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Document Title	Non-Residential Social Care Charging Policy 2017/18

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Designation	Dir of Health & Social Care
Date	18/05/17

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Director (Health & Social Care Partnership)

SUBJECT: Non-Residential Social Care Charging Policy 2017/18

1 PURPOSE

- 1.1 The purpose of this report is to update the present Charging Policy on Non-Residential Social Care Services. This new policy is an update from the previous policy and ensures that it will be compliant with COSLA guidance on Charging for Non-Residential Care Services 2017/18.

2 RECOMMENDATIONS

- 2.1 Members are asked to note the updated Charging Policy on Non-Residential Social Care Services, approved by the Director of the East Lothian Health & Social Care Partnership under Scheme of Delegation section 1(7) of the Joint Working (Public Bodies)(Scotland) Act 2014 .
- 2.2 Members are asked to note the requirement for further work to develop our charging policy to reflect annually updated guidance and new challenges facing social care in the present climate.

3 BACKGROUND

- 3.1 The current Adult Wellbeing Charging Policy, 2015/16, which sits within the East Lothian Council Corporate Charging policy is now out of date. It needed to be updated in a number of ways including to reflect the establishment of the East Lothian Health & Social Care Partnership as well as updated available guidance.
- 3.2 A Charging Working Group comprising of representatives of service users, carers and representing organisations working alongside Council Officers has been meeting and working on developing a new Charging Policy which will bring the previous policy up to date and ensure that it is compliant with COSLA guidance on charging for non-residential care services.

- 3.3 In order to comply with the latest COSLA guidance charging policies should be clear and transparent and outline what services are being charged for and why, also making it clearer which services are free. Policies should adhere to human rights directives and legislation and to the stated principles.
- 3.4 There are no major revisions to the new charging policy but there are a number of improvements including clarity and transparency, improvements in the financial assessment process, and the inclusion of a right of appeal. Once approved the policy will be developed into an easy-read version and will be publicised on the council website and the COSLA website.
- 3.5 Although no major revisions have been made to this proposed policy for 2017/18, as part of continually reviewing and improving the charging policy a number of areas have been identified as requiring future work to be undertaken.
- 3.6 Areas for further review include national developments in the application of tapers used to calculate a person's chargeable income, disability related expenditure, Department of Work & Pensions benefit alignment, carers and charging, consideration of a flat rate charge for all services, charging of people subject to statutory orders and benchmarking of other local authority charging regimes.

4 POLICY IMPLICATIONS

- 4.1 This updated Policy is in line with the guidance issued by COSLA on charging for Non-Residential Care Services 2017/18.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment has been carried out to assess and minimise impact.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – this policy includes changes to the threshold used to determine the level of a person's protected and chargeable income. This change protects more of the client's income and has resource implications for the council which have been budgeted for.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

7.1 Charging Policy for Non-Residential Social Care Services 2017/18

7.2 Integrated Impact Assessment

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East Lothian Social Care

Charging Policy for Non-Residential Social Care 2017/18

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<u>Version</u>	<u>Date</u>	<u>Author</u>
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1. Definitions

Below is a list of terms used within the Charging Policy and their definitions:

Capital and Tariff. Available capital is considered as a source of income held by the supported person and as such is included within the financial assessment. The tariff is applied to the amount of income a person receives over a certain figure. This is identified within the policy.

Convention of Scottish Local Authorities (COSLA). The organisation responsible for issuing national guidance on non-residential social care charges in Scotland.

East Lothian Council. The Local Authority responsible for provision of social care services within the East Lothian area.

Financial Assessment. The process undertaken which looks at a person's income and capital to determine their care and support charge towards their care package.

Personal Budget. The agreed amount of money which is required to achieve agreed personal outcomes and manage any associated risks.

Personal Budget Model. A model which allows the focus to move from hours of service to achievement of outcomes through the use of the Personal Budget.

Person. Any individual who meets established eligibility criteria and who is receiving support or services from the Council.

Person's Care and Support Charge. The amount of money that the individual receiving services will be asked to pay towards their care following financial assessment.

Person's Outcomes. Personal Outcomes are defined as what matters to the person as well as the end result or impact of activities.

Service Provider. The organisation that provides services to the person that is receiving support.

Support Plan. A record of the agreed outcomes and support to promote the person's independence in the community following the needs assessment.

Taper. This helps to calculate the maximum contribution by determining a percentage of the remaining income which is available to the supported person over the threshold figure which is identified through the financial assessment process. This is identified within the policy.

Self-Directed Support (SDS). The Self-Directed Support (Scotland) Act 2013 was implemented on 1 April 2014. This legislation placed new duties on Local Authorities and aims to ensure that people can decide how their support is planned and provided. All people newly assessed who are eligible for social care and all people at point of review are supported using the SDS approach. One of the duties is to offer implementation through one of four options:

1. The making of a direct payment by the local authority to the supported person for the provision of support.
2. The selection of support by the supported person and the making of arrangements for the provision of it by the local authority on behalf of the supported person.
3. The selection of support and the making of arrangements for the provision of it by the local authority.
4. The selection by the supported person of two or more of the above options.

2. Policy Statement

This is the Charging Policy of East Lothian Council for Social Care and explains how we will work out how much people who use our services will have to pay towards the cost of the services they receive. The policy covers Non-Residential Care Services.

The policy is intended to help staff, service providers, people who use our services and other interested groups to understand how we will calculate the cost of services and charges to be applied.

The policy also describes the principles on which the Charging Policy is based, the specific aims of the policy and the types of services that the policy covers.

In addition, the policy explains the financial assessment process used to determine individual contributions to person centered care within East Lothian, how these contributions are calculated, including the income and allowances that are taken into account. 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.

The policy was developed with the involvement of a Short Life Working Group, consisting of representation from service users, carers, relevant organisations, elected members of East Lothian Council and officers from East Lothian Council and East Lothian Health and Social Care Partnership.

3. Principles on which the Charging Policy is based

In preparing the charging policy the Council 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
- (c) A commitment to transparency – people who use our services will know how and why they are being charged for a particular service
- (d) Ability to Pay - all people who use our services will contribute towards the cost of the service they use on the basis of their income and assets.

- (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
National Guidance on Self-Directed Support under Section 5(1) of the Social Work (Scotland) Act 1968
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 2017/18

4. Aims of the Charging Policy

The policy aims to:

- be transparent so people who cared for services are clear about how much they are paying for the services they receive
- detail which services are subject to a flat rate charge, i.e. payable by all regardless of their income and capital
- ensure that people are aware of their rights and responsibilities
- have a clear and transparent appeals process
- have an easily accessible comments and complaints policy

Therefore, if any service user is able to demonstrate that they are suffering undue financial hardship due to the contribution they are required to make they will be able to apply for consideration of a review of their charges.

All applications for a review of charges will be treated individually and will be reviewed by the Appeals Panel. Any discretion applied will be reviewed as part of the annual reassessment process.

People who remain dissatisfied will be entitled to pursue their complaint through the complaints procedures. A summary of the Charging Appeals Process and Complaints Procedure is available in Annex B.

This Charging Policy will be formally reviewed on an annual basis.

An Inequalities Impact Assessment has been carried out and can be found in Annex C.

5. Good Practice Guidance

A review of the National Strategy and Guidance published by COSLA for 2017/18 has been undertaken. This identified that the Council broadly complies with the

national guidance through this iteration of the Charging Policy for Non-Residential Social Care Services.

The 2017/18 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. This year further revisions have been made to the guidance to include the disregard, from the financial assessment of income received through War Pensions and Guaranteed Income Payments. In addition the relevant section has been updated to reflect the annual uprating of the Department of Work and Pensions (DWP) benefits used to set the charging thresholds and example tables of tapers have been amended accordingly. (see 9.2)

5.1 War Pensions & Guaranteed Income Payments

Veterans who were injured in Service on or before 5 April 2005 receive a War Disablement Pension. If they have social care needs the previous version of the COSLA Charging Guidance for Non-residential Social Care Services leaves the consideration of this, as part of the person's overall income, to the discretion of individual councils. A veteran with a similar injury, but who was injured on or after 6 April 2005 receives compensation through the Armed Forces Compensation Scheme (AFCS). Excepting for an indication that the first £10 might be disregarded, until now the guidance has left consideration of this form of compensation to the discretion of each local authority.

It has been agreed at a national level that from April 2017 both War Disablement Pension and Guaranteed Income Payments made under the Armed Forces Compensation Scheme should be disregarded from the financial assessment for non-residential social care services. This policy has been amended to reflect that decision

6. Charging for Non-Residential Social Care

6.1 Services which are free

- Provision of care - children's services
- Personal care for people 65 years and over
- Criminal Justice social work services
- Information and advice
- Needs assessment
- Care management
- End of Life Care (where a DS1500 form has been completed)
- Day Care
- Minor adaptations and equipment
- Laundry services for people who have severe incontinence
- Transport

Services to people with a mental illness who are detained in hospital or on a community based treatment order under the Mental Health Care and Treatment (Scotland) Act 2003 provided this is written into the person's care and treatment plan.

This policy does not apply to permanent or unplanned short break admissions to a care home where charging is governed by The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2012 with guidance provided by the Scottish Government's Charges for Residential Accommodation Guidance (CRAG).

6.2 Services for which we will charge (after an ability to pay assessment has been completed)

- Care and Services following assessment of need
- Care at Home/Homecare – non personal care
- Personal care to people under 65
- Night-time and Sleepover Services
- Home Meal Services and Lunch Clubs
- Community Alarm Telecare Service
- Adaptations provided through Private Sector Housing Grant (PSHG)
- Respite Care

7. Types of Care Service and Applicable Charges

7.1 Contribution towards the cost of non-residential care

The financial assessment (i.e. the ability to pay assessment) will calculate a maximum weekly charge for the person receiving non-residential care services. The person will pay the assessed charge.

The person's contribution towards the cost of non-residential care is based on their income (including assumed income from capital), less any allowances in line with COSLA guidance and disregards for rent, service charge, mortgage, water and sewerage charges, council tax payable and Independent Living Fund where relevant. The resulting balance (after rounding up to the nearest pound) is referred to as a disposable income.

As we take forward the objectives of Self-directed Support we continue to develop our approach, including the use of a new Personal Budget model. This model is designed to allow people greater flexibility to meet their individual outcomes through support planning with their service provider. As a result, future iterations of the Charging Policy will need to consider the implications of the Personal Budget model.

This would include the determination of a cared for persons budget that is costed in order to allow for the removal of the personal-care element (as these are non-chargeable) and the resulting figure would thereafter be put through the existing financial assessment process in order to determine the cared for person contribution in the usual manner.

7.2 Care Services

Non-residential care services will be charged based on the persons' assessable income. This is in line with the COSLA guidance.

The assessment of contribution for charges for non-residential care services is carried out in accordance with East Lothian Council's agreed charges for

services (which are reviewed and published annually). A financial information form is completed for any chargeable homecare services assessment.

People who do not wish to declare their financial resources will be charged £13.27 per hour for homecare services provided including community and housing support. There is no weekly ceiling on the maximum charge.

7.3 Care at Home/Homecare

People who receive Housing Support and Community Support, including where this is provided by a commissioned service, will be assessed to pay in line with the charging policy. They will not be asked to pay more than the cost of providing the service as notified by their service provider.

7.4 Night-time Services/Sleepovers

The Night-time and Sleepover Services are charged at the service providers' current relevant rate.

7.5 Home Meal Service and Lunch Clubs

The Meals and Lunch Clubs Service is charged at £2.99 per meal. People who receive this service are not financially assessed for these services. If there is a requirement for the supply of a freezer and/or microwave, these are on-loan and free to the people who use the service.

7.6 Community Alarm Telecare 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) paid in arrears at £52.00 (This is equal to a charge of £2.00 per week). The monitoring charge continues until the Community Alarm Telecare Service are notified that the service is no longer required as there is no cessation of service until this occurs.

7.7 Adaptations and equipment

Adaptations are provided free of charge except in the situation where a person qualifies for a Private Sector Housing Grant (PSHG). Following a financial assessment a contribution towards the adaptation will be required (up to a maximum of 20% of the cost).

7.8 Respite Care

As the COSLA guidance notes, relief from charging will not apply to discharges following admission on a regular or frequent basis as part of the person's on-going care arrangements. This would cover, for example, admissions for respite care.

7.9 Discharge from hospital

In accordance with COSLA guidance, any new or additional services put in place following discharge from an unplanned admission to hospital will be assessed.

Chargeable services that were in place prior to admission and continue after discharge will continue to be chargeable from day following discharge.

Meals provided which are provided prior to admission will be chargeable after being discharged from hospital.

We will not charge people who are 65 or over on the date of discharge for personal care.

8. Person Centered Care Services

Government legislation introduced Self-Directed Support as the framework for delivering person centered social care and support. The aim of person centered care is 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 health, wellbeing, social inclusion, independence and responsibility will be referred to as their Personal Budget.

The maximum contribution payable will be the full amount of the Personal Budget or the person's assessed contribution as determined by the financial assessment, whichever is less. This will be based on an annual individual budget paid over 52 weeks. The exception is payments for respite care, where this is the only support.

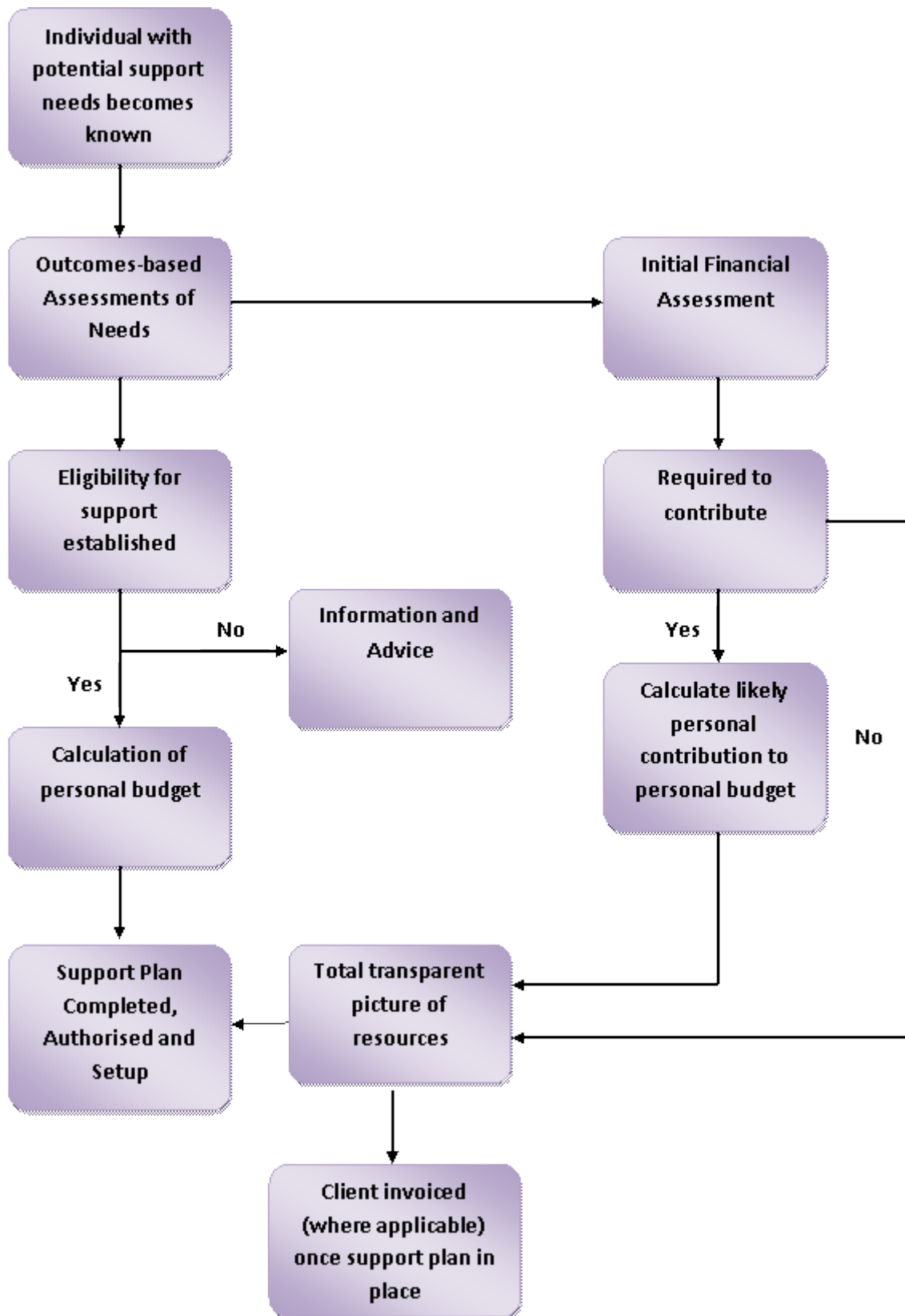
A financial assessment will be offered to all clients to ensure that they only pay what they can afford. A financial assessment will take into account income, savings, and capital, whilst allowing a predetermined level of income for general living expenses as well as relevant disregards. Where a person has income below this amount, they will not be asked to make a contribution towards the cost of their care. Service users(s) whose income exceeds the threshold figure will be liable to contribute towards the cost of Care at Home/Home Care and personal care (for people under 65) which are provided.

The Assessment Team can be contacted if benefit maximisation advice is required. (Telephone: 01620 827901 or E-mail: awfinancialassess@eastlothian.gov.uk)

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.

This approach allows for changes to the charging policy to be reflected as Self-Directed Support continues to be developed. Charges will continue to be applied fairly and transparently.

Overview of Charging Policy Process.



Taken after COSLA National Strategy and Guidance - Charges Applying to Non-residential Social Care Services 2017/18

8.1 The financial assessment process to determine individual contributions to person centered care within East Lothian

The aim 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. This is in line with COSLA and Scottish Government guidance on charging policies. The principles focus on:

Ability to contribute, providing full financial details have been provided

Income

Equity

Transparency

Compliance with national guidance

These principles are subject to full financial details being provided by the person (or where relevant, by the cared for persons' guardian or power of attorney).

Everyone in receipt of chargeable care services undergoes a financial assessment to determine how much they can afford to pay towards the cost of the services they receive. The cost of providing care services and support at home in most instances far outweighs the financial contribution/charge which service users pay for the actual service they receive.

If the person's income including tariff income exceeds these allowances, they will be required to contribute 40% of first £50 and 55% of income after first £50 of their disposable income towards their care.

The maximum service user contribution/charge is calculated by taking account of disposable income over an agreed threshold figure, which for 2017/18 is £133.00 for single people below state pension qualifying age, increasing to £202.00 for couples below state pension qualifying age.

For people of state pension qualifying age or above these figures total £200.00 for single persons increasing to £305.00 for couples.

For example: The charge thresholds have been determined by taking the basic rate Pension Credits (i.e. £159.35) for a retired single person, adding a 25% cushion and rounding up to the nearest pound.

For people below state pension qualifying age the Income Support Personal Allowance (£73.10) and the Disability Premium (£32.55) are added together, adding a 25% cushion and rounding up to the nearest pound.

People who do not want to provide financial information will be required to pay the full cost of their care, with the exception of any free personal care element.

Everyone will be advised in writing of their contribution. 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.

Everyone is treated equally. An individual's ability to pay does not affect the provision of care/support.

8.2 Calculating the person's contribution

In accordance with COSLA's Guidance for Contributions Applying to Non-Residential Social Care Services, the amount a person has to contribute should be set according to their ability to pay. In the first instance this requires an assessment of the person's income and capital. In all cases income and capital is treated as a minimum in accordance with the guidance.

The thresholds are set by the UK Government Department for Work and Pensions annually and are up-rated each year. For 2017/2018 they are as follows:

Charging Thresholds	(These are based on DWP Benefit Rates)	Capital Upper Limit (above which full charge is made and income based benefits/non-residential rate)	£16,000
Income	Weekly Charging Threshold	for those under pension age for those over pension age	£133.00 £200.00
Capital	Tariff Income	above pension age below pension age	£1/£500 £1/£500
Compensation	Care Element		YES
Disregards	Disability Related Expenditure		YES
Capital (Disregard)		above pension age below pension age	£10,000 £10,000

COSLA guidance requires that people have a level of income equivalent to income support or pension credit (depending whether under or over pensionable age) plus 25% (rounded up to the next pound) before a contribution is required. The Council will use the single person above working age allowance for everyone.

This is determined as follows:

	Under pension age	Over pension age
DWP Basic Allowance	£105.65	£159.35
25% of DWP Basic Allowance	£26.41	£ 39.84
Council Personal Allowance Total	£133.00	£200.00

Taper Rates

The taper rate is the percentage of residual income that is then used to calculate how much of a client's income above the threshold figure is taken into account in calculating the charge. This is set at 40% for the first £50 and 55% for all income after first £50.

8.3 Income not taken into account

Certain types of income will not be taken into account when assessing a person's ability to make a contribution. The more common types of income taken into account include the following:

- Disability Living Allowance/PIP Mobility Component
- The high rate element of Disability Living Allowance Care Component,
- Personal Independence Payment Daily Living Component, and Attendance Allowance,
- People in receipt of the high rate element will only have the Middle Rate of Disability Living Allowance Care, the standard rate of Personal Independence Payment or Lower Rate of Attendance Allowance taken into account.
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children i.e. Child Tax Credit, Child Benefit and any disability benefit
- Winter Fuel payments
- Christmas Bonus paid with benefits
- All income received for a person's partner
- First £20 of earned income (such as salary)
- Income received in lieu of Coal
- Permitted Work in line with DWP Assessment
- War Disablement Pension and compensation payments made through Armed Forces Compensation Scheme

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 A

8.4 Income Allowances

Certain allowable costs will be deducted from the person's income before calculating what they can afford to pay. Housing costs taken into consideration in the calculation will be net of any benefits received. Therefore, it is expected that the allowance should be used to cover a person's daily living expenses such as, food, gas, electricity, telephone, internet and insurance payments.

The following two examples provide an explanation of how a person's contribution to their care is assessed:

Example 1

A 74 woman with severe arthritis living in her own home but without having to pay a mortgage. Her only income is her pension of £160pw and Attendance Allowance of £55.10 pw. She also has savings of £11,400.

	£s per week	
All Income		
Attendance Allowance	55.10	
Retirement Pension	160.00	
"Tariff" Income (£1 for each £500 savings above £10,000)	3.00	
TOTAL INCOME	218.10	A
Income which is "disregarded" (see policy for details)		
None of this income is "disregarded"	-	
TOTAL DISREGARDED INCOME	-	B
Net Income (A minus B)	218.10	C
Expenditure which is offset against income*		
Council Tax / Water Charges	1.95	
TOTAL OFFSET COSTS	1.95	D
Assessed Income (C minus D)	216.15	E
Applicable Threshold* (rate set for single person over 65)	200.00	F
Chargeable Income (E minus F)	16.15	
Maximum weekly charge		
Taper 40% of first £50 of chargeable income (40% x 16.15)	6.46	
TOTAL MAX WEEKLY CHARGE	6.46	

Example 2

A 42 year old man with MS who lives on his own in a Council Tenancy. His only income is the high rate of DLA Care and low rate of DLA mobility components and Income Support and Severe Disablement Allowance.

	£s per week	
All Income		
DLA (Care Component)	82.30	
DLA (Mobility Component)	21.80	
Income Support/Severe Disablement Allowance	182.95	
TOTAL INCOME	287.05	A
Income which is “disregarded” (see this policy for details)		
Difference between High and Middle rates of DLA Care	27.20	
All DLA Mobility	21.80	
TOTAL DISREGARDED INCOME	49.00	B
Net Income (A minus B)	236.10	C
Expenditure which is offset against income*		
Council Tax / Water Charges	1.95	
Exceptional heating costs	7.50	
TOTAL OFFSET COSTS	9.45	D
Assessed Income (C minus D)	226.65	E
Applicable Threshold* (rate set for single person under 65)	133.00	F
Chargeable Income (E minus F)	93.65	
Maximum weekly charge		
Taper 40% of first £50 of chargeable income (40% x £50)	20.00	
Taper 55% of chargeable income over £50 (55% x £43.65)	24.01	
TOTAL MAX WEEKLY CHARGE	44.01	

*The set threshold is expected to cover a person’s normal living expenses (eg food, utilities, clothing, insurance, most travel, household costs, etc). Some other costs are offset against income (eg housing / rent / Council Tax costs not covered by benefits, contributions to ILF, travel to work costs etc) as can some exceptional costs where they are a result of a person’s disability (eg exceptionally high heating, laundry, clothing replacement, etc costs).

8.5 Capital and Savings

Capital includes any savings, investments and property owned other than the person's main residence. Capital invested in bonds with life assurance and the value of the person's main residence will be fully disregarded.

Capital up to £10,000 will be disregarded for both those under pension age and those above pension age. A tariff of £1 per week for every £500 in capital over the threshold limits will be included in the calculation. This means that people will be asked to contribute £1 per week for every £500, or part thereof, they have in savings or assets.

For example: if you have capital of £11,400, £10,000 will be disregarded and £1,400 will be taken into account. A weekly income of £3 would then be assumed. We may take into account any elements of compensation that you receive as part of this calculation.

Where someone has been awarded a compensation payment, as a result of personal injury, whether as a result of a court judgment or out of court settlement, which has been awarded in respect of anticipated future care costs, this will be taken into account as capital when calculating their contribution. This will include compensation payments held in trust. Where someone has a trust fund that is not due to an award made as a result of personal injury then the CRAG (Charges for Residential Accommodation Guidance guidelines) apply for residential and non-residential care services.

Cases where capital has been 'gifted', moved into bonds 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. Please see section 9.6 – Deprivation of capital.

8.6 Incorrect financial assessment

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 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 (Telephone: 01620 827901 or E-mail: awfinancialassess@eastlothian.gov.uk) and request a reassessment. Failure to do this may result in an individual being liable to pay a backdated charge.

9. Additional Information

9.1 Cases of Hardship/Exemptions

If paying for support at home services causes you to experience hardship, you must first contact the Financial Assessment Team (Telephone: 01620 827901 or E-mail: awfinancialassess@eastlothian.gov.uk) in order to ensure the accuracy of your financial assessment determination.

The Council is committed to review and reconsider changes in circumstances where the person does not have the means to pay, or has special circumstances which the service has not been aware of.

The appeals process is available for a person to have any of their charges reviewed including a waiver of charges and takes account of the risk to the client of not receiving that support. The Appeals Panel will consider appeals for all services including flat rate and assessable charges.

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

9.2 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.

9.3 Up-rating of charges

All charges will be reviewed on an annual basis in line with any Department of Works and Pensions up-rating and other relevant policy or legislative changes.

9.4 Information about charging for people using our services

People who use our services will be given information about charges at the time of assessment and a Financial Assessment Form will be completed where required.

The person, or their financial representative, will be advised of their assessed charge in writing. Charges will be applied from the first date the service is received.

9.5 Financial assessment – treatment of income and capital

Financial assessments will be carried out in terms of the applicable legislation for respite, temporary and permanent residential care.

The assessment is based solely on the individual's own financial resources including their share of any resources they jointly hold with their partner, spouse or other party (this will normally be regarded as 50% unless there is documentary evidence to the contrary).

9.6 Deprivation of capital

If a local authority has evidence that a person has deprived themselves of a capital asset in order to avoid or reduce accommodation charges then it may treat the person as still possessing that asset when assessing ability to pay. 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. If anyone has any doubts about this advice they are requested to discuss this in advance of taking any actions which may be considered deprivation of capital.

Annex A - Potential Disregarded Benefits/Income List. (As identified in the COSLA National Strategy and Guidance. Charges Applying to Non-Residential Social Care Services 2017/18).

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 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
Partner's earnings
Personal property, such as household goods, family car etc.
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
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.

Annex B - Charging Appeals Process and Complaints Procedure

We operate a charging appeals panel. The appeals panel reviews charges applied to people who receive social care services and where an individual feels that they can or is able to demonstrate that they are suffering undue financial hardship due to the contribution they are required to make they will be able to apply to the Council for consideration of a review of their charges.

The panel can waive, reduce or uphold charges.

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

All applications for a review of charges will be treated individually. 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 Appeals Panel is the first stage of an appeals process, if the outcomes of this process does not meet the satisfaction of the person receiving social care services, or their representative, then a complaints process may be requested. (https://www.eastlothian.gov.uk/info/1347/social_care_and_health/653/social_work_complaints_procedure)

During the period of the appeal, invoices will continue to be sent. If the person wishes to pay the invoices and the appeal is upheld, any payments made will be refunded.

The following steps are undertaken in order to determine an appeal:

- Receipt of notification/request to review/reassess contribution to care package
- Identification of review panel members
- Identification of the issue(s) raised
- Context of the appeal i.e. legislation, financial hardship, service over/underprovision etc
- Identification and securing of further/relevant evidence and information by review panel
- Analysis of issues identified
- Identification of possible options
- Clear and concise communication of Appeals Panel findings

Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability



Integrated Impact Assessment Form Promoting Equality, Human Rights and Sustainability

Title of Policy/ Proposal	East Lothian Social Care. Charging Policy for Non-Residential Social Care 2017-18
Completion Date	04/10/2017
Completed by	Steve Cairns, Strategy Officer, East Lothian Health and Social Care Partnership
Lead officer	Bryan Davies, Group Service Manager, Planning and Performance, East Lothian Health and Social Care Partnership

Type of Initiative:

- | | | | |
|-----------------|-------------------------------------|--------------------|-------------------------------------|
| Policy/Strategy | <input checked="" type="checkbox"/> | New or Proposed | <input type="checkbox"/> |
| Programme/Plan | <input type="checkbox"/> | Changing/Updated | <input checked="" type="checkbox"/> |
| Project | <input type="checkbox"/> | Review or existing | <input checked="" type="checkbox"/> |
| Service | <input type="checkbox"/> | | |
| Function | <input type="checkbox"/> | | |
| Other | | | |

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

This is the Charging Policy of East Lothian Council for Social Care and explains how much people who use our services will have to pay towards the cost of the services they receive. The policy covers Non-Residential Care Services.

The policy describes the principles on which the Charging Policy is based, the specific aims of the policy and the types of services that the policy covers.

In addition, the policy explains the financial assessment process used to determine individual contributions to person centred care within East Lothian, how these contributions are calculated, including the income and allowances that are taken into account.

2. What will change as a result of this policy?

In light of continued development of the person-centred care approach through the ongoing implementation of Self-directed Support the charging policy has been prepared to further promote a set of underlying principles that are based on the commitment to equity and transparency, compliance with national guidance and legislation and fair charging based on the ability to pay.

3. Do I need to undertake an Integrated Impact Assessment?

High Relevance	Yes/no
1. The policy/ proposal has consequences for or affects people	Yes
2. The policy/proposal has potential to make a significant impact on equality	Yes
3. The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	No
4. The policy/proposal is likely to have a significant environmental impact	No
Low Relevance	
5. The policy/proposal has little relevance to equality	
6. The policy/proposal has negligible impact on the economy	
7. The policy/proposal has no/ minimal impact on the environment	
If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record.	

If you have answered yes to 1, 2, or 3 above, please proceed to complete the Integrated Impact Assessment.

If you have identified that your project will have a significant environmental impact (4), you will need to consider whether you need to complete a

Strategic Environmental Assessment.

4. What information/data/consultation have you used to inform the policy to date?

Evidence	Comments: what does the evidence tell you?
Data on populations in need	Joint Strategic Needs Assessment – Strategic Plan for Health and Social Care 2016-2019, East Lothian Health and Social Care Partnership.
Data on service uptake/access	Strategic Plan for Health and Social Care 2016-2019, East Lothian Health and Social Care Partnership. Report on Self-directed Support January 2016 (East Lothian, Adult Wellbeing Internal Report).
Data on quality/outcomes	Social Care Service Scotland Data 2016
Research/literature evidence	COSLA National Strategy and Guidance. Charges Applying to Non-Residential Social Care Services 2017/18. Non-residential Charging Guidance Survey 2016. Desk-Top research and review of other local area Charging Policy.
Service user experience information	
Consultation and involvement findings	East Lothian Social Care Charging Policy for Non-Residential Social Care 2017-18 was developed through a Short-Life Working Group specifically remitted to review and update previous iteration of the Charging Policy. The group comprised of representatives from service user and carers groups and organisations, as well as officers from East Lothian Council and East Lothian Health and Social Care Partnership
Good practice guidelines	See research and literature evidence above
Other (please specify)	None
Is any further information required? How will you gather this?	No

5. How does the policy meet the different needs of groups in the community?

	Issues identified and how the strategy addresses these
<p>Equality Groups</p> <ul style="list-style-type: none"> • Older people, people in the middle years, • Young people and children • Women, men and transgender people (includes issues relating to pregnancy and maternity) • Disabled people (includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems) • Minority ethnic people (includes Gypsy/Travellers, migrant workers, non-English speakers) • Refugees and asylum seekers • People with different religions or beliefs (includes people with no religion or belief) • Lesbian, gay, bisexual and heterosexual people • People who are unmarried, married or in a civil partnership 	<p>This policy aims to minimise any financial hardship as noted within the COSLA National Strategy and Guidance and in line with the Self-directed Support Legislation. This policy is specifically for those over 16 years of age.</p> <p>The policy aims to be transparent so that people who receive care services know how much they are paying for the services they receive.</p> <p>It details which services are subject to a flat rate charge, i.e. payable by all regardless of their income and capital.</p> <p>It ensures that people are aware of their rights and responsibilities and that they have a clear understanding of the appeals and complaints process.</p> <p>It is therefore anticipated that the policy will not have negative impact on any of the equality groups.</p>
<p>Those vulnerable to falling into poverty</p> <ul style="list-style-type: none"> • Unemployed • People on benefits • Single Parents and vulnerable families • Pensioners • Looked after children • Those leaving care settings (including children and young people) 	<p>The purpose of the financial assessment (i.e. the ability to pay assessment) is used to ensure that contributions are made on an ability to pay basis for most of the care services provided.</p> <p>This policy aims to minimise any financial hardship as noted within</p>

<p>and those with illness)</p> <ul style="list-style-type: none"> • Homeless people • Carers (including young carers) • Those involved in the community justice system • Those living in the most deprived communities (bottom 20% SIMD areas) • People misusing services • People with low literacy/numeracy • Others e.g. veterans, students 	<p>the COSLA National Strategy and Guidance and in line with the Self-directed Support Legislation. This policy is specifically for those over 16 years of age.</p> <p>It is anticipated that the application and use of financial tools such as tapers, tariffs and disregards (see policy for further information) will mitigate and minimise (if any) hardship caused to people who receive care services.</p> <p>The inclusion and highlighting of benefit maximisation.</p> <p>The ability to appeal against contributions, where those receiving care services feel they are contributing unfairly. The ability to complain after the appeal process provides a number of opportunities to resolve any potential hardship for people who receive care services.</p>
<p>Geographical communities</p> <ul style="list-style-type: none"> • Rural/ semi rural communities • Urban Communities • Coastal communities 	

6. Are there any other factors which will affect the way this policy impacts on the community or staff groups?

The Charging Policy will need to address any subsequent issues identified through the implementation of the Carer legislation which is due to start on 1st April 2018.

7. Is any part of this policy/ service to be carried out wholly or partly by contractors?

If yes, how have you included equality and human rights considerations into the contract?

Whilst the policy does not involve service delivery in itself, it does relate to care services that are delivered by a number of external contractors.

The inclusion of equality and human rights considerations into all contracts is currently being developed by the in-house Procurement Team.

8. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

The Charging Policy will form part of the information included within the on-line relevant web-pages on East Lothian/East Lothian Health and Social Care Partnership currently under review. The Appeals and Complaints process will also be published simultaneously.

It is proposed that an 'easy-to-read' leaflet will be produced and additionally made available on-line. This will be developed with service users and carers.

The Charging Policy will also be made available to COSLA so that they can update their website with this version.

9. Please consider how your policy will impact on each of the following?

Objectives	Comments
Equality and Human rights	
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	See section 5 above. In addition the Charging Policy identifies potential issues with regards to equality and highlights areas to maximise these opportunities.
Promotes good relations within and between people with protected characteristics and tackles harassment	There is no anticipated impact
Promotes participation, inclusion, dignity and self control over decisions	See 5 above and as highlighted within the Charging Policy with specific reference to Self-directed Support and the opportunities it represents.
Builds family support networks, resilience and community capacity	There is no anticipated impact
Reduces crime and fear of crime	There is no anticipated impact
Promotes healthier lifestyles including <ul style="list-style-type: none"> • diet and nutrition, • sexual health, • substance misuse • Exercise and physical activity. • Lifeskills 	There is no anticipated impact
Environmental	
Reduce greenhouse gas (GHG) emissions in East Lothian (including carbon management)	There is no anticipated impact
Plan for future climate change	
Pollution: air/ water/ soil/ noise	

Protect coastal and inland waters	
Enhance biodiversity	
Encourage resource efficiency (energy, water, materials and minerals)	
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	
Reduce need to travel / promote sustainable forms of transport	
Improves the physical environment e.g. housing quality, public and green space	
Economic	
Maximises income and /or reduces income inequality	One of the main purposes of the Charging Policy is to ensure an equitable process and that charges are fair and based upon the ability to pay.
Helps young people into positive destinations	
Supports local business	
Helps people to access jobs (both paid and unpaid)	
Improving literacy and numeracy	
Improves working conditions, including equal pay	There is no anticipated impact
Improves local employment opportunities	

10. Action Plan

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person
See Community Alarm Telecare Service	Application of charges for Community Alarm Telecare Service monitoring not consistently applied	Identify and implement policy that does not discriminate	6-12 months upon publication of Charging Policy	TBA

11. Sign off by Head of Service

Name

Date

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