

Policy on charging for adult social care services

Warwickshire County Council

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1. Overview of charging in Warwickshire

1.1. Introduction

This charging policy sets out how Warwickshire County Council ('the council') charges people who receive social care and support services, or a direct payment to enable them to purchase such support.

This policy is based on the Care Act 2014, the Care and Support (Charging and Assessment of Resources) Regulations 2014 ('the Regulations') and the Care and Support Statutory Guidance ('the national guidance').

For the purposes of this policy, the term 'residential services' refers to services in a care home. 'Non-residential services' refers to services in the community, in a person's home, or day services.

1.2. Scope of policy

The policy covers charging arrangements for adults aged 18 or over, who receive care and support arranged or funded by the council under the Care Act 2014.

This includes both care that is provided to people living in a residential setting and to people who live in their own home or in the community.

Any costs covered by the NHS (under Continuing Health Care. Joint funding or Funded Nursing Care) are not subject to this policy.

1.3. Aims and principles

The policy adopts the following principles for charging, which are set out by the Department of Health & Social Care in the national guidance. The policy will:

- Base charges on the full cost of the services being received and individuals will pay 100% of this charge where they have been assessed as being able to do so.
- Ensure that people are charged in line with their ability to pay, based on national guidelines and this policy.
- Establish who will be entitled to financial support based on a means-test and who will be entitled to free care.
- Be comprehensive, to reduce variation in the way people are assessed and charged.
- Be clear and transparent, so people know what they will be charged.
- Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control.
- Support carers to look after their own health and wellbeing and to care effectively and safely.
- Be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet people's needs.
- Apply the charging rules equally so those with similar needs or services are

- treated the same and minimise anomalies between different care settings.
- Encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so.
 - Be sustainable for the council in the long-term.

1.4. Care and support for which the council will not charge

This policy applies to adults provided with care services where Warwickshire County Council is entitled to charge a contribution under the Care Act 2014. The council will **not** charge for the following:

- Intermediate care, including reablement, which will be provided free of charge for up to six weeks.
- Community equipment (aids and minor adaptations). Minor adaptations are those costing £1000 or less.
- Day Care service where it forms part of a person's residential care contract as defined within the residential charging guidance under the Care Act 2014
- Care and support provided to individuals with Creutzfeldt-Jakob Disease (CJD).
- Services provided under section 117 of the Mental Health Act (1983).
- Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.
- Carers' own eligible support needs in respect of their caring role, including Carers' One-off Payments.
- Other services offered by the authority agreed to be exempt from charging. If this applies, details can be found in the relevant service policy.

2. Financial assessments overview

A financial assessment will be undertaken for all individuals in receipt of chargeable services. This is an assessment in accordance with the Regulations and national guidance to decide if the council will pay towards the person's care and support.

An individual is liable to pay some of or all their care costs unless a financial assessment shows that they are unable to contribute. The individual must provide the information the council needs in order to calculate what, if anything, a person may have to pay towards a service or a direct payment.

The financial assessment ensures that a person retains some income. This level is set by the Department of Health and Social Care and is known as the Personal Expenses Allowance (PEA) when in residential care and the Minimum Income Guarantee (MIG) when receiving non-residential care.

As part of the financial assessment process and where applicable, advice may be provided to a person regarding benefit entitlement. This may include referrals or signposting to relevant agencies and services. It is a person's responsibility and not the council's to progress any claim and supply appropriate information to relevant agencies and services.

A person has the right to decline a financial assessment. If they do, they will be required to pay the full cost of their care.

Where a person fails to pay the charges due to the council for their care, debt recovery processes will be followed to obtain payment from the person, after consideration of their case and a deferred payment agreement has been offered to them where appropriate (residential and nursing care only).

2.1. Providing information to the council

The information required to carry out the financial assessment may be collected in the following ways:

- On-line, via a dedicated website
- By telephone, where an appointment will be made in advance
- By post, where a form is sent out to be completed
- In exceptional circumstances, face to face, where an officer will make an appointment to visit the individual to collect the necessary information.

Individuals may submit evidence to support their financial assessment by post, email or via a dedicated website.

2.2. Sharing financial information

Under the Welfare Reform Act 2012 and associated regulations, information will be shared between the council and the Department for Work and Pensions (DWP) and District Councils for the purposes of completing an accurate financial assessment calculation.

2.3. Failure to provide information

It is the responsibility of the person or their representative to provide all information required for a financial assessment.

A person or representative responsible for their finances is considered to have refused to co-operate with a financial assessment if they, without good cause, do not participate in the assessment process within a reasonable time scale. This includes where a person:

- Does not complete or submit an on-line or postal financial assessment form;
- Fails to keep a pre-arranged telephone or face to face financial assessment or review appointment;
- Fails to provide satisfactory proof of income, capital, expenditure or other information requested by the council.

It is the responsibility of the person or their representative to provide all the information required for a financial assessment.

An individual will be required to pay the full cost of their care if:

- They decline a financial assessment;
- They do not complete or submit an on-line or postal financial assessment or fail to keep a pre-arranged financial assessment appointment without good cause on more than two occasions;
- They choose not to disclose their financial details.
- They fail to provide satisfactory proof of income, capital, expenditure or other financial information requested by the council.

2.4. Light touch financial assessments

In some cases, a person may not need a full financial assessment and so may not have to provide full details about their financial circumstances. We will apply a light touch financial assessment in the following circumstances:

- Where a person owns capital that is included as an asset for financial assessment purposes, and this is clearly worth more than the upper capital limit (see section 3).
- Where a person confirms that they do not wish to undergo a full financial assessment.
- Where an individual is in receipt of certain benefits, and this clearly demonstrates that they would not be able to contribute towards their care and support costs.

If a person does not agree the charges that they have been assessed as being able to afford under this route, they will be required to provide full details to enable a full financial assessment to be completed.

2.5. Financial representatives and mental capacity

At the time of the assessment of care and support needs, the council will establish whether a person has the capacity to take part in the assessment, including a financial assessment.

A person can request that the council liaises with another person who will act as their financial representative for the financial assessment and charging process.

Whilst the council will consider any request to liaise with a financial representative, the legal responsibility for paying charges and any associated debt recovery will remain with the person in receipt of care.

If a person lacks capacity to consent to or take part in the financial assessment process the council will liaise with any person who has legal authority to make financial decisions on their behalf. The council will require proof that someone has the appropriate legal standing, e.g., lasting or enduring power of attorney for property and financial affairs (appointed by the person when they had capacity to do so) or deputyship for property and financial affairs (appointed by the Court of Protection), to act on behalf of the person.

If the person who lacks capacity has no property or savings and their only income is social security benefits there will be no need for a deputy to be appointed, but they will require an appointee to deal with their benefits and pay their routine bills:

<https://www.gov.uk/become-appointee-for-someone-claiming-benefits>

If the person has assets or savings from other sources they will generally need an attorney or deputy to deal with their other assets.

Where a person lacks capacity, the same financial tests and charges will apply for care services.

2.6. Waivers

Charges may be waived in exceptional cases. Applications should be made in writing and sent to the person's or their representative's main point of contact. They will review the application and a decision will be made by the appropriate manager.

Applications should include:

- The reasons for the application, including details of the exceptional financial or social factors which apply.
- Any other information considered reasonably necessary in connection with the application.

3. Capital and property

3.1. Treatment of capital

The value of the capital someone has is taken into account in deciding how much of it should be used to contribute towards their care costs. Examples of capital include:

- Land and buildings
- National Savings Certificates
- Premium Bonds
- Stocks and shares
- Money held in bank, building society and savings accounts

The value of a person's capital will be based on the higher of its market or surrender value minus:

- 10% of the value, if there will be any actual expenses involved in selling the asset. Any expense must be connected with the sale and not simply the realisation of the asset. For example, the costs to withdraw funds from a bank account are not expenses of sale, but legal fees to sell a property would be.

For example, a property may be valued for sale at £200,000. The financial assessment will deduct 10% for sales expenses, and therefore take into account £180,000.

- any outstanding debts secured on the asset, for example by a legal charge such as a mortgage.

For example, where a property is valued at £200,000 and there is an outstanding mortgage of £50,000, the financial assessment will take into account £150,000.

Where a person has joint ownership of capital (for example, a joint savings account), the total value will be divided equally between the joint owners and the person will be treated as owning an equal share, except where there is evidence that the person owns an unequal share.

In some instances, a person may need to apply for access to capital assets but has not yet done so. In this case the capital may be treated as belonging to the person and so included as notional capital within the financial assessment from the date it could reasonably have been acquired.

Some capital is disregarded (not included) in the financial assessment. This is set out in Annex B of the national guidance.

3.2. Capital limits

Capital limits are set nationally by central Government and are used in calculating how much a person will have to pay towards their care and support costs. The current capital limits can be found on the council's website:

<https://www.warwickshire.gov.uk/social-care-health/paying-social-care/2>

Capital below the 'Lower Capital Limit' will be disregarded (not included) for financial assessment purposes.

Capital between the 'Lower Capital Limit' and 'Upper Capital Limit' will be taken into account and a person will be required to pay £1 per week for every £250 of capital owned between these limits. This is called 'tariff income'.

Capital over the 'Upper Capital Limit' will be taken into account and a person will be required to pay the full cost of their care and support.

3.3. Property

Property is a capital asset and may either be included or disregarded within a financial assessment in accordance with Annex B of the national guidance.

4. Income

4.1. Treatment of income

The council will consider a person's income when it carries out a financial assessment. The Regulations and national guidance set out which types of income should be included, disregarded, or partially disregarded.

Only the income of the individual will be taken into account in the financial assessment of what they can afford to contribute towards their care.

Where the person receives income as one of a couple this will be divided equally unless it can be proved that they own the income in unequal shares.

Income is net of any tax or National Insurance contributions.

Employed and self-employed earnings are fully disregarded.

5. Deprivation of assets

Deprivation is the attempt to avoid or reduce care charges by removing income or capital assets from a person's ownership to prevent them from being included in the financial assessment.

Questions of deprivation of capital or income will be considered in accordance with Annex E of national guidance. For example, if:

- A person ceases to possess capital assets or income which would otherwise have been taken into account for the purpose of assessing charges for care.
- A person deprives themselves of capital assets or income which would otherwise have been available to them, i.e., ownership of a property other than their main residence is transferred to another person, or the beneficiary of an insurance policy is changed so that the monies are not available to the person.

Where deprivation is established, the person will be treated as still possessing the capital asset or income and this will be known as notional capital or notional income within the financial assessment. This means that the person will be assessed as if they still have the income or capital.

If the asset has been transferred to someone else, that person may become liable to pay the difference between what has to be paid in care charges and what the person can pay from their remaining income and capital.

6. Changes of circumstances

6.1. Notifying the council of a change in circumstances

If a person's support plan, care arrangements, cost of care or financial circumstances change, this may result in a change to their financial assessment and the charge they are required to pay.

An individual must notify the council immediately there is a change in their circumstances by contacting the Financial Assessments and Benefits Advice team in order that their financial assessment can be reviewed.

Any increase in the assessed charge will be backdated to the date the change in circumstances took effect.

Any decrease in the assessed charge will be backdated either to the date the person notified the Financial Assessments and Benefits Advice team, or to the date the change in circumstances took effect if this is within one month of the person notifying the Financial Assessments and Benefits Advice team. For non-residential care this change will take effect from the Monday following the effective date.

If a person is unable to notify the council of a change in their circumstances at the time the change occurs, they may apply to have the effective date from which a change in charge applies amended. The individual will need to demonstrate:

- that there was good cause for them not notifying the council at the time the change took place.
- that there is a justification for amending the date from which a change in charge should apply.

It is the responsibility of the individual to provide proof for their application. Relevant facts will be considered, such as the person's care needs, capacity, and whether a representative should have notified the council, etc.

6.2. Reviewing financial assessments

The council reserves the right to review a financial assessment at any time. This may require a person to provide new or additional information and evidence where necessary.

Where a person fails to provide information following written requests, charges will be recalculated to the full cost of care from the date of the first written request. This may also be backdated to earlier dates dependent upon information available.

A person may request a review of a financial assessment, for example due to revised information or error, at any time by notifying the council and providing appropriate information.

Where appropriate, financial assessments may be revised automatically based on known changes in policy, regulations or information from the Department for Work and Pensions, for example due to an increase to benefit payments, State Retirement Pension or service cost.

Details of financial assessments will be sent in writing, and it is the person's responsibility to check the information and report any details that are inaccurate or have changed.

7. Residential care financial assessment (excluding residential respite care)

The financial assessment considers a person's capital, income and appropriate expenses.

A person will be expected to pay the full cost of their care if:

- They are assessed as being able to afford the full cost through their financial assessment
- They choose not to disclose their financial details
- They refuse to co-operate with a financial assessment.

7.1. Calculating charges¹

Where a person's capital is more than the Upper Capital Limit, they will pay the full cost of their care.

Where a person's capital is below the Upper Capital Limit the financial assessment is calculated as follows:

$$\text{Income}^2 \text{ LESS Personal Expense Allowance EQUALS Charge}$$

The financial assessment ensures that individuals retain a basic level of income after charges have been deducted, known as the Personal Expenses Allowance.

7.2. Treatment of property

The Regulations and the national guidance describe the situations where the council must disregard property or has discretion to do so. This section provides a summary only of the key provisions.

If a person is in temporary or respite care but intends to return to the property they normally live in, then the property will be disregarded.

If a person is in permanent care their property may be included in the financial assessment or it may be disregarded depending on their circumstances.

A property must be disregarded, for example:

- Where the property has been continuously occupied as their main or only home by the person's partner, former partner, or civil partner, except where they are estranged, since before the person went into a care home.
- Where the property has been continuously occupied as their main or only home by a lone parent who is the person's estranged or divorced partner,

¹ Capital limits for calculating charges can be found in the [Care and support statutory guidance - GOV.UK](https://www.gov.uk/government/guidance/care-and-support-statutory-guidance) (www.gov.uk)

² Including Tariff Income – see Section 3

since before the person went into a care home.

- Where the property has been continuously occupied as their main or only home by a relative (defined in the national guidance), aged 60 or over or who is a child of the resident aged under 18, since before the person went into a care home
- Where the property has been continuously occupied as their main or only home by a relative (defined in the national guidance), who is incapacitated, since before the person went into a care home.

A person may request in writing that the council use its discretion to apply a property disregard in circumstances that do not meet the above criteria. The use of this discretion will be balanced with ensuring that a person's assets are not maintained at public expense. The Director of Social Care and Support or delegated person will consider requests to the council based on the evidence supplied and circumstances of each case.

7.3. Twelve week disregard

When the value of their non-housing assets is below the Upper Capital Limit of £23,250, the council must disregard the value of a person's main or only home for a period of 12 weeks from when a person either:

- first enters a care home
- where an alternative property disregard is unexpectedly lost

The council also has discretion to apply the disregard where a person has a sudden and unexpected change in their financial circumstances. In doing so, it must consider the individual circumstances of the case.

7.4. Deferred payments

Where a property is included within the financial assessment a person may be eligible for the council's Deferred Payments Scheme. The Deferred Payments Scheme is to help those who have been assessed as having to pay the full cost of residential care but cannot pay the full amount because their capital is tied up in a property.

The council may accept a property as security and the person pays a weekly contribution towards care based on their income and savings only. The part that the person cannot pay will be paid by the council and a debt builds up. Payment of the debt is deferred and until a later date. This could be when the property is sold, or by making payment from other sources. The deferral of payment can last until death.

More information on the council's Deferred Payments Policy, including information on eligibility, can be found at:

<http://www.warwickshire.gov.uk/deferredpaymentscheme>

7.5. Personal Expenses Allowance

The local authority must leave the person with a minimum amount of income within the financial assessment. This is known as the Personal Expenses Allowance

(PEA) and the amount is set out in regulations and updates sent via a local authority circular. Anything above this may be taken into account in determining charges.

For temporary residents the council will consider an additional Personal Expense Allowance if the person is unable to meet a particular expense from their capital or income. Some examples that may be considered include:

- Rent (less Housing Benefit)
- Mortgage costs (less any benefits or assistance payments)
- Water rates and charges
- Council Tax (less Council Tax Support)
- Building insurance (not including contents insurance)

Where expenditure is joint expenditure then it will usually be divided equally between the liable individuals when considering any additional Personal Expense Allowance.

Permanent residents are not normally considered to have property related outgoings when living in the care home. However, it may be that a person still has outgoings e.g. while a property is for sale, or during the notice period for a rented property. In these cases, an additional Personal Expense Allowance may be considered at the discretion of the council if evidence of actual expenditure is supplied and where a person has no other means to meet the costs, for example from their capital.

Where a person has a deferred payment agreement (DPA) they may choose to retain sufficient resources to maintain and insure the property up to a disposable income allowance and thereby increase the amount of debt they are deferring. The maximum disposable income allowance is set by the Department of Health and Social Care.

8. Financial assessments for community and respite-based services

8.1. Calculating charges

The financial assessment considers a person's income, capital and appropriate expenses.

Capital limits are set nationally by central Government. The current capital limits can be found on the council's website:

<https://www.warwickshire.gov.uk/social-care-health/paying-social-care/2>

Where a person's capital is above the Upper Capital Limit the person will pay the maximum cost of their care.

Where capital is below the Upper Capital Limit the basic principles of the financial assessment calculation are:

$$\text{Income}^3 \text{ less } \left(\begin{array}{l} \bullet \text{ Minimum Income Guarantee} \\ \bullet \text{ Eligible housing costs \& Expenses} \\ \bullet \text{ Disability related expenditure} \end{array} \right) \text{ equals } \text{Net available income for charging}$$

The full financial assessment will ensure that individuals retain a basic level of income after charges have been deducted, known as the Minimum Income Guarantee and have income to meet basic housing costs and agreed disability related expenditure.

The net available income for charging will be the maximum level a person may be asked to contribute towards care services.

The actual charge will be the lower of either the person's net available income or the full cost for the service.

The minimum weekly charge raised is £1.00 per week.

A person assessed as having no available income for charging purposes will not have to contribute towards the cost of their care.

8.2. Treatment of property

The property a person lives in as their main or only home will be disregarded (not included as a capital asset).

However, a property that is not the main or only home that a person lives in, for example a second property, will be included in the financial assessment.

³ Including Tariff Income – see Section 3
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8.3. Minimum Income Guarantee (MIG)

The Minimum Income Guarantee (MIG) is an amount within a financial assessment that a person will be left with before a charge may apply. This is to ensure a person has funds to meet basic needs such as purchasing food, utility costs or insurance.

The level of Minimum Income Guarantee varies depending on a person's circumstances and these amounts are determined within the Care and Support (Charging and Assessment of Resources) Regulations and published by the Department of Health and Social Care.

8.4. Household costs

A person will be allowed some expenditure if they have particular housing costs to pay for (for example, mortgage or rent payments, Council Tax). These costs will be taken into consideration, net of any benefits provided to support them.

Evidence of expenditure may be requested to verify requests: for example receipts, bank statements or invoices where involving exceptionally high values or unusual types of expense. Failure to supply evidence will result in those expenses being excluded from the calculations.

Allowances may be made depending on housing tenure and circumstances, including:

- Rent (less Housing Benefit). If a person is entitled to receive full Housing Benefit but has the benefit reduced by a 'non-dependent deduction', the financial assessment will not show an allowance for the non-dependent deduction amount.
- Essential service charges and ground rent (less Housing Benefit)
- Mortgage (less any benefits or assistance payments)
- Council Tax (net of Council Tax Support). If a person is entitled to receive full Council Tax Support but has the support reduced by a 'non-dependent deduction', the financial assessment will not show an allowance for the non-dependent deduction amount.
- Building insurance (including contents)

8.5. Joint / shared costs

If more than one person lives in a person's home, the council will usually treat costs as shared between occupants when calculating the amount a person can keep to meet household costs. This will be determined by the decision maker within the council. If allowed, costs will be attributed to all the adult occupants of the home unless it can be shown that the expense is only for a person's benefit.

If a person shares a household with other adults, and the additional disability-related expense item relates to a service that supports the household as a whole (for example, payments to a cleaner), the amount of the expense item that is allowed in the financial assessment will be on the basis that the costs are shared evenly by the number of adults in the household, unless there is evidence to show that a different way of sharing costs should be considered.

8.6. Other allowable expense commitments

An allowance for expense commitments may be made in the financial assessment, if a person incurs unavoidable payments under a court order e.g. child maintenance.

Any other expenses not considered housing or disability related expense would not be eligible within the financial assessment, unless agreed, at the discretion of the Director of Social Care and Support or delegated person.

8.7. Disability related expenditure

Where disability-related benefits are taken into account, the council will allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet needs which are not being met by the local authority.

Expenditure must be reasonable and verified, for example with receipts. Where expenditure cannot be verified or where reasonable alternatives are available at a lower cost or for free, the expense may not be included or may be restricted to a lower cost determined by the council.

A guide list of recognised disability related expenditure items (Appendix A) based around the items listed within the national guidance, with indications of reasonable costs, is used to determine disability related expenditure allowances within an assessment, although this is not an exhaustive list.

If a person has disability related expenses shown within the disability related expenditure guide, the expense allowed in a financial assessment will usually be the actual amount spent up to the maximum amount indicated in the guide. However, discretion may be used to consider some requests where higher expenditure is incurred or where an item is not reflected within the guide. These decisions will usually consider a person's care plan to help identify necessary disability related expenditure.

9. Further information

9.1. Residential and residential nursing care

Under this policy, the cost of residential or nursing care includes the care and support provided and the accommodation and living costs in the care home.

The full cost of the service can vary due to the type of care and care home; the full cost will be shown on the Individual Placement Agreement (contract) between the council, care home, person resident or representatives.

9.2. Community services

Under this policy, the full cost of non-residential care services can vary due to the type of service. Details of services and the basis of charges are given below:

Service	Explanation of the charge
Home care (Including care provided in Extra Care premises)	The charge will be based on the agreed level of service with the provider. A person who fails to provide 24-hours' notice to cancel or change care arrangements; will be charged in accordance with planned/proposed service activity. This is a standard rate for all homecare regardless of provider.
Night support	The charge will be based on the actual cost of the service.
24-hour live in support	The charge will be based on the actual cost of the service.
Day care	The charge will be based on attendance per day. A person has the option to be charged by the hour if they wish.
Take a Break	The charge will be based on the actual hourly rate of the service.
Transport	The charge will be based on a standard rate per journey. A journey can be defined as getting from one place to another.
Telecare	The charge will be based on the actual cost of the weekly 'Telecare' monitoring service.
Direct payments	For Direct payments used to employ personal assistants the charge will be based on the total cost of paying and employing personal assistants.
Carers replacement services; Sitting service	The charge will be based on the agreed level of service with the provider. A person who fails to provide 24-hours' notice to cancel or change care arrangements will be charged in accordance with planned/proposed service activity.
Respite care (in a residential setting)	The charge will be based on the actual cost of the service with the care provider.
Other chargeable services	Other chargeable services apply when a person receives a service that does not ordinarily fall into the chargeable services defined above i.e. home care, day care, transport, telecare and personal assistants. The charge will be based on the support the customer receives.

Current charging rates are available on Warwickshire's website:

<https://www.warwickshire.gov.uk/social-care-health/paying-social-care/6>

9.3. Independent financial advice

There will be times when a person needs to obtain financial advice which is impartial and independent of the council to make the right decisions. For example:

- where there are a number of options available and advice is needed on which one to choose, bearing in mind that the council may not be allowed to recommend one.
- when there is potential conflict between the council and person's interests, such as advice on how assets are taken into consideration as part of the financial assessment.
- when a person is to enter into a legal agreement. For example, the council can provide information about the consequences of entering into a **deferred payment agreement (DPA)** but cannot advise whether a person should enter into it.
- where a person wants advice on specific financial products to get the most out of an asset.

9.4. Independent or 'regulated' financial advisers

Independent financial advice is available from a number of sources. Some services are free and provided by not-for-profit organisations, such as:

- **Money Helper** - brings together the support and services of three government-backed financial guidance providers: the Money Advice Service, the Pensions Advisory Service and Pension Wise.
- **Citizen's Advice Bureau** –financial advice;
- **The Society of Later Life Advisers** – helps find trusted financial advisers who understand financial needs in later life.

There are also more formal 'independent financial advisers' (IFA), who charge for advice on financial matters and can recommend suitable financial products. The council cannot recommend specific IFAs or provide a list.

9.5. Obtaining and understanding advice

If a person does not have family or friends to help and may have difficulty getting or understanding independent financial advice, the council may be able to provide an independent advocate.

An independent advocate can support or advocate on a person's behalf to help support and represent their well-being and interests. This may help a person get the most out of any independent financial advice.

Other situations may mean a person should have an independent advocate, such as when a long stay in a hospital or care home is required, or if there is a disagreement over a person's involvement in the decision.

9.6. Paying for care

Any charge will start from the day that service commences.

Where a full financial assessment is outstanding, the charge may be the full cost until completion of the financial assessment. Any subsequent adjustment in contribution may be backdated to the service start date subject to the backdating guidance.

Services will be invoiced four weekly and in arrears. Payment can be made by a variety of methods and information about methods of payment are available on Warwickshire's website or by telephoning 01926 418662.

9.7. Non-payment of contribution

Where a person fails to make payment of invoices, action will be taken in accordance with our Debt Recovery Policy. This may result in legal action being taken and extra cost to the person.

9.8. Cancellation of services

If a person wishes to cancel a service or direct payment due to the level of the charge they should contact the Customer Service Centre or their social care practitioner to discuss the matter. Services cannot be cancelled through the Benefits, Assessments and Income Control section.

If you do not give 24 hours' notice of a change or cancellation of services on a particular date you may be charged a late cancellation fee.

9.9. Disagreements or complaints

Where a disagreement or complaint occurs, we will attempt to work with individuals to resolve it and this may involve:

- A review of the financial assessment, for example if there has been an error in the calculation, there is new information that should be taken into account or a change to the type of care service.
- An appeal under the non-residential charging appeals process; for example after a review a person still believes that the financial assessment has not been calculated correctly or that there are exceptional circumstances that should be considered as a special case.
- A complaint or representation against policy; for example where a person believes the council has not acted appropriately or that the policy is wrong.
- An application for a waiver of the charge; for example if a person agrees that the policy has been applied correctly, but they cannot afford to pay the charge as it would mean that the person would suffer severe hardship or their health would be at serious risk. The Director of Social Care and Support holds overall responsibility for waiving charges but has delegated some of the decision making tasks to relevant managers.

A person must explain the reasons for any disagreement or complaint, providing supporting information and evidence to enable consideration of matters raised. Where a person does not provide explanations or supporting documentation following a written request the request may be rejected.

9.10. How personal information can be used

The council will work with partners to provide public services. To do this, information may in some circumstances be shared in a way that protects an individual's privacy in accordance with Warwickshire County Council's Full Privacy Notice.

The council is under a duty to protect public funds and may use any of the information provided for the prevention and detection of fraud. This may also include sharing information with other bodies that are responsible for auditing or administering public funds.

A person has the right to know what information is held about them and the council will try to make sure it is correct.

Date of policy implementation:	February 2024
Policy Owner:	Liz Firmstone Head of Finance Transformation and Transactions

Appendix A - Disability related expenditure guide

Warwickshire County Council's policy for community services takes into consideration disability related expenditure within the financial assessment process. Disability related expenditure (DRE) is considered a necessary additional expense that a person has to meet needs, due to a disability or condition, that is not being met by the council.

The over-riding principles that govern the assessment of disability related expenditure are:

1. Where there is another adult residing in the home that would ordinarily be responsible for contributing to the maintenance and upkeep of the property, or would benefit from a service that supports the household as a whole (for example, payments to a cleaner), the council would expect them to assume an equal share of the costs incurred, unless we have information to show that a different way of sharing costs should be considered.
2. If a relative is residing with a person, then the council would not normally accept payments to that relative as disability related expenditure.
3. Validation and verification of expenses form part of the financial assessment process. Claimed expenditure must be verifiable, for example with receipts, invoices or appropriate documentation. Where expenditure cannot be verified the expense may not be included or may be restricted to a lower cost determined by the council until future receipts can be provided. Where an amount of disability related expenditure requested is lower than discretionary amounts specified within this guide, decision makers may at their discretion not require evidence of expenditure.
4. Principles of reasonableness are to be applied and consideration given to whether claimed expenditure is likely to be necessitated by the person's disability or condition. The support plan can be a starting point for considering what is necessary disability related expenditure; however, flexibility is required, and disability related expenditure may not be limited to what is recorded as necessary for care and support. Where there is any dispute or query additional information may be required that may include medical evidence, for example from a GP. Where reasonable alternatives are available at a lower cost or for free, the expense incurred by a person may be limited to the lower cost or considered ineligible.

No allowance will be made for any item or service that is required or used by the general population and would be considered normal expenditure. The exception to this is where an item or service is used specifically because of a person's disability or condition and would not otherwise be used and/or the item or service is not available at a lower cost. A person will be asked to provide evidence to support claims and should there be any doubt as to the appropriateness or amount of any item claimed as disability related expenditure, details will be referred to Social Care and Support for a decision.

5. Disability related expenses will not be awarded for expenses which could be considered a lifestyle choice e.g. satellite television, some purchases, loan and credit agreements, or purchasing things privately that are available for free on the NHS etc. In some cases, a disability related expense could be capped as expenditure over and above this amount could be considered a lifestyle choice.

Process for allowing disability related expenditure

During the financial assessment process a person or their representatives will be given the opportunity to tell us if they have any additional expenses due to their disability or condition. This may involve, where necessary prompts and further questions to a person with examples of things that may be considered. A person must provide details and where appropriate evidence of identified costs. If evidence is not available at the date of the financial assessment a person may be given a period of time to obtain and supply documentation.

Where required evidence is not provided no expense will be included, and where evidence is provided after an agreed time any reduction will only be made from the date the supporting evidence is received.

In cases where a person is asking for a larger disability related expense than is usually allowed or is requesting an unusual disability related expense this may be referred to Social Care and Support for a decision.

Disability related expenditure includes, but is not limited to:

- (a) community alarm system
- (b) privately arranged care services required, including respite care
- (c) specialist items needed to meet the person's disability needs, for example:
 - (i) day or night care which is not being arranged by the local authority
 - (ii) specialist washing powders or laundry
 - (iii) additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt)
 - (iv) special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability
 - (v) additional costs of bedding, for example, because of incontinence
 - (vi) heating costs, or metered costs of water, above the average levels for the area and housing type, occasioned by age, medical condition or disability
 - (viii) reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social services
 - (ix) purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the local council
 - (x) personal assistance costs, including any household or other necessary costs arising for the person
 - (xi) internet access for example for blind and partially sighted people
 - (xii) other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable for a council not to take account of claimed transport costs – if, for

example, a suitable, cheaper form of transport, for example, council-provided transport to day centres is available, but has not been used

(xiii) in other cases, it may be reasonable for a council not to allow for items where a reasonable alternative is available at lesser cost. For example, a council might adopt a policy not to allow for the private purchase cost of continence pads, where these are available from the NHS