

**CHARGES APPLYING TO SOCIAL CARE  
SUPPORT FOR PEOPLE AT HOME  
2024 – 2025**

**NON-RESIDENTIAL CHARGING POLICY**



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## 1. Charging Policy Background

- 1.1. East Lothian Health and Social Partnership (ELHSCP) have a strategic aim to enable people to live at home independently, safely and for as long as possible.
- 1.2. This Charging Policy explains how East Lothian Council considers and calculates a service user's ability to contribute towards their care and support package. Income generated from contributions enables ELHSCP to continue providing a service to all those who have an assessed need and supports the development and delivery of high quality services.
- 1.3. The provision of social care support at home will always be based legally on need rather than the ability to pay.
- 1.4. Service users will not be required to contribute more than it costs to provide the services and for some charges a financial assessment will be carried out to determine individual contribution level.
- 1.5. ELHSCP charges for Non- Residential Care and Support adheres to all current legislation. In developing this guidance we promote a human rights-based approach, drawing on the PANEL principles<sup>1</sup>;
  - Participation: ensuring people requiring care and support are consulted on significant change
  - Accountability: ensuring transparency
  - Non- Discrimination and equality: ensuring fairness and consistency.
  - Empowerment: ensuring an individual has access to a full range of services and support
  - Legality: ensuring information in relation to the Charging Policy is accessible.
- 1.6. Although ELHSCP implement the charges for the services they deliver, East Lothian Council remain responsible for setting the charges. The implementation and income generated is devolved to ELHSCP.
- 1.7. In coming to a view about the quantum of resource to be raised through charges, it is important ELHSCP and ELC continue to consider the cost associated with different policy options. For example, a decision to completely eliminate charges would deliver maximum relief to those who would otherwise have been charged but will restrict the quality or range of social care support that might have been provided to the general population in need of social care. On the other hand, a charging regime that focuses solely on raising additional income could place at risk the overall well-being of those who are asked to pay the charges and their families and carers. This can, in turn, place an additional burden on other public sector services such as health services, social work and the police. This point is considered whilst developing and implanting charges.

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<sup>1</sup> UN endorsed approach to human rights

## **2. Removal of Social Care Charging update**

**2.1.** The Scottish Government committed to developing options to end charging for non-residential social care support. COSLA and Scottish Government have committed to this through the joint statement of intent<sup>2</sup> and are working together to engage with the sector to develop options for implementation. Local Authorities and Health and Social Care Partnerships will be engaged with this process through the relevant working groups and the COSLA Charging Working Group. This will be subject to the relevant political agreement from COSLA Leaders and the parliamentary and budget process.

**2.2.** 2024 Update: The Government have been unable to progress the removal of charges and the position remains unchanged and further challenged by current national financial position of Health and Social Care. There has been no indicative timescale for the removal of social care charges to be implemented.

## **3. Policy Aims**

**3.1.** This Policy aims to explain how much people who use Non-Residential Care Services will have to pay towards the cost of the services they receive. It is intended to help staff, service providers, people who use our services and other interested groups to understand how we will calculate the charges service users may be asked to pay for the services provided or purchased by ELHSCP.

**3.2.** This policy sets out and describes the principles on which it is based, the types of services that it covers and explains the financial assessment process used to determine individual contributions. It further sets out how people can appeal the amount they contribute if they deem that this will cause them hardship and where and how information on the charging policy and the processes involved can be found and accessed.

**3.3.** The policy aims to:

- be clear and transparent so people who use services know how much they should pay for the services they receive
- detail which services are charged for (and how) and which services are free
- ensure that people are aware of their rights and responsibilities

**3.4.** Set out a simple way for people to have their charges reviewed and to appeal and easily submit comments and complaints.

**3.5.** This policy is in line with COSLA guidance. The 2024-2025 revision of the COSLA Guidance represents continued progress toward securing the outcomes identified as part of the ongoing review and revision of the Charging Guidance for Non-residential Social Care Services in Scotland. The relevant sections were updated to reflect compliance with the annual uprating of the Department of Work and Pensions (DWP) benefits used to set the charging thresholds, tapers etc have been revised as part of this process and amended accordingly.

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<sup>2</sup> [Adult social care - independent review: joint statement of intent - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/06/Adult-social-care-independent-review-joint-statement-of-intent/)

## **4. Principles and Legal basis on which the Charging Policy is based**

**4.1.** In preparing the Charging Policy, ELHSCP is committed to adhering to a set of underlying principles which are identified below. These are:

- (a) A fair charge – we will not charge more than the cost of providing the service.
- (b) A commitment to equity – people who use our services will be treated fairly and an individual's ability to pay does not affect the provision of assessed care/support.
- (c) A commitment to transparency – people who use our services will know how and why they are being charged for a particular service, wherever possible before the service starts.
- (d) Ability to Pay – people will not be asked to contribute more than they can afford towards the cost of the service they use.
- (e) A commitment to full compliance with national guidance and legislation including:
  - National Assistance Act 1948
  - Social Work (Scotland) Act 1968
  - National Assistance (Assessment of Resources) Regulations 1992
  - Community Care and Health (Scotland) Act 2002
  - Mental Health (Care and Treatment) (Scotland) Act 2003
  - COSLA's Guidance on Charging Policies That Enable People to Remain in Their Own Home, issued in 2002 and updated in 2006
  - Housing (Scotland) Act 2001 (Housing Support Services Information) Regulations 2002
  - Guidance on Free Personal and Nursing Care in Scotland 2003
  - Social Care (Self-Directed Support) (Scotland) Act 2013
  - Carers (Scotland) Act 2016
  - COSLA National Strategy and Guidance. Charges Applying to Non-Residential Social Care Services 2020/21
  - Frank's Law.
  - Equality Act 2010
  - Social Security (Scotland) Act 2018

### **Devolved Social Security**

**4.2.** The Scotland Act 2016 devolved, from the UK Parliament to the Scottish Parliament, legislative competence over disability benefits, industrial injuries, carer's benefits, benefits for maternity, funeral and heating expenses and Discretionary Housing Payments. As well as this, the Scottish Parliament can now legislate to top up benefits which remain reserved to the UK Parliament, and to create new social security benefits in any area except old age pensions or where there is a connection to a matter reserved to the UK Parliament. ( as well as child support maintenance or reserved aspects of employment support).

**4.3.** The Social Security (Scotland) Act 2018 set out the Scottish Government's powers to administer benefits in these areas in accordance with regulations. The Scottish Government currently administers the following benefits using these powers: Best Start Grants, Best Start Foods, Carer's Allowance Supplement, Funeral Support Payment, Job

Start Payment, the Young Carer Grant, the Scottish Child Payment Child Winter Heating Assistance and the Child Disability Payment.

**4.4.** The Scottish Government is starting to roll-out Adult Disability Payment (ADP), followed by Pension Age Disability Payment (PADP). These two benefits will replace Personal Independence Payment (PIP) / Adult DLA and Attendance Allowance (AA). Individuals in Scotland in receipt of DLA, PIP or AA will continue to receive these benefits from the DWP until they have been transferred on to the Scottish system. The Scottish Government is aiming complete case transfer by 2025. In order to facilitate a safe and secure case transfer, the eligibility criteria for CDP, ADP and PADP, and the rates of entitlement, are substantially the same as the DWP disability benefits that they will each replace. Taking this approach has still allowed for a number of changes to be made to improve people's experience of applying for disability benefits. With each new form of Disability Assistance, the Scottish Government will legislate to ensure individuals in receipt of CDP, ADP or PADP will have access the same passported entitlements and income disregards as individuals with an equivalent award of DLA, PIP or AA.

**4.5.** The Scottish Government's Adult Disability Payment was rolled out nationally for new applications from 29th August 2022.

**4.6.** Throughout this guidance the term 'Disability Assistance' is used to refer to CDP, ADP and PADP collectively.

## **5. Capital and Savings**

**5.1.** The term Capital includes all savings, investments, bonds, assets and property owned by the supported person.

### **5.2. Disregarded Capital**

Some Capital is disregarded; therefore this money will not be included in your financial assessment and won't count towards your final contribution. Disregarded capital includes:

**5.2.1.** The value of the service user's main residence only.

**5.2.2.** Bonds with life assurance

**5.2.3.** Jointly Owned capital.

**5.3.** East Lothian Council will determine what is reasonable and a proportionate value of a joint owned capital on a case-by-case basis. The table below sets out the basis for the treatment of joint ownership of income/capital.

<b>Ownership of income/capital</b>	<b>Treatment of Income/capital</b>
Solely owned by Individual	Taken into account subject to normal disregards
Solely Owned by Partner	Should not routinely be taken into account as part of financial assessment. This will be looked at on a case by case basis.
Jointly Owned	Normally the individual is considered to be in possession of an equal share of any joint financial resource
DWP Payments paid to one member of a couple at couples' rates, for example, pension credit, income support etc.)	It would be appropriate to consider / determine what proportion of such income is "reasonable" to consider as part of the individual's means

**5.4.** Joint savings account will be assumed to be owned in equal shares between the named account holders and only the service users' share of the capital will be taken into account. Capital in joint accounts can be treated differently if there is evidence that it is actually owned in different proportion.

**5.5.** Capital up to a set lower limit will be disregarded for all service users and NOT taken into account when assessing charges. However, if a service user has Capital above a set upper limit they will be expected to pay the FULL charge for all chargeable services they receive (excluding any service which are free). See Appendix C for details of these set limits.

**5.6.** Where service users' have capital between the lower and higher limits a tariff income will be assumed and taken into account.

## **6. Non-Residential Social Care Services – Nil Contribution**

**6.1.** East Lothian Council and East Lothian Health and Social Care Partnership provide some social care services directly but also contracts with a number of other organisations to provide services (most commonly Care at Home Services). Charges for any of these social care services will be calculated under this policy regardless of whether the Council has directly provided the care or contracted for the care with an external organisation. All services provided by NHS are free.

**6.2.** Not all non-residential care services are charged for – some are provided for free. Details of the services which are free and the services which are charged for is set out in Appendix A, these are reviewed annually.

### **6.3. Services following discharge from hospital**

Any new or additional services put in place following discharge from an unplanned admission to hospital will be free for a six-week period. All chargeable services that were in place prior to admission and that continue after discharge will continue to be chargeable from the date of discharge.

#### **6.4. Adaptations and equipment**

Adaptations are provided free of charge except in the situation where a person qualifies for a Private Sector Housing Grant (PSHG) which are generally for large scale adaptations to private homes. People who qualify for a PSHG may be required to make a contribution towards the adaptation will be required (up to a maximum of 20% of the cost) depending on a separate financial assessment.

#### **6.5. Private arrangements**

Note that in some instances service users will ask care providers to provide either services which are additional to or greater than the amount of a service arranged by the Council or Health and Social Care Partnership. There is nothing to stop people making such arrangements but these are private and you will be required to pay whatever charge you agree with the provider

### **7. People who do NOT have to pay charges for Non-Residential Care Services**

**7.1.** Some people are exempt from paying charges and will not be financial assessed for the services they use.

**7.2. People receiving End of Life Care.** The Scottish Government have introduced (July 2021) a new definition of terminal illness for the purposes of determining entitlement to disability benefits<sup>3</sup>. This means that for all devolved disability benefits, whether a person is eligible will depend on the clinical judgement of a medical practitioner or registered nurse involved in the care or diagnosis of the individual (having paid regard to Chief Medical Officer guidance that the individual has a progressive disease that can be reasonably expected to cause the individual's death). Where this is the case, charges for social care are waived. This prognosis should be evidenced through a BASRiS form or a letter from the individual's General Practitioner or hospital consultant confirming the individual has already been awarded a BASRiS. In situations where a client has a DS1500 this can also be accepted to confirm prognosis.

**7.3. People with a mental illness who are either detained** in hospital or on a community based compulsory treatment order under the Mental Health Care and Treatment (Scotland) Act 2003

### **8. Chargeable Services.**

#### **Community Based Support**

**8.1.** Services that are based in buildings to provide an individual with opportunities to socialise and be part of their community are chargeable based on a financial assessment.

Services that are based out with a building base to support individuals with opportunities to socialise and be part of their community are not chargeable. The charge excludes Day centres for older people whose centres charge the individual for attendance.

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<sup>3</sup> [Terminal illness and Disability Assistance: policy position paper - gov.scot \(www.gov.scot\)](http://www.gov.scot/policy-position-papers/terminal-illness-and-disability-assistance)



## **Flat Rate Charges**

Some services will be charged without an individual being financially assessed. These charges are at a set rate. If someone feels they are unable to pay the flat rate they have the right to appeal against the charge through the Appeals Process. The following incur a flat rate charge;

### **8.1.1. Frozen Meal Service**

There is a charge per meal for this service. See Appendix A for details. However, if a service user needs a freezer and/or microwave, these will be provided on-loan.

### **8.1.2. Community Alarm Service**

There is a charge for the 24 hour monitoring of the Community Alarm and Telecare service. This service is invoiced every six months (April and October) in arrears. However, people are encouraged to pay via Direct Debit each month.

### **8.1.3. Transport**

Transport to and from assessed day opportunities as per the individuals support plan, is financially assessed. For all other transport, there will be a flat rate charge.

## **9. Personal Budgets and Application of Charges**

**9.1.** Government legislation introduced Self-Directed Support (SDS) as the framework for delivering person-centred social care and support. This aims to enable people to have more choice and control over how their support needs are met. The amount of money required to manage the risks of a person's situation and achieve their agreed outcomes in relation to their health and wellbeing is referred to as their Personal Budget. The budget is based on the whole cost of the service to be delivered as opposed to the number of hours of service delivery. The assessed equivalent hours in the individuals support plan, will be used to calculate the chargeable element of their personal budget.

**9.2.** Not all service users and carers will spend all of their Personal Budgets meaning that people may pay for services they have not used. At the end of each year, the charge will be reconciled against the actual spend on the chargeable element of the Personal Budget. The charge will either be used as a credit towards the following year's charges or will be refunded to the service user.

## **10. Respite and Temporary Admissions to Care in a Residential Setting**

**10.1.** As well as care or support at home, part of some cared-for people's support includes respite at a non-residential care setting. If the cared-for person is assessed as requiring

this support, and this support is **not** due to carer need, the Council may charge for respite depending on the financial assessment.

**10.2.** For provision of respite/short breaks to meet a carer need, please refer to clause 11.

## **11. Services provided to support Carers**

**11.1.** Any services that are provided to meet carer need are not to be charged for as per the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 and the Carers (Scotland) Act 2016. In practice many aspects of care and support provided will benefit both the person using the service and any carer.

**11.2.** For example, a service user attending a day centre will benefit through the positive environment and engagement with others but it will benefit the carer by enabling them to have a break. The key issue is the primary purpose of the care and support provided. In most instances support for a service user will primarily be in order to meet their needs, but in some cases the additional support may primarily be to keep the situation manageable for the carer by reducing carer stress, ensuring they have better balance in their lives, or supporting them in other ways.

**11.3.** Support provided to meet carer need may be in the form of replacement care in lieu of care normally provided by the carer, but does not have to be a like-for-like service. It could also be in the form of a short break, either through a stay in a care home, a sitter service, day opportunities, or through provision of additional care at home services. Support for carers may be arranged for short periods of time, or may be spaced more regularly through the cared-for person's support package for time-limited periods (i.e. a few hours per week to allow the carer time away from caring to meet friends or do activities of their choosing).

**11.4.** ELHSCP's position is that a carer can receive replacement care and/or short breaks free of charge if:

- The carer has an Adult Carer Support Plan and their needs meet the ELHSCP Carer eligibility criteria at substantial or critical.
- The carer would be unable to take the break from caring or meet their needs without the provision of replacement care and that care / support cannot be provided by family support or universal services.
- The primary purpose of the replacement care/break is to meet the identified needs of the carer.
- The carer is willing and able to continue to provide the same level of care and resume the caring role after the support has been put in place. In other words, the support is about enabling the carer to continue in their caring role rather than a long term reduction in the care that they are able to provide.
- The support being provided is within the carer's indicative budget.

**11.5.** In cases where the support put in place meets both the carer and the cared-for person's needs, support provided to the carer will be free of charge. However, the portion of support provided to the cared-for person may remain chargeable.

## 12. Financial Assessment Process

- 12.1.** Individuals in receipt of chargeable non-residential care services will be asked to undergo a financial assessment to determine how much they can afford to pay towards the cost of the services they receive. In the case of all other services the requirement is to ensure that people in receipt of care services are not placed in financial hardship as a consequence of the way in which the services are charged.
- 12.2.** The financial assessment will take into account most (but not all) of a person's income and capital, whilst allowing a predetermined threshold of income for general living expenses as well as some additional relevant disregards. Where a person has income below this threshold, they will not be asked to make a contribution towards the cost of their care (except for any flat rate charges set out in Appendix A.)
- 12.3.** Service users(s) whose income exceeds this threshold figure are liable to contribute towards the cost of their non-residential care services with the exact amount being calculated by the financial assessment.
- 12.4.** The financial assessment process involves a number of steps:
1. Identifying the amount of chargeable services a person receives and working out the full charge for those services. All services which are free will be excluded.
  2. Identifying if the services users is exempt from being charged.
  3. Calculating the service users "Chargeable Income". This is their total income plus any tariff (savings) income less any disregarded income and less any additional allowances
  4. Identifying the appropriate Threshold ( see 13.3)
  5. Applying the Taper rate ( See 13.4)
  6. Calculating the financially assessed charge payable
  7. Calculating any flat rate charges to be added.
- 12.5. Calculating Chargeable Income**  
The resulting balance (after all disregards and allowances have been deducted and any tariff (savings) income added – and after rounding up to the nearest pound) is referred to as the service users' chargeable income.
- 12.6.** Most income will be taken into account when calculating chargeable income including most welfare benefits, salary payments, etc.

Certain types of income are disregarded and will NOT be taken into account when assessing a person's ability to make a contribution including the following:

- Disability Living Allowance Mobility Component

- PIP Mobility Component
- First £20 of earned income (such as salary) or any monies earned through Permitted Work in line with DWP Assessment
- Payments from War Disablement Pension or made under the Armed Forces Compensation Scheme
- People in receipt of the high rates of Disability Living Allowance Care Component, Attendance Allowance or PIP Daily Living Component will only have the Middle Rate of DLA or the standard rate of PIP or Lower Rate of Attendance Allowance taken into account if they do not have night time care need provided.
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children or the service user's partner (e.g. elements within Universal Credit, Child Benefit and any disability benefits)
- Winter Fuel payments and Christmas Bonus paid with benefits
- All interest from savings (but tariff income is taken into account instead – see below)
- Any income from charitable sources including income received in lieu of Coal

This is not an exhaustive list and further information on the type of income that may be taken into account can be found in Appendix D

### **12.7. Tariff Income**

An individual will be treated as having an assumed (tariff) income from any capital above the lower capital threshold. For details see Appendix C

### **12.8. Compensation Payments**

Whilst this policy follows DWP guidance in relation to capital, for the purposes of compensation payments (including compensation payments held in Trust) East Lothian Health and Social Care Partnership will establish the breakdown of any compensation award and consider whether some elements of compensation payments should be included when assessing a supported person's ability to pay a charge. This may include compensation paid to address future care needs. Whether compensation payments should be included in assessing a person's ability to pay should be determined on a case-by-case basis, depending on the settlement information that relates to future care needs, and where necessary informed by relevant legal input.

### **12.9. Additional Allowances**

In addition, certain types of expenditure can be offset against the services user's income following COSLA guidance. These include allowances for the following costs:

- Net housing costs payable (rent, service charges, mortgage, etc) after any benefits awarded have been taken into account.
- Net council tax payable after any benefits paid to meet the costs have been taken into account
- Water and sewerage charges payable.
- Contributions made towards the costs of Independent Living Fund support where relevant.

### **12.10. Disability Related Expenditure (DRE)**

The Social Work (Scotland) Act provides the legal basis for charging for social care support at home. Under s87 of the Act charges must be both “reasonable and practicable” for an individual to pay. Understanding the associated additional daily living costs of living with an illness or an impairment is essential to ensure charging is set at an appropriate level.

### **12.11. The following is considered when applying DRE to a Financial Assessment,**

- Information you give us including the receipts and any other evidence in relation to DRE.
- Check to see if the costs you have given us are to do with your care needs that are in your support plan.
- Check to see if any income you receive already covers these costs. For example, a community alarm system paid within housing benefit, support to a carer from a Carers Budget to pay for cleaning or gardening.
- Consider whether the costs you have asked us to consider are already available from the NHS.

Please see Appendix B for detail on Disability Related Expenditure.

### **12.12. Charging Thresholds**

A charging threshold is the set level of income below which a person can receive community care services without needing to pay a contribution or charge toward the cost of the services they receive. The charging thresholds are linked to rates set by the UK Government Department for Work and Pensions and are based on welfare benefit rates. This threshold ensures a person retains a level of income to meet their daily living expenses. The thresholds are generally reviewed annually and details are in Appendix C.

### **12.13. Taper Rates**

The taper rate is a percentage of the service user’s chargeable income, which is then used to calculate how much of a client’s income above the threshold figure is taken into account in calculating the charge. The taper rates are set by the Local Authority and reviewed annually.

## **13. Additional Information**

### **13.1. Deprivation or gifting of capital**

If the Local Authority considered that a person has deprived themselves of a capital asset in order to avoid or reduce charges for services, then it may treat the person as still possessing that capital asset when assessing their ability to pay for services. Additionally, in some circumstances, the Council may be able to recover the cost of care from the person who received the capital asset or the person may be assessed as though they still own it.

### **13.2. All cases where capital has been ‘gifted’ or otherwise transferred will be assessed on an individual basis to determine whether or not the value of the capital should be taken**

into account in the financial assessment. If anyone has any concerns about the impact that gifting or transferring capital may have on their charges are urged to discuss this in advance of taking any actions which may be considered deprivation of capital.

## **Earnings**

- 13.3.** Where a supported person or their partner is in receipt of earned income when assessing chargeable income, Local Authorities and Integration Authorities should only take account of net earnings. In addition, they should also apply minimum earnings disregard of at least £20.

## **Independent Living Fund**

- 13.4.** Payments from the Independent Living Fund Scotland (ILF) will be disregarded in a financial assessment. Therefore individuals in receipt of ILF will not be charged twice for services.
- 13.5.** ILF currently have a maximum charge of £43 per week. (2023-24)

## **14. People who do not wish to be financially assessed.**

People who do not wish to declare their financial details can opt not to be financially assessed. However, they will be required to pay the full charges for their care, with the exception of any free personal care element. In many circumstances people will be better off completing a financial assessment so it is our policy to advise them to do so.

## **15. Changes in circumstances**

If there are changes in an individual's circumstances that may affect the current financial assessment, increases or reductions in income or expenditure e.g., award of Attendance Allowance, Disability Allowance, Personal Independence Payment, Employment Support Allowance, Pension Credit or Income Support, it is essential to notify the Financial Assessment Team (phone 01620 827 901 or email [awfinancialassess@eastlothian.gov.uk](mailto:awfinancialassess@eastlothian.gov.uk)) and request a reassessment. Failure to do this may result in an individual being liable to pay a backdated charge.

## **16. Written notification of charges**

- 16.1.** People who use our services will be given information about charges at the time of their assessment and a Financial Assessment Form will be completed where required.
- 16.2.** The person and their financial representative, will be advised of their assessed charge in writing. People will also be notified in writing of where they can access advice and advocacy around charges.
- 16.3.** Contributions will be payable from the date the person first receives support. If the financial assessment is completed after this date, contributions will be backdated to the date the person first received support. Contributions will be reviewed in August each year. One months notice will be given if the charge is increased.

## **17. Hardship, concerns or questions about financial assessments or charges**

If you have concerns about how your charges have been assessed or if paying them may cause you hardship you should first contact the Financial Assessment Team (phone 01620 827 901 or email [awfinancialassess@eastlothian.gov.uk](mailto:awfinancialassess@eastlothian.gov.uk), who will provide you with a detailed written explanation of the basis of the calculation, ensure that all relevant disregards and allowances have been applied and check the accuracy of the financial assessment. Also, independent advocacy and support is available.

If it is discovered that an incorrect financial assessment has led to someone being charged too much or too little, a new financial assessment will be undertaken and the correct charge will be applied.

If the assessment is correct, but you remain concerned that the charges will cause you hardship you can appeal against the charges – see Appendix E for details of the process.

### **17.1. Advice and Advocacy**

East Lothian Council's Financial Assessment Team (and ELHSCP Appeals Panel) will advise and assist service users and people concerned about charges to access advocacy support from services including:

- Carers or East Lothian <https://coel.org.uk/> 0131 665 0135
- CAPS Independent Advocacy 0131 273 5118 [Make contact - CAPS \(capsadvocacy.org\)](#)
- EARS Advocacy [www.ears-advocacy.org.uk](http://www.ears-advocacy.org.uk) 0131 478 8866
- Partners In Advocacy [www.partnersinadvocacy.org.uk](http://www.partnersinadvocacy.org.uk) 0131 478 7723
- Citizen Advice Scotland <https://www.citizensadvice.org.uk/scotland/>

## **18. Income Maximization**

East Lothian Council's Financial Assessment Team can also provide advice on income maximization to ensure service users are claiming all entitlements. In order to assess this accurately, the Financial Assessment Team will require full disclosure of financial information relating to the household and not solely the service user.

## **19. Debt Recovery**

East Lothian Council will have the right to pursue all charges not paid, by people assessed as being able to pay, through the Council Corporate Debt Recovery procedure. Services must continue, whilst payments are being disputed.

During the period of any appeal or complaint, invoices will continue to be sent (and in some exceptional circumstances, this may not be appropriate). If the person wishes to pay the invoices and the appeal is upheld, any payments made will be refunded. There will not be active debt recovery activity by the council during an appeal hearing.

## **Appendix A**

### **1. Services where charges are financially assessed**

A charge will be applied for the following services provided (or arranged) by East Lothian Council and East Lothian Health and Social Care Partnerships. The total charge for all of these services will be added together but the actual maximum weekly charge people have to pay will be limited by the financial assessment set out in this policy.

<b>Service</b>	<b>Full Charge (actual charge will depend on financial assessment) 2024-2025</b>
Personal Support at Home Services (which are not Personal Care) for people over 18 when arranged by ELHSCP	£17.05per hour .
Resource Centres and other building based community support sessions (3 hours)	£2.39 per person, per session
1 session with transport (discount bundle)	£3.55 per person
2 sessions with transport (discount bundle)	£5.88 per person

## **2. Services where charges are a Flat Rate**

A charge will be applied for the following services provided (or arranged) by East Lothian Council and East Lothian Health and Social Care Partnerships IN ADDITION to any maximum weekly charge calculated by the financial assessment for the above services.

<b>Service</b>	<b>Charge</b>
Meals Provided At Home	£4.20 per meal
Community Alarm Service	£4.50per
Transport per journey (to destinations other than day centres and resource centres)	£2.47 per person, per journey

## **3. Services which are not charged for**

All other services provided (or arranged) by East Lothian Council and East Lothian Health and Social Care Partnerships are free and no charge will be applied. This includes services such as:

## **4. Personal Care Services**

Personal Care Services are services which assist people with things like:

- **Personal Hygiene** - Bathing, showering, hair washing, shaving, oral hygiene, nail care
- **Continence Management** - Toileting, catheter/stoma care, skin care, incontinence laundry, bed changing
- **Food and Diet** - Assistance with the preparation of food and assistance with the fulfilment of special dietary needs



- **Problems with Immobility** - Dealing with the consequences of being immobile or substantially immobile
- **Counselling and Support** - Behaviour management, psychological support, reminding devices
- **Simple Treatments** - Assistance with medication (including eye drops), application of creams and lotions, simple dressings, oxygen therapy
- **Personal Assistance** - Assistance with dressing, surgical appliances, prostheses, mechanical and manual aids. Assistance to get up and go to bed. Transfers including the use of a hoist

For more details see [Free personal and nursing care: questions and answers - gov.scot \(www.gov.scot\)](http://www.gov.scot/free-personal-and-nursing-care-questions-and-answers)

- **Personal Care and Support services provided by either the Hospital To Home or the Hospital At Home Teams.**
- Services provided by the **Justice Social Work Team**
- **Support from Social Workers** or other Social Care Professionals including
  - Information and Advice
  - Needs Assessment
  - Care Management
- **Laundry services** for people who have severe incontinence
- **Minor adaptations and equipment**

## Appendix B

### Factsheet; Disability Related Expenditure (DRE)

#### What is disability related expenditure (DRE)?

Disability related expenditure is money that you spend on items and services that helps you manage or cope with a disability or a long-term health condition. It is money that we may recognise as an 'outgoing' when we do a financial assessment to find out how much you can afford to pay towards your care.

#### Thinking about what would be disability related expenditure

It can be difficult to think about disability related expenditure and what costs relate to your disability and what costs relate to day-to-day life. Try to think about what is different between what you have to spend compared to a relative, friend or neighbour who does not have your disability or long-term health condition.

#### Disability related expenditure costs usually fall into one of these two categories:

1. Specialised items and services: you may use things that are made especially to help with your disability, such as wheelchairs and care support. These items may have additional costs, like repair and insurance.
2. Increased use of non-specialised items and services: you may have to use things more because of your disability, such as transport or heating.

#### This guide sets out our standard or maximum allowances for disability related expenses:

- Costs for disability related services that support the whole household (like a cleaner) will be shared equally between all adults in the household (unless you have a good reason for us to consider a different way of sharing costs).
- Where a service is made up of different elements we will only consider costs for the part(s) that meet a disability related need. Hairdressing is a good example - we will allow a claim for the cost of washing your hair if your disability prevents you doing this yourself, but not the cost of cutting/styling as most people have to pay for this.
- You must provide bills, invoices and statements to support your claim. If you don't we will use our discretion to decide if your claim is reasonable.
- Allowances for special equipment needed due to a disability or condition will be based on the life span of the equipment and either the purchase price you paid or a lower cost alternative if that we believe would be reasonable to meet you're identified needs.
- If you must pay for maintenance of equipment - we will make an allowance for this in your financial assessment.

#### Please Note: We won't consider costs incurred for:

- General items or services required for daily living and used by the general population;

- Any item or service met by a payment from a Grant or where another funding source has been provided;
- The difference between the actual cost and a lower cost alternative where we consider it was reasonable for a lower cost alternative;
- Structural or landscaping work (e.g. tree surgery, path laying or re-laying) in gardens or to buildings unless:
  - The work is to help prevent falls (e.g. installing hand rails or repairing footpaths or
  - The modifications to the garden or building are essential for you to be able to use/store securely scooter or wheelchair that you need to use, or to provide secure storage for a scooter and the facility is used as such. In this case, the amount will be calculated as if the modifications were equipment with a suitable life span applied.

### Calculating Disability Related Expenditure

Once DRE has been it will be deducted from your chargeable income and a final contribution to your services will be calculated.

### Disability Related Expenditure

<b>Disability Related Expenditure Item</b>	<b>Example</b>	<b>Evidence Required.</b>
Privately-arranged registered care services (including respite care)	Allowable ONLY where this is part of an agreed care assessment and support plan AND the council arranged support is reduced accordingly.	Invoices or bills from the provider/ personal assistants
Additional laundry and replacement bedding costs (where more than 4 loads washing/week needed due to incontinence or other disability-related or medical reason)	If you have to use a special detergent and do more laundry which exceeds 4 loads per week because of incontinence or risk of infection. A fixed amount of £4.85 per week.	Details required about the number of loads of washing each week detailed in care assessment or support plan.
Specific diet / pureed food	Extra food costs specific to your impairment and not available on the NHS. Only the price difference between a specialist product and a regular item will be consider at our discretion.	Receipts or invoices and needs identified in care assessment or support plan.

Additional clothing and footwear	Expenditure on footwear over £45 per pair of specialist shoes (averaged over 1 year). For specialist clothing and frequent replacements – up to £8.40 per week – if good reason.	Receipts of purchases Need to be identified in care assessment or support plan
Heating costs	Your heating costs are higher due to your impairment and allowed if the amount is over and above the following fuel bills expected for the size of your property, as follows: Annual Average fuel amounts: Flat/Terrace – single occupancy – £2,130 Flat/Terrace – couple/shared occupancy – £2,810 Semi-detached – single occupancy – £2,260 Semi-detached – couple/shared occupancy: £2,987 Detached – single occupancy £2,752 Detached – couple/shared occupancy £3,631	Bills from your energy provider/ bank statements for a 12 month period.
Basic gardening	Only considered where there is no other able bodied person is residing in the household or not provided by family. A maximum contribution of £163.64 per annum.	Invoices or bills from the provider and identified in care assessment or support plan and not already provided by a Carers Budget.
Basic cleaning	Disability or condition prevents the person doing this themselves and only where there is no other able bodied person residing in the household or not provided by family. A maximum contribution up to £1,300 per annum	Invoices or bills from the provider and identified in care assessment or support plan and not already provided by a Carers Budget.
Purchase and maintenance of equipment	Equipment includes hoists, powered and turning beds, scooter/wheelchair and stair lifts. For wheelchair and mobility equipment these costs will be allowed net of any DLA mobility component received.	Invoices or bills from provider (excluding any Council/NHS/DFG funding) and identified in care assessment or support plan.

Transport costs if necessitated by illness or disability (If transport is not provided by Adult Social Care or Health)	Actual costs, net of any DLA Mobility received, or PIP Mobility received, if they are incurred solely or mainly due to disability and the needs are identified in the Assessment. Allow actual commercial costs (if reasonable) up to £28.40/week or more if evidence is provided. Allow payments to relatives if up to £14.20/week.	Receipts or bills from provider and identified in care assessment or support plan.
Chiropody	Actual cost up to a maximum £360 averaged over one year (equivalent to max £6.95/week), if NHS chiropody not available (based on 6 weekly visits).	More than one invoice or bill from provider to evidence the customer is receiving this service on a 6 weekly basis and not as a 1 off session. Care assessment must identify restricted movement.
Hair Washing	Allowable where the customer is unable to wash own hair and hair wash is not part of the care package. We will consider the actual cost up to a maximum of £8.43 per week.	At least 2 receipts for the service and identified in care assessment or support plan.
Other Disability Related Expenses.	Other Disability Related Expenses may be allowed with good reason and proof of costs. These will be at the discretion of the East Lothian Health and Social Care Partnership.	Evidence and receipts of purchase. Evidence of need within care assessment or support plan.

Average annual amounts based on good practice guide developed by the National Association of Financial Assessment Officers 2023-24

### Disability Related Expenditure (DRE) – Case Study 1

Julie is 26 and lives on her own in a one bedroom terraced house. She is in receipt of Universal Credit and PIP. Her rent is fully covered by Universal Credit and she has an SMI exemption so pays no Council Tax. Her Social Worker has confirmed that she has DRE for Laundry.

#### Income (2020/21 rates)

Universal Credit = £751.81 per month (excluding Housing Element) = £173.49 per week

PIP Care = £89.15 per week

PIP Mobility = £62.25 per week

Capital = £4200.00

#### Disregarded Income

£29.45 PIP Care

£62.25 PIP Mobility

£20.00 UC Covid Top Up

**Financial Assessment without DRE**

Total Income = £324.85 per week  
Disregard = £111.70 per week  
Net Income = £213.15

Charging Threshold = £137.00  
Available Income = £76.15  
Taper 1; 65% of first £50.00  
= £49.49  
Taper 2; 80% of remainder  
= £21.32

Assessed contribution = **£70.79 per week**

**Financial Assessment with DRE**

Total Income = £324.85 per week  
Disregard = £111.70 per week  
**DRE = £6.41 Laundry**  
Net Income = £206.74

Charging Threshold = £137.00  
Available Income = £69.74  
Taper 1; 65% of first £50.00  
= £ 45.33  
Taper 2; 80% of remainder  
= £19.52

Assessed contribution = **£64.85 per week**

## Appendix C

### Capital

For any capital held above those levels, a weekly income is assumed and this is added as income in the financial assessment, as per the rates set out in the table.

	Disregard Capital Below	Weekly Tariff Income
Below State Pension qualifying age	£6,000	£1 per £250
State Pension qualifying age or above	£10,000	£1 per £500

It should be noted that where a supported person has capital in excess of the amount to be disregarded and is in receipt of Income Support, there will be no requirement to calculate the capital tariff contribution as this exercise will have been carried out by the Department of Work & Pensions (DWP) with an appropriate adjustment to the amount of Income Support paid to the supported person.

### Charging Threshold

	2024/25
Single person (Income Support/ Disability Premium)	£164
Couple ( Income Support/ Disability Premium)	£254
Single -Pension Guarantee Credit	£273
Couples -Pension Guarantee Credit	£417

### Taper Rate

	2023/24	2024/25	2025/26	2026/27
Taper 1 of first £50 of available income	60%	65%	70%	75% (remove £50 allowance)
Taper 2 on remaining available income.	75%	80%	90%	100%

Please also see CoSLA Social Care Charging Guidance 2023-2024 section 6 Financial Assessment Guidance for further updated rates; [COSLA Charging Guidance](#)

## Appendix D

### Potential Allowances, Disregarded Benefits/Income List. (As identified in the COSLA National Strategy and Guidance. Charges Applying to Non-residential Social Care Services 2020/21).

Adoption (Scotland) Act 1978 (section 51A) Payments
Age-Related payments Act 2004 Payments
Armed Forces Compensation Scheme
Armed Forces Independence Payment
Backdated Benefits
Bereavement Payment
Budgeting Loan
Capital – various different levels of disregard
Carers Allowance (previously Invalid Care Allowance)
Carers Premium
Certain payments made to trainees
Charitable and special funds
Child Benefit
Child Disability Payment (CPD) and Short-term Assistance (STA)
Child related premiums paid to pre April 2003 Income Support Claimant
Child Support Maintenance Payments
Child Tax Credits
Children's Benefits
Christmas bonus
Christmas Bonus paid with benefits
Cold Weather Payments
Concessionary Coal payments
Council Tax Benefit / Council Tax Reduction
Dependency increases paid with certain benefits
Difference between higher and lower rate of Attendance Allowance and higher and middle rate of DLA care when the person is not receiving night-time services
Difference between enhanced and standard rate of Personal Independence Payment (Daily Living Component) when the person is not receiving night-time services
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
Disability benefits paid to client's partners where the partner is not a service user



Disability Living Allowance (Mobility component)
Disability payment in respect of child
Discretionary Housing Payments
Earnings
Far East Prisoner of War payment
Gallantry Awards (e.g. GC, VC, similar from abroad)
Guarantee Credit
Guardian's Allowance
Housing Benefit
Income from a "home income plan" annuity
Income from a mortgage protection policy
Income frozen abroad
Income in kind
Income Support
Independent Living Fund Payments
Industrial Disablement Benefit
Industrial Injuries Benefit
Industrial Injury Disability Benefit
Kinship Care payments
Personal Independence Payment (Mobility Component)
MOD Pension
Non-dependent child payments
Non-therapeutic Earnings
Payment Scheme for Former British Child Migrants
Partner's earnings
Personal property, such as household goods, family car etc.
Redress Board (Northern Ireland)
Scottish Infected Blood Support Scheme (SIBSS)
Scottish Welfare Fund – Community Care Grants
Scottish Welfare Fund – Crisis Grants
Social Fund payments
Student Loan Repayment
Sure Start Maternity Grant
Tax Credits
The Macfarlane Trust

The value of any ex-gratia payments from the Skipton Fund to people infected with Hepatitis C as a result of NHS treatment with blood or blood products
Therapeutic Earnings
Trainees' training premium and travelling expenses
Victims Payment Regulations
Victoria Cross/Japanese Prisoner of War Payments
Victoria or George Cross payments
War Pensioner's Mobility Supplement;
War Widow(er)'s supplementary pension
War Widow's Pension (but not War Widows' Special Payments).
War Widows Pension (pre 1973)
War widows special victims awards
War Widows/Widowers Pension and War Disablement Pension.
War Widows' Special Payments
Where the Service User is a student, any grant payment for a public source intended for the childcare costs of a child dependent
Winter Fuel Payments
Work expenses paid by employer, and expenses paid to voluntary workers Earnings disregard of £20.00 per week.

## **Appendix E**

### **Appeals and Complaints Procedures**

#### **Appeals**

East Lothian Health and Social Care Partnership is committed to reviewing and reconsidering changes in circumstances and taking into account special circumstances which the service has not been made aware of. The Appeal Panel will ensure that all circumstances have been fully taken into account and can uphold the original determination or agree to reduce or waive charges as appropriate. The Appeals Panel will consider appeals for all services including flat rate and assessable charges. Any discretion applied will be reviewed as part of the annual reassessment process.

#### **Charging Appeals Process and Complaints Procedure**

All applications for a review of charges will be treated individually and will be reviewed by the Appeals Panel. The panel is made up of officers representing services including:

- Health and Social Care Services
- Financial Assessment Team
- Benefits
- Independent sector

The scope of the Appeals Panel is to ensure that people in receipt of social care services have access to a fair and transparent process where all people are treated equally, whilst still taking account of each person's circumstances.

The following steps will be undertaken in order to determine an appeal:

- Receipt of notification/request to review/reassess contribution to care package
- Ensuring the person making the appeal has access (if they wish) to advocacy services
- Identification of review panel members
- Identification of the issue(s) raised
- Context of the appeal i.e. legislation, financial hardship, service over/ under provision etc.
- Identification and securing of further/relevant evidence and information by review panel
- Publishing analysis of issues identified
- Identification of possible options
- Clear and concise communication of Appeals Panel findings
- Appeal panel hearings will occur on a specific day, every month and clients will be notified of the outcome of the appeal hearing within seven days of the appeal.

Appeal hearings will also consider requests for charges being waived for reasons of risk to the client, should that individual cease to use the service because of the charge being levied. These requests may be made by relevant practitioners with the appropriate service manager hearing the case and making the decision as part of the panel.

Anyone who remains dissatisfied with the outcome of their appeal will be entitled to pursue their complaint through the Council's normal complaints procedure.

## Complaints Handling Procedure (CHP)

Stage one of the CHP will be a mandatory re-consideration of the appeal. The Appeals Panel can be considered as stage two of the CHP. If the outcome of the appeal is not to the satisfaction of the person receiving social care services, or their representative, then a complaints process may be requested. This will likely be at stage 3 of the complaints process with the option of involvement of elected official.

You can do this by contacting the Customer Feedback Team by:

Writing to:	John Muir House, Brewery Park, Haddington, East Lothian, EH41 3HA
Phoning:	01316535290
Emailing:	feedback@eastlothian.gov.uk

You can find out more about the complaints procedure on line at [East Lothian Council Comments, Complaints and Compliments](#)

If you would like additional copies of this policy or to arrange an appointment with an officer to discuss further, then, please:

Write to:	ELHSCP, John Muir House, Brewery Park, Haddington, East Lothian, EH41 3HA
Phone:	01620 827 755
Email:	elhscp@eastlothian.gov.uk

### Versions of this leaflet

Are available on

**Audiotape, in Braille,  
and in your own**

**Language.**

**01620 827 199** 

