement.</p>
<p>Councils should treat people receiving direct payments as they would have treated them under the Council's charging policy and in accordance with this guidance.</p>	<p>The Council will comply with this requirement.</p>
<p>Clear information about charges and how they are assessed should be readily available for Users and Carers. Written information on the actual charge assessed as payable should be given to Service Users promptly. This should normally be done before sending a first invoice. Charges should not be made for any period before an assessment of charges has been communicated to the User, although this may be unavoidable where the User has not co-operated with the assessment.</p>	<p>The Council will review all of its information leaflets about charging to make sure that the new charging policy, when agreed, is fully explained. The Council will set targets for arranging visits to carry out financial assessments and in normal circumstances charges will be notified verbally during the visit and confirmed in writing. Charges will not be made until the service user has been informed of the charge. Often, Service Users ask for a delay in the visit to enable their family to be present. In these circumstances it seems reasonable to apply charges from the date of commencement of services or 7 days later if the visit has not been completed by then.</p>
<p>The assessment of care needs is very different to the assessment of charges and service must not be withdrawn because the User refuses to pay the charge. The Council should continue to provide the service, while pursuing the debt, if necessary through the Civil Courts. If a User refuses to provide information for an assessment it may be reasonable to require payment of full charge.</p>	<p>The Council currently complies with this requirement and will continue to do so. Service Users who choose not to provide financial information will be required to pay the full charge.</p>

<p>Information for charge payers should make clear that they may either seek a review of their assessed charge, or they may make a formal complaint if they are dissatisfied with any aspect of the assessment.</p>	<p>The Council already operates a 'Reviews and Appeals' procedure. Information is provided at the time of the written assessment and a leaflet is also available. The process centres firstly on whether the charging policy has been applied properly and secondly, whether there are any particular circumstances that justify special discretion being exercised. A staged approach for hearing appeals is then implemented which can ultimately lead to review by Councillor panel. Users will be notified that they can make a formal complaint if they are dissatisfied with any aspect of the assessment.</p>
<p>The Department of Health will investigate the feasibility of collecting information on levels of arrears of charges and the costs of collection to enable Councils to compare their performance for Best Value purposes. The following categories of information could be used to measure performance:</p> <ul style="list-style-type: none"> (i) Client numbers and service levels. (ii) Clients refusing/cutting down on services as a result of charging or asking for charges to be reviewed. (iii) Levels and reasons for arrears. Levels of client incomes, in particular, the take-up of different benefits. (iv) The cost of collection as a percentage of income. 	<p>The Council will set up systems where they do not already exist, to measure performance as outlined.</p>

<p>The ILF is a fund set up and financed by Central Government and is open to application from severely disabled people for financial support to enable them to choose to live in the community rather than in residential care. Recipients may use care agencies or employ personal assistants but not relatives who live in the same house. Applicants must be aged 16 to 66, receive the high rate care component of Disability Living Allowance (DLA) and have savings of less than £8,000. The fund can pay up to a maximum of £375 per week. Recipients have to contribute half of their DLA Care Component and the entire Severe Disability Premium (SDP) of Income Support if they receive this. Any Local Authority charge for non-residential services is also deducted from the amount paid to the recipient. The contribution of half DLA Care Component and SDP amounts to £70.38 per week. Based on the eligibility criteria applicable by the ILF and their own subsequent means test, all ILF award recipients would have income levels that would result in a nil assessment when their ILF contribution is included as disability related expenditure.</p>	<p>It is proposed that any contribution towards an Independent Living Fund (ILF) award required from a service user should be accountable as Disability Related Expenditure in their charges assessment, thereby resulting in an automatic nil charge for all service users in receipt of an ILF payment.</p>
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OUR OWN BENEFICIAL PROPOSALS	PROPOSAL
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<p>Change from a Thursday to Wednesday charging week to a Monday to Sunday.</p>	<p>It is proposed to change to a Monday to Sunday charging week. This is beneficial for in house staff, private service providers and service users alike. This was a common issue raised during consultation.</p>
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<p>Change from charging by 'bands' to charging by an hourly rate.</p>	<p>It is proposed to change to an hourly rate charge for home care, in line with the guidance.</p>
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<p>Calculate and update a list of unit costs of services.</p>	<p>It is proposed to set up, and maintain, a spreadsheet detailing unit costs for all services. This will assist in provision of management information and income forecasting.</p>
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Improve format of invoices to assist service users in understanding of weekly charge calculation.	The present format of invoices can cause confusion to service users, or representatives. This is because all service charges are combined into one weekly payable amount. It is proposed that the format is changed to separate out assessed charges from flat rate charges thus giving a clearer indication of how charge amounts are calculated.
Review and improve methods of Data Capture	The service is looking at methods for improving data capture for home care service that is current completed manually taking extensive time. It is hoped that this data can be transferred automatically into the charging system from external databases used for monitoring and control of expenditure.