

Royal Borough of Windsor and Maidenhead

DRAFT Guide to Financial Contributions for Non-Residential Adult Social Care

This document provides a guide to the approach to assessing and collecting citizen's contributions towards the Adult Social Care services that they receive. It covers both the approach for traditional packages of care, and also for Personal Budgets, which will be increasingly the method of provision of social care support in the Royal Borough of Windsor and Maidenhead (RBWM)

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Section 1 – Introduction to the contribution policy

1.1 Background

In November 2001, and September 2003, the Department of Health issued guidance called 'Fairer Charging Policies for Home Care and other non-residential Social Services' to councils with social services responsibilities. This was supplemented with practice guidance documents in February 2002 and August 2002.

The purpose of this national guidance is to ensure that all local council's charging policies are fair and meet the overall objective of promoting the independence and social inclusion of service users.

1.2 Statutory framework

Councils have had the power to charge for social services since the introduction of the 1948 National Assistance Act. The framework for charging for adult recipients of Non-Residential care was consolidated in 1983 with the Health and Social Security Adjudication's [HASSASSA] Act which gives local authorities a discretionary power to charge adult recipients of non-residential Social Services.

The Fairer Charging guidance issued under Section 7 of the Local Authority Social Services Act 1970 sets out a best practice framework required for all charging policies. Consideration of the Disability Discrimination Act and Human Rights Act requires that an equitable approach to charging is taken and that no group is unfairly discriminated against.

1.3 Summary of the Policy

This document sets out how citizens with an assessed need for Social care will be charged for non-residential care services. The introduction of Personal Budgets provides the Council with the opportunity to adapt the policy to meet both the requirements of Personal Budgets, and for those continuing to receive traditional packages of care.

For service user's receiving traditional non-residential services not through a personal budget the charge is based upon the types and amount of services received. However for those with a Personal Budgets there is a move away from 'charging' for services and move towards a contribution the overall care. A personal budget is determined by the citizen completing a Self-Assessment Questionnaire (SAQ) to identify their level of need and this level of need converted into an amount of money to meet that need. Depending upon the individual assessed contribution this personal budget may be funded in part or full by the Council.

The key Contributions policy differences between support provided through a Personal Budget and traditional packages of care are:

- **Calculation of Contribution.** The cost of a traditional package of care is based on the type and quantity of services received. However for a Personal Budget the cost of the support package is determined from the size of the Personal Budget.
- **Collection of Contribution.** For a traditional package of care this is determined by the type of services received (flat rate or assessed). However for Personal Budgets how the contribution is collected is determined by the method of deploying the personal budget.

The aim of the Policy is to make charging as reasonable and equitable as possible, and has been devised to meet the Department of Health legislation and guidelines.

Section 2 - Assessing a person's ability to contribute

2.1 Eligibility for financial support

Citizens with savings above the CRAG* capital limit (See Appendix C) are not eligible for financial support towards the cost of their non residential social care. These citizens are required to make their own care arrangements, and pay their provider directly at the provider's rates.

Exceptionally where a citizen is not able to manage their own non residential social care arrangements, Social Services will arrange their services, and these citizens will be charged at the rates specified in Appendix B if they are receiving a traditional social care package. If they are receiving a personal budget their contribution will be for the full amount of the Personal Budget.

Please see paragraph 2.3 for more information about capital and savings

** CRAG stands for Charging for Residential Accommodation Guidance. The level of savings set out in the CRAG guidance is also used for the purposes of Non residential care to determine if a person is a self-funder*

2.2 The Financial Assessment

2.2.1 Overview

The financial assessment compares income against specified weekly expenditure allowances to determine the income available to contribute towards social care costs.

The Council will ensure that citizens are offered welfare benefits advice at the time of the assessment. In the Royal Borough of Windsor and Maidenhead the financial assessment and benefit advice is undertaken by specialist officers. Where required the Financial Assessment and Benefit Team will help with the completion of benefit applications including Pension Credit, Income Support, Employment and Support Allowance, Attendance Allowance, Disability Living Allowance, Carers Allowance, Housing Benefit and Council Tax Benefit.

2.2.2 The Financial Assessment Process

After assessing a citizen as meeting the eligibility criteria and needing social care support, the Council's charging policy will be outlined, both in the situation of a traditional care package and a personal budget.

Where the Citizen is assessed as requiring non –residential social services they will also be asked if they have savings over the CRAG limits.

Guidance notes explaining the financial assessment process and the Council's contributions policy will be given to individuals either by the Care Manager or the Financial Assessment and Benefits Team.

- If the citizen has savings over the CRAG limits, and they are able to arrange their own services, they will be provided with information that will assist them in making their own arrangements.
- If the citizen has savings over the CRAG limits but is not able to arrange their own services, Social Services will organize the service, but as the citizen is not eligible for financial support a charge will be made in accordance with paragraph 2.1.
- Citizens who have capital under the CRAG limits will be offered a financial assessment. Where this is accepted a Financial Assessment and Benefits Team Officer will arrange to visit the citizen. The Financial Assessment and Benefits Team Officer will help the citizen complete a statement of their financial circumstances, verify the information provided, take details of any disability related expenditure and provide welfare benefits advice.

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Following the financial assessment, citizens will be advised in writing how much they are required to contribute towards the cost of their social care and given a record of how their contribution has been calculated. They will also be advised that they have a right to be re-assessed should their circumstances change.

- If a citizen does not wish to disclose their finances they will be charged in accordance with paragraph 2.1.

2.2.3 Delays in completing the Financial Assessment

If a citizen unreasonably delays completing the financial assessment they will be charged in accordance with paragraph 2.1, until a financial assessment is completed. If a financial assessment results in a lower charge, consideration will be given to refunding the difference depending on the circumstances of the case.

'Unreasonable delay' will be determined on a case by case basis, but as a general rule the Council will expect the citizen or representative to be available for a visit within 2 weeks of contact by a Financial Assessment and Benefit's Team Officer. Where the citizen or representative prefers to complete the financial circumstance's statement by post then it is expected that this will be returned within 2 weeks.

If further information is required then it is expected that this will be provided within 2 weeks of the date it was requested.

2.2.4 Assessment of Couples

Where the citizen requiring social care is living as a member of a couple, the Council is entitled to consider in individual cases whether each spouse has an equitable right to the capital/savings and income of their partner. RBWM will consider in each case whether one partner has an equitable right to their partner's resources. Where they live together as part of a household then this will be an indication that they have such an equitable right. Therefore for the purposes of the financial assessment the Council's starting point will be the assumption that half of the couple's total capital and income is available to each partner and a declaration of the total capital and income of both members of the couple will be required. If either partner can show evidence of a different intention the Council will be happy to consider this in assessing liability to contribute.

2.3 Capital and Savings

Citizen's who have capital/savings in excess of the maximum figure as set out in the Charges for Residential Accommodation Guidance (CRAG) will not be eligible for financial support and will be charged in accordance with paragraph 2.1.

For couples, twice the CRAG maximum capital limit will be applied to determine if the citizen is above the CRAG limits.

There is no requirement to ascertain additional details of the citizen's financial circumstances once it is established that their capital/savings exceed CRAG limits. (See Appendix C for the current CRAG limits).

When the CRAG capital limits change, the Financial Assessment and Benefits Team will write to all citizens whose services are arranged by the Council and who have capital over the CRAG limit, to advise them of the new limits.

Capital and savings can include cash, funds held in a bank, building society and Post Office accounts, saving bonds, premium bonds, stocks and shares, ISAs, Peps, and the value of land or property (other than the citizen's main residence). This list is not exhaustive.

Ex-gratia payments made to former Far Eastern prisoners of war and payments made under the Vaccine Damage Payment scheme will be disregarded entirely as per guidance in CRAG.

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The treatment of different types of capital/savings will be in strict accordance with the guidance set out in CRAG.

In exceptional circumstances a citizen's capital may be fully or partly disregarded where they have a particular need for their savings. This discretion is with the Director of Adult and Community Services and the Head of Finance, and is delegated to the relevant service manager and the Resources Directorate Chief Services Accountant.

2.3.1 Property

The value of property that is not the citizen's main residence (For example if they own two properties) will generally be counted as capital. However it may be disregarded in certain circumstances as defined in CRAG.

Where a citizen moves out of a property that they own, into alternative accommodation, the owned property will no longer be regarded as the citizen's main residence, and will be considered as a capital asset for the purposes of the financial assessment.

Where the citizen's contribution towards the cost of their social care increases due to the inclusion of this asset within the financial assessment, the payment of this additional sum may be deferred until the property is sold, or for 6 months from the date of the change of address, whichever is sooner.

If the citizen moved into the alternative accommodation on a trial basis, and returns to their owned property within 6 months of moving out, then the Council may waive this increased contributions if requested by the citizen.

2.3.2 Home Reversion Schemes (HRS)

Under these schemes a home-owner will transfer the ownership of all or part of their home to a commercial or 'not for profit' organisation. Depending on the terms of the HRS, the funds released may be paid to the home-owner in full on the date of the transfer, or may be translated into an annuity, or a combination of these.

Where a HRS results in the home owner receiving an annuity or where payments are made by instalments be they for life or for a fixed period then all such payments will be treated as income, unless any of the following provisions set out in this paragraph apply.

Where certain detailed conditions set out in CRAG relating to annuities are met, then specified amounts comprised within the gross income from the annuity can be disregarded, namely, the component of the gross income which represents the weekly amount of interest on the loan (net or gross of income tax, where applicable).

Where any part of the income or capital derived from a HRS plan is used to fund capital developments or disability related works to the property in question, the income so used may be disregarded from the financial assessment. The citizen must produce evidence to this effect in order to claim such a disregard.

Where the released funds are paid in instalments the total value of all the instalments outstanding will be added to the total value of all other savings held by the citizen.

If this total exceeds the current CRAG upper capital limit, the instalments will be treated as income and taken into account over a period equivalent to that which it represents, e.g. a payment due to be made calendar monthly is taken into account for a calendar month.

If this total is less than the current CRAG upper capital limited, each instalment will be treated as capital.

2.4 The Financial Assessment Calculation

2.4.1 Overview

Where a citizen has capital under the CRAG limits they will be financially assessed to determine the amount of their contribution. The contribution assessment is based on the user's total income, against which deductions will be made for allowable expenditure.

After paying for their social care, housing costs and disability related expenditure, citizens will be left with a weekly amount equal to basic income support or pension guarantee credit plus a 25% percent buffer. This basic level of income support or pension guarantee credit includes premiums appropriate to the citizen but not the severe disability premium.

The contribution will be the lesser of the available income or the standard charge for the services supplied for non- personal budget, subject to RBWM's minimum and maximum charges (See Appendix B for current rates.). For personal budgets the contribution will be the lesser of the available income or the personal budget.

2.4.2 Calculation of Income

Periodical payments and income accruing from personal injury compensation capital, including where personal injury capital is held in trust or administered by a Court, will be taken fully into account in the financial assessment. This will also apply to periodical payments or income accruing from personal injury compensation capital resulting from an injury at birth.

The following income will always be disregarded in the charge assessment;

- Earnings
- Statutory Sick Pay, Statutory Adoption Pay and Statutory Maternity Pay or Allowance
- the mobility component of Disability Living Allowance
- the night time element of the care component of Disability Living Allowance and Attendance Allowance unless night time care is provided by Social Services
- War disablement pension and War Widows Pension in line with local Housing Benefit scheme, however any Constant Attendance Allowance paid will be included
- Charitable Income and Voluntary Payments
- Savings Credit element of Pension Credit
- Working Tax Credit
- A partner's disability related benefits
- Sub tenants – apply disregards as per CRAG
- Boarders - apply disregards as per CRAG
- Winter fuel and Cold Weather payments

Citizens whose capital/savings are less than the maximum figure as set out in CRAG (See Appendix C) but above the CRAG lower limit (See Appendix C) will have a tariff income assumed calculated in accordance with the rules specified in CRAG. These capital limits will be doubled where the citizen applying for social care financial support is a member of a couple.

Currently income of £1 a week is assumed for every £250 of capital above the CRAG lower limit.

All other income will be taken into account within the assessment along with any tariff income from savings/capital and unless stated otherwise in this document, the treatment of such income will follow the Department of Health's CRAG.

2.4.3 Citizens who refuse to claim benefits to which they are entitled.

There will be occasions where a citizen is clearly entitled to an additional benefit. If following advice from the Council's financial assessment and Benefits Team a citizen refuses to claim a benefit within a reasonable time scale, the Council may calculate the citizen's contribution as if the citizen were in receipt of this benefit.

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This will take effect from the date the citizen was advised to apply for the benefit or would first become entitled to that benefit, whichever is the later.

2.4.4 Allowances

To calculate a weekly allowance figure the following should be allowed according to the citizens circumstances.

- Basic Income Support or Pension Guarantee Credit (Applicable amount plus most premiums but not including Severe Disability Premium), plus a percentage buffer on this sum of not less than 25%. (See Appendix B for current rates)
- Assessed levels of disability-related expenditure
- Housing Costs

2.4.5 Disability Related Expenditure

Allowances will be made for disability-related expenditure in accordance with the Disability Related expenditure scheme, attached at Appendix D.

The overall aim is to allow for reasonable expenditure needed for independent living by the disabled person. Items where the user has little or no choice other than to incur the expenditure, in order to maintain independence of life will normally be allowed.

Costs arising simply from a matter of personal choice, where a reasonable alternative is available at lesser charge, will not normally be allowed.

The social worker or other professional may be required to confirm the need for disability-related expenditure.

Evidence of expenditure will be requested and there will be a requirement for evidence to be provided at each review.

Items for which a Social Fund Community Care Grant has been paid will not be allowed in the assessment.

In some cases only a percentage of expenditure may be allowed if it is joint expenditure. If the expenditure is due to the fact that a carer is not able to undertake the task due to the amount of time they are caring then 100% of the expenditure will be allowed.

2.4.6 Allowable Housing Costs

The following may be allowed depending on the citizen's circumstances.

- **Rent** (Net of Housing Benefit)

If a citizen is paying rent to a relative, an allowance for this amount will not automatically be allowed. This situation could arise when a citizen is living in a relative's house and is being charged rent, or where a relative rents a house to the citizen. Housing Benefit principles will be followed to determine whether a commercial arrangement is in place, in which case an allowance for housing costs will be considered.

- **Council Tax** (Net of Council Tax Benefit)

- **Mortgage** (Net of amounts paid through Income Support or Pension Credit). The insurance element of an endowment mortgage will be allowed.

If the citizen is repaying arrears as part of their regular mortgage payment or is making an increased payment to reduce the length of their mortgage, then the additional amount will not be allowed except where the citizen has no choice but to make these payments.

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Where the citizen is receiving payment for their mortgage via their Income Support or Pension credit, but are required to make additional payments to their lender, these additional amounts are allowable as housing costs.

- **Service Charges** - An allowance may be made for service charges that must be paid for under the terms of the lease and which relate to the provision of adequate accommodation. Accordingly an allowance may be made for items such as management fees, insurance, repairs and cleaning of communal areas.

Allowances will not be made for items that are considered normal day to day living expenses e.g. heating, laundry or meals.

An allowance for eligible service charges will only be considered if they are not already covered by Housing Benefit, Income Support, Pension Credit, or Supporting People.

Where allowances are made they will be made in line with Housing Benefit regulations.

- **House Building Insurance** for owner occupiers - an allowance will be made for building insurance. No allowance can be made for contents insurance.
- **Home Maintenance Allowance** for owner-occupiers - (£11.00 for 2009/10). This will not be reduced proportionately for joint-owner occupiers except where an individual assessment is made for a citizen who is a member of a couple.

NB: Where any housing cost includes items which are considered normal living costs e.g. water charges, fuel costs, food etc, then this element should not be treated as a housing cost. Housing Benefits guidance should be followed.

2.4.7 Projected Charge Assessments

Where the Financial Assessment and Benefits Team assists with application for a new benefit, the Financial Assessment and Benefit Team will complete an additional financial assessment based on the anticipated result of the new benefit application. The citizen will be notified of the effect the new benefit will have on their contribution.. The increased contribution will be backdated to the date the social care service commenced or the date of award of the new benefit, which ever is later. Payment of the increased contribution will not be requested until confirmation is received that the new benefit has been awarded.

2.4.8 Financial Assessment of couples

Citizens, who have partners, will be given an individual assessment and a joint assessment.

The Individual Assessment

Under this assessment half of the couple's total income is taken to be available to the citizen. A declaration of the total income of both members of a couple will be required in line with the equitable rights principles described in paragraph 2.2.4.

Disability Related Benefits e.g. Attendance Allowance, Disability Living Allowance and the Severe Disability component of Income Support and Pension Credit are payable specifically to cover extra expenses incurred by the person to whom they are payable. Consequently a partner's Disability Related Benefits will not be considered available to the citizen applying for social care financial support.

Allowances will be based on the appropriate single person's basic income support or pension guarantee credit, the citizen's disability related expenditure and half of any housing costs.

If treating the citizen as a single person results in nil contribution, no further assessments will be necessary.

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The Joint Assessment

This assessment takes account of the income of both members of the couple, excluding the partner's Disability Related Benefits.

Allowances will be based on basic income support or pension guarantee credit for a couple, the citizen's disability related expenditure and their joint housing costs.

The financial assessment, which results in the lowest charge, will become the citizen's contribution.

Where both partners are Citizens

Where the above assessments result in a charge a further assessment is required if both partners are receiving social care. In this scenario the couple will be treated as one entity and a single contribution for both services calculated.

This assessment differs from the joint assessment as account will be taken of both partner's disability related benefits and disability related expenditure.

Whichever charge calculation is most favorable to the citizen will be applied.

2.4.9 Financial Assessment of families that include children

Where the citizen's family includes children a comparative assessment is necessary.

Where income is received in respect of the child(ren) which equals or exceeds the child(ren)'s basic Income Support allowances plus the appropriate buffer percentage, the child(ren) will not be included in the financial assessment.

Where the income received in respect of the child(ren) is less than the income support allowances appropriate to the children plus the buffer, then the children and any income paid in respect of them will be included in the financial assessment.

This ensures that the family as a whole is not left with less than basic income support plus the percentage buffer appropriate at the time.

2.5 Reviews and Changes in a citizen's circumstances

The guidance notes require citizens to inform the Financial assessment and Benefits Team about changes in their financial position that may affect the amount of their contribution.. This specifically includes receipt of a new benefit, other changes of more than £5 a week to their income, changes of more than £5 in weekly expenditure, and changes of more than £1000 to savings.

Citizens may inform lesser changes at any time and should do so promptly if they believe that a change will result in a reduction to their financial assessment and wish that to be applied immediately.

Citizens who are financially assessed, will be asked to complete an updated statement of their financial circumstances approximately every 2 years. A further welfare benefits check can also be provided.

Following notification of a change or a review visit, a new financial assessment will be completed using the information provided.

If this results in an increase in the weekly charge of £5 or less, the citizen will be notified of the revised charge and the charge not backdated

If the revised assessment results in an increase of more than £5 per week, the citizen will be notified of the revised charge and this will be backdated to the date the change in circumstances occurred.

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If the revised assessment results in a decrease in the contribution, this will be applied from the date of notification.

As a general rule decreases in contributions will not be backdated. However each case will be considered on its merits. The discretion to backdate will be exercised by the manager of the Financial Assessment and Benefits Team with the agreement of the Resources Directorate Chief Services Accountant.

2.5.1 The Annual Review

In addition to the reviews described in paragraph 2.5, the financial assessment will be reviewed annually to take account of the annual increases in benefits and other incomes which take place each April.

Where the citizen is in receipt of benefits paid at standard rates the new uprated amount will be substituted. Benefits paid at non standard rates will be increased by the same inflator used by the Department of Work and Pensions (DWP) to uprate benefits.

For other component parts of the financial assessment, such as occupational pensions, disability related expenditure, rent and council tax, a percentage increase linked to Retail Price Index (RPI) will be applied.

Changes resulting from the annual uprating or the application of a revised 'buffer' will apply from the date assigned to these changes. The £5 rule will not apply.

An explanation and full details of the revised assessment will be sent to the citizen, who will be asked to check the figures and contact the Financial assessment and Benefits Team if they are not an accurate representation of the citizen's circumstances.

2.5.2 Appeals against the Financial Assessment

If a citizen disagrees with their financial assessment they should contact the Financial Assessment and Benefits Team who will explain how the citizen's contribution was calculated, and try to resolve any concerns.

If the citizen is still dissatisfied they should use the Social Services complaints procedure. If this does not resolve the complaint, citizens should contact the Local Government Ombudsman.

More information regarding the complaints procedure can be found in the social services leaflet 'Your Guide to making a Compliment, Comment or Complaint'

2.5.3 Waivers

Where a citizen feels they cannot afford to pay their correctly assessed contribution, they should contact the Council for consideration to waive part or all of the assessed contribution. Where the citizen is unable to act for themselves a request to waive may come directly from carers, staff, advocates or others involved in the support of the citizen involved.

If the Care Manager believes a waiver is appropriate they should contact their Head of Service/ Unit Manager. If the Head of Service/ Unit Manager is satisfied that the Citizen's means are insufficient to pay the amount they have been assessed to contribute, they may agree to reduce or waive the charge. This decision should be reviewed on an annual basis.

Each agreed waiver must be approved by the Head of Service/Unit Manager in writing and will be recorded in an appropriate log held by the finance team.

Section 3 – How the contribution is calculated

3.1 Exemptions

Exempt Services

There is no legal authority to charge for certain services and they are therefore exempt from a contribution. They are:

- After-care services provided under Section 117 of the Mental Health Act 1983.
- Advice and assessment.
- Services provided to sufferers of Creutzfeldt Jacob Disease (CJD).
- Individuals receiving intermediate care services (e.g. services provided by the rapid response team and intervals of care provided for less than 6 weeks to avoid admission to hospital or assist in hospital discharge).
- Occupational Therapy Equipment

Non Contributable services

RBWM has used its discretionary powers to not ask for contributions to the following services

- Carer's Services (make this clear this is services provided directly to the carer)

3.2 Calculating the contribution

Contributions will commence from the date the services or Personal budget begin.

3.2.1 Traditional care packages (i.e. not Personal Budgets)

Flat rate charges

There are some services, which are provided by the Council at a subsidised rate. These are services that are deemed to be a substitute for normal living expenses and are therefore not subject to means testing.

- **Day Care** - A flat rate charge will apply where meals and refreshments are provided. This is payable at the Day Centre. This charge represents a contribution towards the meals, refreshments and amenities provided at the Day Centres.

Where no meals or refreshments are provided, vending machines may be available to supply food or drinks at the prices shown in Appendix B.

Where ingredients are provided to enable the service user to prepare their own meal a fixed charge will be made.

- **Meals** – The council's provider of meals will charge a flat rate per meal. The provider will collect payment directly from the recipient of the service.

Non flat rate services: Calculation of Contribution

Where the Service User receives personal home care or supported living from the Council, a direct payment or respite in non-residential accommodation from the Council, then they may elect to receive a financial assessment. Otherwise they will be charged the full cost of their care.

Service Users will be charged the lower of (a) their assessed contribution, or (b) the cost of their care package at the standard hourly rate of charge. Where the citizen's financial assessment shows they are not able to contribute the care package will be entirely funded by Social services. Where the citizens' financial assessment shows that they can contribute the full cost of the care package, then the care package will be entirely funded by the citizen. Where the financial assessment shows there is assessed contribution that can be contributed to the care package,

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but it is not sufficient to fund the entire care package, then the citizen will contribute their assessed contribution.

Specifics around how the cost of care is calculated as follows:

- **Personal Home Care.** The cost is calculated from the standard rate per hour, in blocks of up to 15 minutes, for the actual number of hours service received each week.

If more than one carer is required, service users will be charged per carer, per visit, at the standard rate per hour for the services received.

- **Respite in Extra Care Accommodation.** Service Users who receive respite care in extra care accommodation will be chargeable under non-residential charging rules, but capped at the residential respite rate.
- **Direct Payments.** The Council's policy aims to treat service users on Direct Payments in the same way as those receiving services conventionally. This will not always be possible, however every effort will be made to ensure that both types of service user are treated equally.
- **Supporting People Services.** Users may be required to contribute towards the cost of their Housing Support Services. The responsibility for requesting a financial assessment lies with the service user, although the Support Provider should advise service users that they are entitled to a financial assessment under Fairer Charging. Where personal home care is provided in tandem with Housing Support, then the amount a service user is required to contribute towards their Housing Support will be deducted in any financial assessment for personal home care. Please see The Supporting People Charging policy for more detailed information.

Collection of Contribution

Flat rate charges may be collected on the day or invoiced afterwards.

For non flat rate services, citizens will be invoiced after the service has been provided. The invoice will be for either 4 or 5 weeks service.

Direct Payments will be paid gross, so contributions will be invoiced and collected separately. Citizens on Direct Payments will be invoiced for 4 or 5 weekly periods. At the end of each financial year the annual reconciliation of their expenditure on services purchased through direct payments will also cover their charges and adjust these where necessary.

3.2.2 Personal Budgets

Calculation of Contribution

Other than in the circumstances listed in paragraph 3.1, all citizens applying for a Personal Budget will be financially assessed in accordance with paragraph 2.4 of this document to determine their assessed contribution, which can be contributed towards their support.

Except where the citizen's financial assessment shows they are not able to make a contribution or they need to pay the full cost of their support, a Personal Budget will include a contribution from both the citizen and Social Services.

The full Personal Budget will be considered liable for contribution. The contribution will be calculated as an annual figure from the Resource Allocation System based on the remaining number of weeks in the financial year.

Where the citizen's financial assessment shows they are not able to contribute, the Personal Budget will be funded by Social services. Where the citizens' financial assessment shows that they can contribute the full cost of the Personal Budget, then the Personal Budget will be funded

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by the citizen. Where the financial assessment shows there is an assessed contribution that can be contributed to the Personal Budget, but it is not sufficient to fund the entire Personal Budget, then the citizen will be required to pay this assessed contribution.

Since the full Personal Budget is liable for contribution then services that are exempt, as detailed above in 3.1, will not be included in the Personal Budget

Collection of Contribution

How the Personal Budget is collected and when will be determined by how the citizen chooses to take their personal budget:- as commissioned services, direct payments or a mixture of both. In the future the introduction of Individual Service Funds, where the personal budget is managed by a third party will also impact how the contribution is collected.

There are circumstances where citizens do not need their planned personal budget as a result of an unforeseen event, resulting in an interruption to the planned support e.g. hospital admission, unplanned temporary placement in interim, residential or respite care approved by Social Services. In such circumstances, the Council will, together with the service user, carer and any representatives, review the particular circumstances of the case, including any on-going contractual responsibilities, to determine the most appropriate course of action. In such circumstances, decisions will be made around maintaining, altering, suspending or terminating any Personal Budget payment and contribution arrangements.

At the end of each financial year the annual reconciliation of their total actual expenditure on services purchased through their Personal Budget will be compared to the total Personal Budget and adjusted as necessary.

Personal budget - Direct Payments

If the Citizen opts to take their Personal Budget as a Direct Payment the Council will normally pay 4 weekly in advance, net of the citizen's contribution. Where 4 weekly payments are inappropriate, consideration will be given on a case by case basis to different payment and contribution collection frequencies e.g. if a Personal Budget was in respect of immediately required respite care it would be inappropriate to spread payment of the Personal Budget over the remainder of the year.

If the weekly figure the citizen has been calculated as being able to contribute exceeds the weekly personal budget allocation, a Direct Payment made net of the contribution will not be practical.

Commissioned Services

If the citizen prefers Social Services to commission services on their behalf, an invoice will be sent by the Council 4 weekly in arrears for the citizen's contribution. As for Direct Payments, payment frequencies and contribution collection schedules may be changed on a case by case basis.

The citizen's contribution will apply from the date the services are first commissioned.

Combination of Commissioned Services and Direct Payments

Where the citizen chooses to take their Personal Budget as both a Direct Payment and commissioned services, the citizen contribution will be allocated to the Direct Payment part of the Personal Budget in the first instance. This Direct Payment will be paid net of the client's contribution as described above. If their annualised contribution exceeds their Direct Payment, the excess will be charged towards their commissioned services, as described above.

Appendix A: Contribution Collection for Personal Budgets

Example 1

- Annual Personal Budget = £5,000
- Citizen's annual contribution is £2,000 so Social Services fund £3,000
- As part of their support plan citizen requests commissioned services of £2,500 and a Direct Payment of £2,500.
- The citizen's contribution of £2000 would be offset against the Direct Payment.
- The Council funds and commissions services of £2,500, and fund £500 towards the Direct Payment which would be paid over the year as per the payment schedules agreed with the citizen.

Example 2

- Annual Personal Budget = £5,000
- Citizen's annual contribution is £2,000 so Social Services fund £3,000
- As part of their support plan citizen requests commissioned services of £4,000 and a Direct Payment of £1000.
- The Citizen is required to fund the £1,000 of services they wish to purchase privately, plus contribute £1000 per annum towards the cost of their commissioned services of £4,000. The Council would invoice the citizen $\frac{£1000}{52} \times 4$ every 4 weeks, unless an alternative contributions collection schedule was agreed
- The Council funds £3000 of commissioned services.

Example 3

- Annual Personal Budget = £4000
- Citizen's annual contribution is £2,000 so Social Services fund £2,000
- As part of their support plan citizen decides to purchase 8 weeks respite care at £500 per week, to be taken throughout the year, all commissioned by Social Services.
- The Citizen receives an invoice for $\frac{£2000}{52} \times 4$ every 4 weeks, , unless an alternative contributions collection schedule was agreed
- The Council funds £2000 of commissioned services.

Example 4

- Annual Personal Budget = £4,000
- Citizen's annual contribution is £2,000 so Social Services fund £2,000
- As part of their support plan citizen requests a direct payment for all of their personal budgets
- The citizen receives their direct payments net of their contribution. No other contribution is collected
- The Council does not fund any commissioned £2000 services

Example 5:

- Annual Personal Budget = £4000
- Citizen's annual contribution is £2,600 so Social Services will fund £1,400.
- As part of their support plan citizen decides to purchase 8 weeks respite care at £500 per week, to be commissioned by social services
- The Citizen receives an invoice for $\frac{£2600}{52} \times 4$ every 4 weeks, , unless an alternative contributions collection schedule was agreed

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Appendix B - Schedule of RBWM Rates of Charge for Non-residential Services; and Rates of Allowances used within the financial assessment calculation.

These rates are applicable for traditional packages of care but not for personal budgets.

Home Care and Supported Living Services

ITEM	2009/10- Eligible for Financial Support	2009/10- Not Eligible for Financial Support & Social Services agree to provide services	Review Process
Homecare	£15.50 per hour	£15.50 per hour	Member's Approval
Shopping	£11.50 per service	£11.50 per service	Member's Approval
Shopping Plus	£13.00 per service	£13.00 per service	Member's Approval
Minimum Charge	£1.25 per week	£1.25 per week	Member's Approval
Maximum Charge	£350.00 per week	no maximum charge	Member's Approval

Other Services

ITEM	2009/10	Review Process
Day Care (with meal)	£6.30	Member's Approval
Meals	£3.40	Member's Approval
Soft drinks provided through vending machine	£0.50	Member's Approval
Meal contribution where citizen cooks own meal	£1.50	Member's Approval
Learning Disability: Personal Allowance for Adult Placement Scheme	£32.85	1.5 X residential care personal expenses allowance

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Appendix C - CRAG Capital limits

These capital limits are applicable for both traditional packages of care and personal budgets.

ITEM	2009/10	Review Process
Upper capital limit	£23,000	Department of Health
Lower capital limit	£14,000	Department of Health

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Appendix D - Disability Related Expenditure (with effect from w/c 06/04/09)

This guidance on Disability Related Expenditure is equally applicable for both traditional packages of care and personal budgets.

	Item	Amount	Expenditure
1	Community Alarm system	Actual weekly costs unless included in Housing Benefit or Supporting People Grant. (Lifeline alarm free to certain Maidenhead and Windsor Housing Association tenants, reduced cost to others.)	Bill from Provider
2	Privately arranged care services An allowance will not normally be made where the relationship between the service user and the service provider is primarily personal rather than contractual. (See note 1)	Actual weekly average cost based on previous 4 visits, or 4 weeks whichever is the greater.	Signed receipts for at least four visits using a proper Receipt Book. Care Manager to confirm requirement as part of the Care Plan and Council supported care reduced accordingly. Maximum hourly rate £11.96 (see Note 2)
3	Additional laundry costs Higher costs due to incontinence or problem with personal cleanliness	Where laundry is done at home, for each additional load over 3 loads a week for a single person, allow £1.26 per load to a maximum of £3.78 weekly. Where service user uses a launderette and incurs additional laundry costs due to disability, allow the additional weekly cost over and above 3 loads a week, averaged over previous 4 weeks Where the service user is required to use a commercial laundry due to disability allow actual costs of commercial laundry averaged over previous 4 weeks.	The Care Plan will have identified a continence problem. Actual cost of launderette or laundry receipts
4	Continence	Where items are not provided by NHS the cost of privately purchased items should be allowed. Actual weekly cost averaged over previous 4 weeks	The Care Plan will have identified a continence problem. Receipts
5	Additional costs of special dietary needs	Weekly actual additional cost of any special foods	May seek permission to approach GP.

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		averaged over previous 4 weeks.	Detail and verification of costs of special purchases to be supplied. Receipts
6	Special clothing or footwear	Discretionary depending on an individual's circumstances. Some items provided on NHS. As replacement of clothing & footwear is normally relatively infrequent allow actual expenditure. Weekly average based on previous year's expenditure	Reference within the Care Plan to abnormal wear and tear of clothing. Receipts
7	Additional costs of bedding;	Bed linen is not provided by NHS continence Service. As replacement of bedding is normally relatively infrequent allow actual expenditure. Weekly average based on previous year's expenditure	The Care Plan will have identified a continence problem. Receipts.
8	Any additional heating or fuel costs Where appropriate take into account any contributions to fuel bills from other members of the household.	Single in flat and terraced.....£ 997 Couple in flat and terraced..... £1313 Single in semi-detached..... £1058 Couple in semi-detached..... £1394 Single in detached..... £1287 Couple in detached..... £1696 Difference between actual and average (above) to be divided by 52. Average to be increased each year by RPI. For new services first chargeable from 11/04/05 onwards the maximum allowance for fuel will be 50% above the average fuel figure for the appropriate band.	Last 4 bills for all types of fuel
9	Reasonable costs of basic garden maintenance Will need to consider the circumstances of others	Discretionary based on individual costs of garden maintenance.	Signed receipts for at least four visits using a proper Receipt Book Maximum hourly rate £11.96 (See Note

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	<p>living in the household.</p> <p>An allowance will not normally be made where the relationship between the service user and the service provider is primarily personal rather than contractual. (See note 1)</p>	<p>A very basic grass cutting & hedge trimming service is available free to MDHA tenants who are unable to maintain their gardens.</p> <p>Actual cost over previous year divided by 52</p>	2)
10	<p>Cleaning, or domestic help</p> <p>Consideration should be given to higher needs for cleaning as a consequence of disability and to the circumstances of others living in the household.</p> <p>An allowance will not normally be made where the relationship between the service user and the service provider is primarily personal rather than contractual. (See note 1)</p>	<p>Actual weekly cost averaged over previous 4 weeks.</p> <p>If 'blitz' cleans are purchased irregularly the cost should be based on past expenditure over a year divided by 52.</p> <p>Where no housework allowed in care package up to 2 hours weekly to be allowed at WBT VO's discretion taking into consideration accommodation size, s/u disability and other members of household. At care managers discretion if more than 2 hours.</p>	<p>Requirement confirmed in the Care Plan and Council supported care reduced accordingly.</p> <p>Signed receipts for at least four weeks using a proper Receipt Book.</p> <p>Receipts for 'blitz' cleans Maximum hourly rate £11.96 (See Note 2)</p>
11	<p>Purchase, maintenance, and repair of disability-related equipment, if privately purchased</p>		
	Powered bed	Actual cost divided by 500 (10-year useful life).	Evidence of purchase
	Turning bed	Actual cost divided by 500 (10-year useful life).	Evidence of purchase
	Powered reclining chair	Actual cost divided by 500 (10-year useful life).	Evidence of purchase
	Stair-lift	Actual cost divided by 500 (10-year useful life). Allow actual amount of repayments of any DFG loans	Evidence of purchase – less Disabled Facilities Grant. Evidence of DFG loan repayment amounts
	Hoist	Actual cost divided by 500 (10 year useful life) Allow actual amount of repayments of any DFG loans	Evidence of purchase – less Disabled Facilities Grant. Evidence of DFG loan repayment amounts
	Wheelchair	Outdoor use only - Actual cost divided by 500 (10 year useful life). Indoor and outdoor use – Actual cost divided by 250 (5 year useful life).	Evidence of purchase if available. No allowance if equipment provided free of charge.
	Other equipment or aids	Actual cost divided by useful life	Evidence of purchase
12	Costs associated with privately purchased	Actual cost over previous year divided by 52	Receipts

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	equipment, e.g. insurance and servicing		
13	Personal assistance costs An allowance will not normally be made where the relationship between the service user and the service provider is primarily personal rather than contractual. (See note 1)	E.g. having to pay for meals or transport costs for personal assistants or carers Actual average weekly cost based on previous 3 months.	Receipts where possible Maximum hourly rate £11.96 (See Note 2)
14	Other transport costs	Discretionary based on costs that are greater than those incurred by an able bodied person, e.g. taxi to go shopping, People to Places membership and charges. Actual weekly costs averaged over previous 4 weeks (over and above the mobility component of DLA where this is in payment and taking into account concessions provided by RBWM e.g. Taxi vouchers.)	Bills & Receipts Evidence in Care plan for the need for special transport.
15	Opticians & Dentist's home call charges	Where home visit is required as user is unable to access dentist's surgery or opticians. Actual weekly costs averaged over previous year.	Receipts. Allow additional costs of home visits over a year
16	Prescription charges (those 60 or over and on Income Support do not pay these charges)	Cost of an annual season ticket divided by 52 or actual cost of prescription, whichever is less.	Receipts
17	Holidays An allowance will not normally be made where the relationship between the service user and the service provider is primarily personal rather than contractual. (See note 1)	Disability related supplements, additional cost of a companion. Any calculation of costs will assume a UK based holiday. Aggregate allowable costs for previous year divided by 52. For holidays organized specifically for people with disabilities i.e. Winged Fellowship where it is not possible to identify additional costs incurred due to disability allow excess over £ 474.60 per week.	Receipts Maximum of 14 days a year. Additional costs divided by 52 for the year following the holiday
18	Communications	Actual average weekly costs of communications specifically related to disability	Receipts

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	Discretionary based on costs that would not usually be incurred. Telephone line rental, mobile phone costs, and internet access are now part of everyday life and would not normally be considered as disability related expenditure.		
19	Podiatry Where there is a genuine need that is not being met by NHS.	Actual average weekly costs	Receipts VO to confirm why not met by NHS
20	Osteopathy, physiotherapy, etc Where there is a genuine need that is not being met by NHS.	Actual average weekly costs	Receipts VO to confirm why not met by NHS
21	Chemist/Medical Items Where need arises from disability and not available under prescription.	Actual average weekly costs	Receipts
22	Privately arranged Respite Care To be allowed only where care manager agrees that this could be not funded from the Residential Respite Budget. A Abrahamson must be sent details of care manager's agreement.	To a maximum of what would have been funded by RBWM divided by 52 weeks.	Receipts
23	Hairdressing Where service user is unable to wash own hair, and hair wash is not part of care package.	Actual average weekly costs	Receipts Maximum of £6.16 per hairwash
24	Other costs caused by illness or disability or that help the Service User to live independently but only where additional costs are incurred over and above those that an able bodied person of the same age would reasonably incur	Actual average weekly costs	Receipts

Note 1

In line with Social Services Direct Payments Guidance.

See also Judicial Review Stephenson v. Stockton-On-Tees, 12/10/04, which confirms that it is reasonable for councils not to make a disability related expenditure allowance in respect of care provided by family members.

Note 2

Amount to be increased in line with the normal hourly rate for direct payments.

Each April as part of the annual reassessment the total amount awarded for Disability Related expenditure will be increased by the same RPI inflator used by the DWP to calculate benefit increases. Following a full review, normally at 2 yearly intervals, the Disability Related Expenditure will be recalculated and reset to confirm actual expenditure.

When amendments are made to this DRE scheme that would have the effect of increasing charges for service users already assessed it is not expected that these service users will need to be identified & reassessed. Instead the DRE originally awarded should stand, but not be increased until it is in line with the current DRE scheme.