

West Dunbartonshire Council

Community Based Care Charging Policy

Draft 15 November 2010

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1. Introduction

The following charging policy applies to all adults who reside within West Dunbartonshire, or are deemed to be ordinarily resident within West Dunbartonshire in accordance with the Scottish Government's Ordinary Residence guidelines, who are assessed as requiring and subsequently benefit from community based care services provided, commissioned or funded by West Dunbartonshire Council.

Community based care services are deemed to comprise one or a combination of the services listed below:

- Homecare (including respite provided at home);
- Housing Support (including Supported Living);
- Meals on wheels;
- Lunch clubs;
- Transport;
- Meals at Daycare;
- Community Alarm and Telecare services; and
- Occupational Therapy equipment.

The following charging policy will apply equally to all service users regardless of the delivery mechanism(s) deployed to most appropriately and effectively meet the needs and aspirations of individuals, which include:

- Direct service delivery by Council staff;
- Indirect service delivery through services commissioned from the private and voluntary sectors by the Council on the service user's behalf; and
- Direct payments to service users to enable them to arrange their own care through the employment of their own assistants or by purchasing care from the private and voluntary sectors.

2. Charging Principles

This policy is founded upon the following list of principles:

- In accordance with the Community Care and Health (Scotland) Act 2002, personal care shall be provided free to service users aged 65 and over who have been assessed as needing it;
- For the aspects of the service provision that is not charged on a flat-rate basis, service users will undergo a financial assessment and will be charged according to their ability to pay;
- All service users will be offered an Income Maximisation service from the Council's Welfare Rights and Money Advice Service. This helps people pay charges while enabling them to have a better lifestyle by ensuring they access the range of benefits to allow care to be provided;
- The Council does not differentiate in terms of age, gender, disability, or any other equalities criteria and charges described in this document are applicable to all. The only exception to this relates to the legislation in place regarding Free Personal and Nursing Care for people aged 65 and over;
- Service users will not be charged more than it costs to provide the service(s) for which their contribution has been assessed;
- Where a service user receives more than one service which is assessed for charging using the means test mechanism, a consolidated assessment will be undertaken to ensure that service users are not charged more than they can afford for the package of care services which they receive;
- If a service user or their appointee/guardian chooses not to provide financial information, a maximum charge for the service provided will be made. This may mean that the service user will be charged more than they would have done had a financial assessment been able to be completed. Therefore service users will be encouraged to provide the relevant financial information to allow a means-tested charge to be calculated;
- Services will, at all times, be provided in accordance with service users' assessed needs and not their ability to pay; and
- No charges will be levied where:
 - The primary reason for service provision is to monitor children under "supervision" or children and families in crisis;
 - Services are provided to adults with mental health problems who are subject to measures under the Mental Health (Care and Treatment) (Scotland) Act 2003;
 - Services fall within the scope of Criminal Justice Social Work Services; or
 - Services are provided to adults subject to measures under the Adult Support and Protection (Scotland) Act 2007.

Older People Leaving Hospital

Older people leaving hospital who are assessed as requiring homecare should receive this service free, for up to 28 days, if they are aged 65 or over on the day of discharge and have been in NHS inpatient care for more than one day (24 hours) for treatment, assessment or rehabilitation, or had surgery as an NHS day case. Relief from charging should not apply to discharges following admission on a regular or frequent basis as part of the persons ongoing care arrangements. This would cover, for example, admissions for respite care or ongoing but episodic treatment. Only new

or additional services provided after a person comes out of hospital will be free and services that were in place pre-admission and continue after discharge will continue to be chargeable.

Breaks in Service

Where a service user's service is suspended, the service user will not be charged for the services which have not been provided. Charging should resume when services are reinstated.

Financial Re-assessment

As a minimum, the charges payable by service users will be reviewed on an annual basis, to reflect the annual changes in charges and service users' income and capital. In addition, the contribution payable by service users will be reviewed in the event of a change in the service provided or such other change in the service user's circumstances as would affect their ability to contribute towards the cost of their care.

Couples

Where a service is provided to a service user who is married or lives with a partner as a couple, the charge assessment should include the income and capital of both the service user and their partner. To ensure that the assessed charge is fair, the upper and lower capital allowance for couples will be equal to double the single person's capital allowances. These capital allowances are described in section 6 below.

The income threshold to be included in the charge assessment for couples will be based on the age of the **elder** partner.

Income disregards will be applied to couples in the same way as individuals; the disregards are not doubled but are applied to both individuals on the basis of their respective incomes.

For example, if one has a war pension they receive a disregard; if both have war pensions then both receive a disregard.

Where there is any doubt or dispute regarding whether or not two people are living together as a couple, the Council will defer to the decision made by the Department for Work and Pensions when assessing the two people's entitlement to state benefits.

Terminally Ill Service Users

The Director has authority to waive or abate charges, for services chargeable under this policy, for service users who are diagnosed as terminally ill.

Adults with Incapacity

Where a service user is unable to deal with their own financial affairs due to incapacity, the department will liaise with another appropriate person, or persons, in order to gather information about the service user's financial affairs and to arrange for the collection of charges. Appropriate persons would include:

- Power of Attorney;
- Financial guardian, appointed in accordance with the Adults with Incapacity (Scotland) Act 2000;

- An individual permitted to act on the service user's behalf under an intervention order granted by a Sheriff Court under the Adults with Incapacity (Scotland) Act 2000;
- Department for Work and Pensions benefits appointee; or
- A relative, friend or advocate of the service user who assists the service user, with the service user's knowledge and agreement, to manage their financial affairs.

Incapacitated adults will be charged for the chargeable elements of their service in accordance with this policy.

Where the Council is unable to collect a service user's charges because they have no-one to manage their financial affairs and it is not financially viable to pursue a financial guardianship through the courts, a claim will be lodged against the service user's estate following their death to recover the accrued unpaid care charges.

Independent Living Fund

Service users eligible to claim financial assistance towards the cost of their care from the Independent Living Fund will be subject to charging for chargeable services under this policy.

Financial Hardship

In cases of particular hardship, the Director has delegated authority to waive all or part of the charges for the service(s) provided. This will ensure that this authority is used appropriately and consistently across Adult Services to ensure that all service users are treated fairly and equally and that the Department's ability to generate income is maximised. All or part of the weekly charge can be waived for up to 6 months when a review of the position will take place.

A waiver either in full or in part of a charge must be agreed *before* a service starts. Charges cannot be waived retrospectively. The Director can use this discretion in the following circumstances:

- For abnormal expenditure caused by serious or long term illness or disability;
- Where there are exceptional domestic circumstances; or
- Where there is exceptional need not recognised in the normal financial assessment procedure.

Non-payment of charges

The Council will pursue all charges not paid by people assessed as being able to pay through the Corporate Council Debt Recovery procedure.

Treatment of Incorrect financial assessment

If it is discovered that an incorrect financial assessment has led to a service user being charged too much or too little, the Council will carry out a new financial assessment, and will apply the correct charge from that date.

Where the Council has been given the correct financial information by the service user, or their representative, and has calculated the charge wrongly, the service user

will be reimbursed the full amount of any over-charge, and the Council will not seek to recover any amount by which they have been under-charged.

If any under-charge results from the service user, or their representative, providing us with incorrect financial information, the Council may seek to recover any amount by which the service user has been under-charged. If a service user, or their representative, provides the Council with incorrect financial information and this results in their being over-charged, the Council may refund the amount by which they have been over-charged.

3. Charging Structure

Charges for community based services will be levied in accordance with the structure defined in the table below:

Service	Charging Method
Homecare (including respite provided at home)	Means tested weekly charge
Housing Support and Supported Living	Means tested weekly charge
Daycare – Travel to daycare from home and return	Flat rate charges for transportation provided
Daycare – Meals provided whilst at daycare	Flat rate charges for meals and refreshments provided
Meals on Wheels	Flat rate charge for each meal provided
Lunch Clubs	Flat rate charge for each meal provided
Community Alarm and Telecare Services	Flat rate weekly charge
Occupational Therapy – Special Needs Equipment	Flat rate charge for equipment provided

All charges will be reviewed annually as part of the Council’s budget setting process.

The means test mechanism used by the Council to determine service users’ charges will be reviewed annually to ensure that it reflects any changes to:

- Government legislation or regulation relevant to charging for the services for which charges are assessed under the means test;
- The guidance issued by COSLA upon which the means test mechanism is based; and
- The allowances and premiums calculated by the Department for Work and Pensions which underpin the affordability test within the means test mechanism.

4. Home Care - Personal and Domestic Care

The following services can be broken down into personal and domestic tasks:

- Homecare, including homecare provided on a respite basis; and
- Supported Living.

Since the Council is required under the Community Care and Health (Scotland) Act 2002 to ensure that service users aged 65 and over are not charged for personal care, it is essential to define which tasks would be considered to be personal care and subsequently excluded from charging. For people aged under 65 Personal Care tasks are chargeable through the means-tested charging mechanism. The following list identifies those tasks that are classified as Personal Care:

1. Assistance with laundry associated with medical condition e.g. bed changing;
2. Special preparation of food associated with dietary requirements;
3. Assistance with eating/drinking;
4. Getting out of bed;
5. Going to bed;
6. Assistance with dressing/undressing;
7. Assistance with washing and bathing;
8. Assistance with personal grooming/dental Hygiene e.g. shaving and nail care;
9. Assistance with continence care;
10. Assistance with toileting;
11. Assistance with medication supervising/reminding;
12. Assistance with mobility;
13. Assistance with specialist feeding;
14. Assistance with stoma care;
15. Assistance with catheter care;
16. Assistance with skin care;
17. Administering of medication (including administering of oxygen);
18. Rehab Work (under support of professional); and
19. Food Preparation.

Note: The provision of Community alarms and other associated devices are **not** included in the above list.

The following list identifies those tasks that are classified as Domestic tasks which are subject to a means-tested charge:

1. Assistance with Laundry;
2. Assistance with shopping; and
3. Assistance with essential domestic tasks.

5. Housing Support

Housing Support services are subject to the same means test applied to charging for Personal Care (except for those aged over 65) and Domestic Care. Housing Support services include tasks which are intended to assist service users with the following:

1. Assistance with Life Skills – worker provides life skills training to the service user in maintaining the dwelling and curtilage (i.e. close, stairs, paths, bin area, garden pertaining to the service user's accommodation) in appropriate condition;
2. Service User Welfare – Worker assists the service user to engage with individuals, professionals and other bodies with an interest in the welfare of the service user;
3. Adaptations – Worker arranges adaptations to enable the service user to cope with disability;
4. Budgeting/Debt Management – Worker advises or assists the service user with personal budgeting and debt counselling;
5. Relationships/Neighbour Disputes – Advising or assisting the service user in dealing with relationships and disputes with neighbours; and
6. Benefits/Correspondence – Advising or assisting the service user in dealing with benefit claims and other official correspondence relevant to sustaining the occupancy of the dwelling.

6. Means-Tested Charging Mechanism: Home Care and Housing Support Services

The means test mechanism described below is based upon the model recommended by COSLA as representing best practice in finding the balance between maximising income generation and minimising reduced opportunity and financial hardship for service users.

The means test will be used to assess charges for home care and housing support services.

Service users who are eligible for relief under the means test will pay either:

- The Council's maximum charge for care; or
- The maximum that they can afford to pay, as determined using the means test.

Means Test Calculation

To determine the maximum amount the service user can afford to contribute towards their care package, the following calculation will be completed:

- (A) Total Assessed Income
- (B) Less Applicable Housing Costs
- (C) Less Applicable Disregards
- (D) Less Relevant Income Threshold
- (E) Equals residual income
- (F) Maximum charge is equal to residual income (E) multiplied by a taper of 50%.

A detailed explanation of each of the above steps is provided in the following section. The section on income has been split into income and capital and includes the rules for how different types of income and capital are to be treated in the means test mechanism. As detailed above the Council will not charge more than the cost of the service provided.

(A) Income

Income relates to the household income and includes the service user's income and spouse/partner's income if appropriate. Income is a payment which:

- Is made in respect of a period; and
- Forms part of a series of payments (whether or not payments are received regularly).

A payment of income is taken into account for a period equivalent to that which it represents, e.g. a payment due to be made weekly is taken into account for a week, a payment due to be made calendar monthly is taken into account for a month, but a weekly rate is calculated before assessment. Income is either: taken fully into account; partly disregarded; or fully disregarded.

Income Taken Fully into Account

- Most Social Security Benefits, including:
 - State Retirement Pension;
 - Attendance Allowance;
 - Disability Living Allowance (care component);
 - Job Seekers Allowance;
 - Income Support;

- Pension Credit;
- Industrial Death Benefit;
- Incapacity Benefit;
- Employment and Support Allowance;
- Maternity Allowance;
- Severe Disablement Allowance;
- Annuity Income;
- Occupational Pensions;
- Refund of Income Tax;
- Trust Income;
- War Orphan's Pension;
- Income from an insurance policy (except mortgage protection insurance);
- Income from sub-lets; and
- Income from disregarded capital.

The following are excluded from the weekly available income calculation:

- Any rent, or mortgage interest being paid;
- DLA Mobility Component;
- Direct payments made by a local authority under Section 12B of the Social Work (Scotland) Act 1968 to individuals in respect of a care service that they or a dependent child have been assessed as requiring;
- Child Support Maintenance Payments and Child Benefit;
- Child Tax Credit;
- Guardian's Allowance;
- War Pensioner's Mobility Supplement;
- Carers Allowance;
- Christmas Bonus;
- Council Tax and Housing Benefits (water and sewerage charges are not excluded);
- Gallantry Awards (GC, VC, similar from abroad);
- Social Fund payments;
- Winter Fuel Payments from DSS;
- Independent Living Fund Payments;
- War Widows' Special Payments;
- Any payment from a range of charitable and special funds;
- Income from a mortgage protection policy;
- Income from a "home income plan" annuity;
- Income in kind, not cash;
- Trainees' training premium and travelling expenses;
- Child benefit;
- £20 earning disregard;
- War Disablement Pension; and
- War Widow's Pension (but not War Widows' Special Payments).

Capital

A service user's resources are either capital or income. It may not always be obvious whether a payment should be treated as capital or income, but generally, a payment of capital is one which is:

- Not in respect of a specified period; and
- Not intended to form part of a series of payments.

Examples of capital are shown in the following list. The list is intended as a guide and is not exhaustive:

- Buildings;
- Land;
- National Savings Certificates and Ulster Savings Certificates;
- Premium Bonds;
- Stocks and shares;
- Capital held by the Court of Protection or a Receiver appointed by that Court;
- Any savings held in:
 - building society accounts - income which is paid into an account becomes capital once the period over which it is taken into account as income expires;
 - bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustees Savings Bank - income which is paid into an account becomes capital once the period over which it is taken into account as income expires;
- SAYE schemes;
- Unit Trusts;
- Co-operative share accounts;
- Cash; and
- Trust funds.

The Effect of Capital

It should be noted that where a service user is in receipt of Income Support or Pension Credit there will be no requirement for the Local Authority to calculate the capital tariff contribution as this exercise will have been carried out by the Department of Work & Pensions with an appropriate adjustment to the amount of Income Support or Pension Credit paid to service user.

Only available capital shall be taken into account. This precludes taking into account the value of a service user's home in charging for domiciliary home care services.

The lower capital thresholds and tariff charge increments are taken from the COSLA charging guidance. The rates will be reviewed annually to ensure that they match any changes in the DWP rules.

Tariff Income

Tariff income is meant to represent an amount that a service user with capital over a certain limit should be able to contribute towards their service costs, not the interest earning capacity of that capital.

(B) Applicable Housing Costs

Deductions will be made from the service user's assessed income for the following net housing costs:

- Rent;
- Mortgage payments;
- Council tax (including water and sewerage charges); and
- Interest payable on loans that have been taken out to improve, extend or adapt the service user's home, as long as they are related to the service user's disability.

(C) Applicable Disregard

The applicable disregard is the weekly equivalent total of all of the items of income which are partially or fully disregarded, as specified in the Income section of this policy.

Financial and charge assessments will be calculated on a **gross** basis and deductions detailed to ensure the transparency of the assessment for the service user and to avoid any confusion about how charges have been calculated.

(D) Relevant Income Threshold

Income thresholds represent the minimum amount of money which the Government, via the Department for Work and Pensions, determines that a service user of a particular age and circumstance requires to meet their weekly living costs. To ensure full compliance with the COSLA Guidance on Charging for Non-Residential Services, this policy requires that the Council's Income Thresholds are calculated using the allowances and premiums calculated by the Department for Work and Pensions for the purpose of determining minimum weekly living costs and that an additional 16.5% buffer is added thereto to minimise service users' exposure to financial hardship.

Income thresholds will be calculated annually and published for use within the Social Work Service. Staff undertaking financial and charge assessments should select the most appropriate threshold to apply to individual assessments using the following criteria:

- The age of the service user, and;
- Whether the service user is one of a couple or an individual.

When assessing a couple, threshold selection should **always** be determined on the circumstances of the **elder** member of the couple.

(E) Residual Income and the Taper

Residual income is the income which the service user has left over after deducting housing costs, disregarded income and weekly living costs (income threshold). The maximum charge that the service user can afford to pay is thereafter calculated on the basis of 50% of their residual income. The level of taper applied is at the Council's discretion and will be reviewed on an annual basis to ensure that a balance between cost recovery and fair charging is maintained.

(F) The Charge

The charge to a service user is equal to the lesser of the means tested charge for the service provided to each service user or the maximum charge levied by the Council for the service (this represents a capped charge in order to protect service users from excessive charges due to higher than average care needs). The maximum weekly charge levied by the Council will be £50 per week.

Worked Examples to explain how charges are calculated

Example 1

A 90 year old woman lives in a local authority house with full Council tax and Housing benefit, receiving 9.25 hours of personal care and 1.5 hours domestic care per week. None of these services are provided overnight. Her weekly income is £278.17. The total cost of her chargeable services is £22.05. The charge applied to this service user will be £22.05 per week, being the lower of the actual cost of provision and the tapered available income.

Example 2

Mr and Mrs A (aged 76 and 77) live in sheltered accommodation. They receive 14 hours of personal care, delivered overnight, and 2 hours of domestic care. Their income is £452.50 from: a retirement pension; pension credits; occupational pension; and, higher rate attendance allowance for both claimants. They also receive full housing and council tax benefit. The total cost of their chargeable services is £29.40. Their financial assessments indicated that they could afford to pay £103.25 per week towards the cost of their care. In this example the service users will pay the full cost of their chargeable services £29.40, being the lower of the actual cost of provision and the tapered available income.

Example 3

A 30 year old man with learning disabilities lives in a local authority house. He receives 5 hours personal care, 6 hours of domestic care, and 26 hours housing support per week which costs £555.00.

He receives Income Support of £102.10 plus a DLA care component of £47.80 per week. He also earns £65 a week from a part time job however qualifies for the higher earnings disregard of £20 because he is in receipt of DLA, therefore his earnings are noted as £45.00

His financial assessment indicated that he could afford to pay £36.45 per week towards the cost of his care. In this example the service user will be charged £36.45 per week, which is 50% of the 'residual income' calculated within the financial assessment form, as this is lower than the cost of service provision.

Worked Examples of Care Home Charges 2010/11

Description	Example 1	Example 2	Example 3
Support Hours:			
Personal Care	9.25	14.00	5.00
Domestic Care	1.50	0.00	6.00
Housing Support	Nil	2.00	26.00
Total Hours	10.75	16.00	37.00
Housing Benefit?	Yes	Yes	No
Chargeable Hours:			
Personal Care	Nil	Nil	5.00
Domestic Care	1.50	0.00	6.00
Housing Support	Nil	2.00	26.00
Total Hours	1.50	2.00	37.00
Cost of Chargeable Hours:	£22.05	£29.40	£555.00
Income:			
State Pension	£132.60	£156.15	Nil
DWP Benefits	Nil	Nil	£102.10
Occupational Pension	£50.00	£75.00	Nil
Pension Credit (over 60)	£20.57	£78.55	Nil
AA/DLA Care Component	£71.40	£142.80	£47.80
Earnings	Nil	Nil	£65.00
Less Earnings Disregard			-£20.00
Gross Income	£278.57	£452.50	£194.90
Less: Threshold	£155.00	£236.00	£109.00
Less: Housing Costs for Water and Sewerage charges	£10.00	£10.00	£13.00
= Available Income	£113.17	£206.50	£72.90
x Taper (50p in £)	£56.58	£103.25	£36.45
Actual Charge Applied	£22.05	£29.40	£36.45

7. Other Charges – Services Charged at a Flat-Rate

Meals on Wheels

Charges for the Meals on Wheels service will be levied at a flat rate per meal provided to the service user. The Council will review the charge for meals on wheels provision on an annual basis as part of the normal budgeting process. Charges for the Meals on Wheels service will be collected on a 4 weekly in arrears basis.

Lunch Clubs

Charges of the Lunch Club service will be levied at a flat rate per meal provided to the service user. The Council will review the charge for lunch club provision on an annual basis as part of the normal budgeting process. Charges for the Lunch Club service will be collected at the point of delivery with the exception of Lunch Club services provided to service users suffering from Dementia, where charges will be collected on a 4 weekly in arrears basis.

Transport to Day Care

Transport to and from day care facilities, including to resource centres, provided by the Council, directly using Council vehicles or indirectly by private transport companies including minicab companies, will be charged at a flat rate per single journey, either to or from the day care facility. The Council will review the charge for transport provided on an annual basis as part of the normal budgeting process. Charges for transport services will be collected at the point of delivery.

Day Care Meals Provision

Charges for the meals provided to service users at day care centres will be levied at a flat rate per day when meals are provided. The Council will review the charge for meals taken whilst attending day care provision on an annual basis as part of the normal budgeting process. Charges for meals provided at day care centres will be collected at the point of delivery by the day care centres delivering the users service.

Community Alarms and Telecare Services

Charges for the Community Alarms (including Telecare) provided to service users at home will be levied at a flat rate per week of provision. The Council will review the charge for Community Alarm provision on an annual basis as part of the normal budgeting process.

Charges for Community Alarms will be collected 4-weekly in arrears by invoice.

Special Needs Equipment

The provision of special needs adaptations is provided free of charge for those living in Council houses. For those living in non-Council houses (rented or owned) the service user will require to contribute to the cost of the adaptation (see Policy). Special Needs Equipment provided following assessment is chargeable to service users at a flat rate depending on the value of equipment provided. Equipment provided from the NHS is not charged. The Council will review the charge for special needs equipment provision on an annual basis as part of the normal budgeting process. Charges for special needs equipment is in arrears following the provision and fitting of the equipment by invoice.