

Home Care Charging: How the scheme works

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1 Introduction

Councils can charge for non-residential care services and Central Government expects a proportion of the costs of providing home care services for adults to be born by charges.

2 The aim and objective of the home care charging scheme

- Is to ensure that charges for services are made in a fair and equitable way to those service users able to pay
- Is to ensure that assessment of ability to pay is easily understandable
- Is to ensure that the procedures and working practices for assessing ability to pay charges and for collecting income are efficient and effective
- Is to provide clear criteria against which users can be assessed and charged in a consistent manner
- Is to ensure that there is an efficient and well understood appeals procedure

3 Legislation

Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives councils a discretionary power to charge adult recipients of non-residential services. The council may recover such charges as are reasonable in respect of relevant services.

Section 7 of the Local Authority Social Services Act 1970 allows the Secretary of State to issue guidance to councils on the exercise of their social services functions, including those which are exercised under discretionary powers. In exercising those functions, councils must have regard to guidance issued under section 7. In 2003 the Department of Health issued Guidance entitled 'Fairer Charging Policies for Home Care and other non-residential Social Services. This scheme is based on that Guidance.

4 Home care services covered by this scheme

- Personal care such as help with washing, dressing, bathing

- Practical care such as housework, shopping, laundry, pension and prescription collection

5 How the scheme works

You will be charged the same rate for all types of home care services provided regardless of whether this is in the morning evening or weekend.

You will be charged in arrears.

You will be charged the same rate per hour regardless of whether one or more carers attend.

You will need to be financially assessed to determine whether you will have to pay. When we receive your form we may need to contact you if we need to clarify any information. We may also contact you to complete random audit checks.

The amount that you will pay will depend on the benefits you receive, your expenditure and the number of hours of care you receive.

Charges for home care services are currently £12.00 per hour from the first quarter hour.

Table of Charges

Hours of Service	Charges
1/4 hour	£3.00
1/2 hour	£6.00
3/4 hour	£9.00
1 hour	£12.00
2 hours	£24.00
3 hours	£36.00

You will only be charged for hours of home care that you receive. This will be rounded down, weekly, to the nearest quarter hour.

You may be charged for no replies if you do not cancel the service with the provider.

There is no maximum weekly charge.

6 Exemptions

You will not be charged if you:

- receive income equivalent to or below the basic level of Income Support or the Guarantee Credit of Pension Credit plus 25%
- are suffering from Creutzfeldt Jacob disease (CJD)
- are receiving after care services under Section 117 of the Mental Health Act 1983
- receive a care package fully funded by Health/ Primary Care Trust (PCT).

7 The Financial Assessment Process

You will not be charged for any period before you have been financially assessed and notified of the outcome, although this may be unavoidable if you have not co-operated with the financial assessment.

You will be financially assessed on your financial circumstances only unless you specifically request otherwise. If you live with a partner or spouse, you can be financially assessed on your joint financial circumstances, if you wish. In all cases this is to ensure that your assessed charge will not bring you below the 'basic allowance' plus 25% buffer.

The financial assessment will be based on your 'net disposable income'. This is calculated by assessing your income, deducting the "basic allowance" which is Income Support or the Guarantee Credit of Pension credit plus a "25% buffer", other standard allowances and any applicable disability related expenditure.

The 25% buffer of the 'basic allowance' provides an additional safeguard in order to prevent your independence being undermined by the charges

for services. The 25 % buffer is added on to the Income Support allowance and premium according to age, level of disability, and family status or the appropriate Guarantee Credit or Pension Credit.

Income is the amount of money received by you each week. Broadly, income does not include:

- War pensions
- The mobility component of disability living allowance
- Housing benefit
- Council tax benefit
- Earned income
- Savings or assets
- Income from savings or assets

You will not be asked to pay for services if the charge would take your weekly income below the “basic allowance” set by the government, which apply from 11th April 2011:

Single person over 60 years old	£171.69
Couple over 60 years old	£262.13
Single disabled adult aged 18-24	£120.44
Single disabled adult aged 25-59	£138.00
Disabled adult Couple	£209.13
Single Carer	£123.13

If you pay a supporting people charge this charge will be deducted from your weekly income before you are assessed for a home care charge.

8 Disability Related income and Expenditure (DRE)

The Council has agreed to treat disability related benefits as income and to disregard disability related expenditure if that expenditure derives from disability related benefits, by means of a percentage disregard of 50%, unless you request a full assessment, in which case a full assessment will be completed.

In practice this means that if you do not wish to fill in a form to tell the Council about your disability related expenditure you can opt for a 50% disregard.

If you want a full assessment of your disability related expenditure you will need to fill in a form and tell the Council what you spend your money on.

If you spend between £24.65 and £49.30 each week you will not be required to provide proof although you are advised to keep receipts as random checks will be completed and you may be asked to provide them in the future. If you spend more than £49.30 you will need to provide receipts as proof with the form. Proof of expenditure will be required before a decision is made about the full deduction for the disability related expenditure which you are claiming.

You can request a Disability Related Expenditure Form by calling our freephone 0800 840 4502.

9 Option to pay full cost

If you do not wish to disclose your financial details, you can choose to pay full cost for the services you receive.

10 Welfare Benefits Advice

Welfare benefits advice is available from either the Council or the Department of Work and Pensions. Please ring our freephone 0800 840 4502.

11 Sharing Information

You will be asked to give your consent to the Council sharing information with other departments and the Department of Work and Pensions.

12 Independent Living Fund (ILF)

Income that you receive from the Independent Living Fund is disregarded from the financial assessment for home care charging. If you receive income from the ILF and you are assessed to pay towards the cost of your home care, based on your other income, the Council will notify the ILF of the assessed amount in order that they may make an adjustment as appropriate.

13 Direct Payments

If you receive a Direct Payment in order to purchase home care services you will be assessed and charged as though you were receiving the equivalent services from the Council.

14 Increase in Charges

You will be notified of any increase in charges and no increase will be applied before you are notified.

15 Date the charge applies from

Charges will not apply for any period before an assessment of charges has been communicated to you except where you have not co-operated with the assessment process in which case you may be charged the full cost for the service you receive.

16 Review of Charges

You will be asked to provide updated financial information on an annual basis so that your assessed charge can be reviewed.

You can request a review of your assessed charge if your circumstances or your income changes.

17 Review and Appeals Procedure

You can request a review / appeal of your assessed charge if you feel that;

- there has been a mistake in working out the charge;
- you have expenses which have not been taken into account; or
- you cannot afford the charge and payment of the assessed charge would result in severe financial hardship.

Reasons that are not directly related to your financial situation will not be considered as grounds for review / appeal.

The outcome of an appeal will either be that the charge is reduced or increased or remains the same.

The review / appeals process has three stages.

- stage one is a review by an Income Officer
- stage two is a review by a Senior Council Officer
- stage three is an appeal hearing comprising two Council Officers and an independent investigating officer

You can request a review or an appeal or a friend or relative can make the request on your behalf.

You will be expected to pay your assessed charge or at least a contribution towards the cost of your service whilst the review / appeal are being considered.

If you wish to request a review of your assessed charge you should contact the Home Care Charging Team by using the freephone number 0800 840 4502. An Income Office will look in detail at the financial circumstances and review your financial the assessment. The Income Officer will complete the stage one review once all the information needed is available and will notify you of the outcome within 10 working days of completing the review. As part of this process arrangements can be made for a welfare benefits check to be completed by a Council Officer or by the Department of Works and Pensions.

If you are not satisfied with the outcome of the stage one review you can request that your case be reviewed at stage two by a Senior Council Officer.

The senior council officer will investigate the matter further and complete the review once he or she has all the information required. You will be notified of the outcome of the stage two review, in writing, within 14 working days of the completion of the review. The letter will also advise you that if you remain unsatisfied you can request a stage 3 appeal hearing and an appeal form will be enclosed.

If you request a stage 3 appeal hearing you will be required to complete the appeal form setting out the grounds for appeal and an explanation about why you disagree with the charge. The appeal form must be received by the Council within 28 days of the stage 2 decision letter.

The appeal panel is made up of an independent person and two senior council officers.

You will be encouraged to attend the appeal hearing in person and you can bring a representative or friend.

The appeal panel will consider the appeal and the chair of the panel will make a recommendation and write to you with the result of the appeal within a week of the hearing.

If you still disagree about what you have to pay do not have any further right of appeal to the Council. However you can complain to the Local Government Ombudsman by writing to:

The Local Government Ombudsman
21 Queen Anne's Gate
London SW1H 9BU
Phone (020) 7915 3210 Fax (020) 7233 039

18 Invoices

Invoices will be sent every four weeks starting in February 2009. If you receive a service for greater or fewer hours than planned during the previous four weeks and this affects the charge, the next month's invoice will be adjusted accordingly. You will be sent an invoice four weekly, in arrears.

19 Payment methods

The following payment methods are available:

- Direct Debit – this is the preferred method of payment (except for Direct Payments)
- Cheque or Cash in person at our Cashiers' Office, bank, building society or post office
- Cheque or cash by post in the pre paid envelope provided
- Post office account using a Home Care Payment Card at the post office
- Online payment / Internet banking
- Direct Payment users can have their charges deducted at source

If you wish to pay by Direct Debit you will need to complete a Mandate Form available by calling our free 0800 840 4502. Please complete your personal and bank account details on the form and send it to the Home Care Charging Team, 3rd Floor, Glenthorne Road, London W6 OLJ.

Cheque or cash payments can be made at the Cashiers Officer, 1st Floor, Hammersmith Town Hall Extension, King Street, W6, or a bank, building society or post office. You must take your invoice with you.

If you wish to pay from a Post Office account you will need a home care payment card. Please ring the free phone number 0800 840 4502 and the Home Care Charging Team will arrange to send a card to you with notes about how to use it.

If you have access to internet banking you can make a payment for your home care charges to our bank account - sort code: 62-26-70 and account no. 00000000. Please quote your five digit account reference number which starts with HC with each payment. Example: HC85123. You can find your account reference number on the invoice.

If you receive a direct payment you can have your home care charge deducted at source by completing a Consent Form available by calling freephone 0800 840 4502. Please complete the Consent Form and send it to the Home Care Charging Team, 3rd Floor, Glenthorne Road, London W6 OLJ.