

Adult Social Care & Support Policy & Procedure Document

Policy & Procedure Title	Charging Policy for Adults in Residential and Nursing Home Care
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Legal Sign off by	
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Owner:	Clare Hall Salter
Approver:	Sarah Dillon

1. POLICY STATEMENT

This policy explains how Adult Social Care establish the amount an Adult is required to pay towards the cost of a place in a residential or nursing care setting where the placement is agreed as a suitable option to meet their eligible needs.

2. PURPOSE OF THE POLICY

The intent of this policy is to make sure that people are charged in line with the Care & Support (Charging and Assessment of Resources) regulations and statutory guidance.

3. POLICY INFORMATION

This policy covers consideration of capital, property, income, fees and how the financial contribution to the cost of residential or nursing home care is established and notified.

3.1 Service-Specific Information

This policy applies to individuals who are in residential or nursing care – where the individual is not placed in either nursing or residential care, the Council's Non Residential Charging Policy should be followed

4. PROCEDURE STATEMENT

To ensure that the assessment of an adult's requirement to contribute to the cost of their care home placement is in line the Care & Support (Charging and Assessment of Resources) regulations and statutory guidance.

5. PROCEDURE DETAILS

5.1 Assessing how much a person will have to pay towards the cost of their care

The Financial Case Management team will work with a person (or their authorised representative) to ensure:-

- Accurate information is collected to fully inform the financial assessment process and that the correct allowances and considerations are made. This is collected using a Financial Declaration Form.
- The person is given appropriate Welfare Benefit advice and practical support to apply for benefits they might be entitled to claim.
- The person is fully informed of how their assessed contribution has been calculated
- Consistency and transparency in the calculation and assessment of a person's contribution towards their care.

The rules for determining how much a person will have to pay towards the cost of a residential or nursing home place are prescribed in the Care & Support (Charging and Assessment of Resources) regulations and statutory guidance.

If a person requires financial assistance, they or their representative should contact the Local Authority for where they usually live for an assessment of their social care needs to determine how these could be met.

5.2 The Financial Assessment Calculation

5.2.1 Overview

The financial assessment will be based on the total income of the person, against which deductions will be made for allowable expenditure. Where the person has savings or capital assets exceeding the upper limit specified in the Care & Support (Charging and Assessment of Resources) regulations and statutory guidance, they will be required to pay the full cost of their care.

5.2.2 Capital

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. This list is not exhaustive.

Any jointly held savings will normally be divided in half unless evidence is provided to verify that the person requiring residential or nursing care does not have legal and beneficial ownership to half the jointly held asset.

If the person has more capital than the set upper savings threshold (£23,250- see appendix A) they will not be eligible for financial assistance. If, however their savings might be reduced quite quickly to below the upper threshold, if they are concerned about funding their place in a home in the longer term, they might wish to apply to Care & Support Services for an assessment. If it was then agreed that they needed residential care, they could pay the full fees until their savings reduced to below the threshold, from when their contributions would be assessed by the means test outlined below.

In determining a person's capital, half the value of savings is taken into account if it is held in joint names between a husband and wife or civil partners. The value of the house they own is disregarded if their husband, wife or civil partner (or in some circumstances another relative) will continue to live in it after they go into residential or nursing home care. Otherwise it will be taken into account in assessing the available capital, as will any other property they own.

Capital less than the lower threshold (£14,250) is disregarded and an income of £1.00 per week is assumed for every £250 (or part of) over that amount up to the upper threshold (£14,250 and up to £23,250).

5.2.3 If a person owns their own home

If a person will be in a residential or nursing home for a temporary stay and may return to their own home then its value will be totally disregarded. This disregard will also apply for 12 weeks from the moment a person becomes a **PERMANENT** resident. This may follow a temporary stay, i.e. if a person is firstly considered temporary, the property is disregarded and once the

stay has been confirmed as permanent then the property will be disregarded for a further 12 weeks.

If a person's stay in the residential or nursing home is (or becomes) permanent then the value of their previous home is counted as capital, once they have been a permanent resident for more than 12 weeks.

In that case they will be assessed to pay the full cost of the residential or nursing home place from when it becomes permanent. In such circumstances, most people will need to sell the home they own in order to pay the cost of care although they cannot be forced to do so. If a person is going to sell their property but wants the Local Authority to pay for their care until it is sold, they can request to be considered for the 'Universal Deferred Payments Scheme' by completing the relevant paperwork. The Council consider their circumstances to reach a decision as to whether or not they will be able to agree their request. Where their request is agreed the Local Authority will place a 'Legal Charge' on the property, which will enable the monies due to be paid once the property has been sold.

If someone else lives in the person's home its value will be disregarded if the person is their spouse or partner or a relative who is aged 60 or over or is incapacitated. The Local Authority has the discretion to ignore the value of the property when someone else lives in it that does not come into the above category. Requests for the authority to allow such a discretionary disregard should be made in writing to the Financial Case Management Team. If a person knowingly deprives themselves of any resources for the purposes of avoiding or reducing their liability to pay, those resources may be taken in to account as if they were still theirs.

Notes:

1. All weekly rates quoted in this leaflet are revised annually in April.
2. More detailed information is to be found in the Age UK Fact Sheet No 10 'Paying for permanent residential care' <https://www.ageuk.org.uk/services/information-advice/guides-and-factsheets/>

5.2.4 Income

All income is taken into account in assessing the level of contribution towards the cost of residential or nursing home care a person will have to make, except for the following DWP benefits, which are disregarded:-

- Disability Living Allowance (mobility component)
- The Personal Independence Payment (mobility component)
- War disablement pension and War Widows Pension
- Christmas Bonus
- Attendance Allowance (care component)
- Disability Living Allowance (care component)
- The Personal Independence Payment (daily living component)
- Income needed to meet house commitments

*for
temporary
admissions
only*

5.2.5 Personal Allowance

The person is entitled to retain a weekly personal allowance of £25.65.

5.3.1 The Financial Assessment Process

Social Services will offer a financial assessment where it seems possible that ongoing services will be needed. Where the identified services are residential or nursing home care, these assessments will be in line with the Care & Support (Charging and Assessment of Resources) regulations and statutory guidance.

Where this assessment is accepted in person, or by their authorised representative where they are unable to act for themselves, a Financial Case Management Officer will arrange to carry out the assessment with the person or their authorised representative. The Financial Case Management Officer will assist the person to complete a Financial Declaration Form and verify the information provided.

The information provided on the Financial Declaration Form will be used to undertake a financial assessment to work out how much the person will be required to contribute towards a care home placement.

The financial assessment, which will be carried out in accordance with this policy, will consider weekly income, assets and capital assets (as outlined above) to arrive at a weekly contribution the person will be required to make towards the cost of their care, leaving them with their personal allowance.

The person (or their authorised representative) will be sent a record of how the contribution has been calculated within three working days of the financial assessment being undertaken and informed of their right to be reassessed should their circumstances change.

5.3.2 Failure to provide financial details or providing false information

Please be aware that if a person submits information as part of their financial assessment, the law requires them to declare their true financial circumstances and all their assets and savings. Failure to do so or the giving of false details could result in the person or their representative being liable to legal proceedings. Our audit procedures allow us to check a person's evidence and ask for further evidence if required. If a person misrepresents or fails to disclose any material fact, the Care Act 2014 gives us the power to recover as a debt, expenditure incurred as a result of the misrepresentation or failure and any sum it would have recovered but for the misrepresentation or failure.

The person or their representative will be considered to have refused to cooperate with a financial assessment if, without good cause, they fail to participate in the assessment process within the stated time scale. This includes:

- not returning the form and required evidence within 14 days of the start of care, unless a person or their representative have contacted us to explain why you will not be able to meet this deadline and an extension has been agreed
- not providing satisfactory proof of income, capital, expenditure or other information following requests from us

In either of these circumstances you will be treated as a self-funder and be required to pay the full cost of your care.

5.3.3 Decline to provide financial details

A person entitled to a Personal Budget (or their authorised representative) has the right to choose not to provide their financial details to the Council. In such cases **you will be treated as a self-funder and be required to pay the full cost of your care.**

Contributions towards the cost of a care home placement will apply from the date of admission to the care home.

5.3.4 Notification of Assessment

In all cases, as soon as the assessment is completed on the basis of the Financial Declaration a person should receive written notification of their contribution to the proposed residential or nursing home place.

5.4 Fee Levels

The Council works closely with local care providers and Shropshire Partners in Care (SPIC) to ensure good quality placements are available at reasonable costs to meet a wide range of individual care needs.

The Council will agree with providers, reasonable costs to meet individual care needs.

Where the Council agrees care in a care home is the right option to meet a person's eligible care need's, the Council will pay the difference between their assessed contribution to the cost of their care and the appropriate rate agreed with providers for their care.

If a person prefers to use a more expensive residential or nursing home, this is still possible if there is someone willing and able to enter a Third Party Contribution Agreement to pay the additional sum required. The person requiring residential or nursing care is not legally permitted to pay more than their assessed contribution themselves.

If a person's needs are such that they require nursing accommodation, a representative from the Telford & Wrekin Clinical Commissioning Group (CCG) will undertake an assessment to establish how much the CCG will pay towards the care services.

6. FURTHER INFORMATION

Further information or advice is available from the Adult Social Care teams or from our Financial Case Management Team on 01952 383820.

Independent advice is available through Age UK Shropshire & Telford & Wrekin, Meeting Point House, Southwater Square, Telford TF3 4HS

Phone: 01952 201803

7. POLICY IMPLICATIONS

7.1 Legal Implications

This policy and procedure is designed to ensure that the Council meets legal obligations against:

- Guidance sections 14,17, and 69-70 of the Care Act 2014
- The Care & Support (Charging and assessment of Resources) regulations 2014
- The Care & Support and Aftercare (Choice of Accommodation) regulations 2014

7.2 Finance and Value for Money Implications

This policy and procedure is designed to make sure that the Council pays appropriately toward the cost of Care & Support Services and ensure that service users contribute appropriately to the cost of their care.

7.2 Economic Impact

N/A

7.3 Environmental Impact

N/A

7.4 Other Impacts

N/A

8 CROSS REFERENCE INFORMATION

8.1 Standards

- Care Quality Commission Standards
- Guidance sections 14, 17, and 69-70 of the Care Act 2014
- The Care & Support (Charging and assessment of Resources) regulations 2014
- The Care & Support and Aftercare (Choice of Accommodation) regulations 2014

8.2 Legislation

- Care Act 2014
- Data Protection Act 2018
- Freedom of Information Act 2000
- Human Rights Act 1998
- Equality Act 2010

8.3 Systems Implications

Charging information is held on LAS and CONTROC. This system has an interface with the Council's Agresso billing and payments system.

8.4 Other Relevant Documents

8.5 Linked Policies

- Contribution Policy for non-Residential Care & Support Services Charging Policy
- Adult Social Care Complaints

www.telford.gov.uk/info/20384/complaints/36/adult_social_care_complaints

Appendix A: Schedule of Rates Applicable to Residential Services

ITEM	April 2020	April 2021	Review Process
Upper capital limit used in assessments	£23,250.00	£23,250.00	Dept of Health
Lower capital limit used in assessments	£14,250	£14,250	Dept of Health
Weekly personal allowance	£25.65	£25.65	Dept of Health