



Doncaster  
Council

# Charging Policy

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## Charging and Financial Assessment for Adult Care and Support

April 2021



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## 1 Introduction

- 1.1 This policy provides a consistent and fair framework for charges for the care and support provided to adults, following an assessment of their needs, in compliance with the Care Act 2014. Financial assessments are based on individual financial circumstances.
- 1.2 For the purposes of this policy, an adult is someone aged 18 years and above.
- 1.3 The Council's charging policy has been amended following changes to previous arrangements decided by Council Cabinet in February 2020. The changes and the reasons for them can be viewed [here](#)

## 2 Key Principles

- 2.1 The overarching principle of this policy is that people will only be required to pay what the government states they can afford towards their care and support. People will be entitled to financial support based on a means-test and some people will not have to contribute anything towards their care and support.

The council has adopted 5 guiding principles to make sure that charging is fair and equitable and that arrangements and governance are simple and effective. These principles are derived directly from those set out in the Doncaster Growing Together programme and have been used as part of the development of the proposals within this policy.

We will:

- **Deliver value** - Charges will contribute to council budgets and to keeping services running, but people will not be required to pay more than they can reasonably afford.
- **Keep it simple** - Charging methods and rates will be transparent and simple to understand, they will comply with the law and be based on the recovery of costs for the service provided.
- **Be ambitious** - Charges will support the continued development of high quality services so that people have choice and people will be helped to claim the full range of benefits that are available to them.
- **Do it together** - The safety of vulnerable people will always come first. Any new charges will be considered alongside existing charges and where necessary people will have their finances individually assessed.
- **Expect everyone to do their bit** - People will keep their independence in their own community by using their strengths to stay in their own homes for longer, needing less formal care. The money they pay towards their care will not make them suffer financial hardship.

- 2.2 A person has a right to decline a financial assessment. If this is the

case we will assume they are able to meet their care and support costs in full.

- 2.3 All information gathered for the purposes of charging and financial assessment will be treated confidentially. Information will only be shared with other individuals and organisations where data protection law allows. A privacy notice on the Council website explains how personal information is used and stored. The rights of individuals under data protection law are also set out on the Council website [Data Protection and Privacy](#).
- 2.4 We will not charge for providing information and advice about the availability of care and support.
- 2.5 We will not charge for arranging care and support in respect of a person with assets below the upper capital limit. Details of the upper capital limit are available on the [Financial Assessments Fact Sheet](#)
- 2.6 The financial assessment will include a benefits check to ensure people are getting all the benefits and allowances to which they are entitled, to assist them in meeting their contribution to care and support costs.

### **3 Legal Basis for Charging and Financial Assessment**

- 3.1 The Care Act 2014 provides a single legal framework for charging for care and support. It enables a local authority to decide whether or not to charge a person when it is arranging to meet their care and support needs, or a carer's support needs.
- 3.2 Section 14 of The Care Act 2014 provides local authorities with the power to charge adults in receipt of care and support, where the local authority is permitted to charge for that care and support.
- 3.3 Section 14 of The Care Act 2014 instructs that local authorities are not permitted to charge for provision of the following types of care and support:
  - Intermediate care, including re-enablement, for up to six weeks. This care may be provided free of charge for longer than six weeks where there are clear preventative benefits, such as when a person has recently become visually impaired.
  - Community equipment (aids and minor adaptations) whether provided to meet or prevent/delay needs. A minor adaptation is one costing £1,000 or less.
  - Care and support provided to people with Creutzfeldt-Jacob Disease.
  - After-care services/support provided under section 117 of the Mental Health Act 1983.
  - Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.

- More broadly, any services which a local authority is under a duty to provide through other legislation.
  - Assessment of needs and care planning.
- 3.4 Section 17 of The Care Act 2014 permits local authorities to undertake an assessment of financial resources. The financial assessment will determine the level of a person's financial resource, and the amount (if any) which that person can afford to pay towards the cost of meeting their care and support needs.
- 3.5 The Care and Support (Charging and Assessment of Resources) Regulations 2014 provide the statutory framework for determining how much someone should contribute to their care and support costs. The Care and Support Statutory Guidance issued under The Care Act 2014, also provides specific guidance relating to charging and financial assessment. As such, these statutory regulations and guidance form the basis of this policy, except where the Council exercises its power of discretion as set out within the regulations.
- 3.6 The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014 make provisions in relation to assessing the sustainability of top-up arrangements and deferred payments arrangements.

## **4 Charging and Financial Assessment for Care and Support in Care Homes on a Permanent Basis**

- 4.1 The Council will charge for care and support provided in a care home on a permanent basis.
- 4.2 If we determine that a person has unmet eligible needs for care and support, as per the Care Act 2014 and the person (or their representative) has decided that their needs are best met by permanently moving into a care home, they will require a financial assessment to determine how much they can afford to contribute towards the cost of their care and support. Where a person is identified as being able to meet the full costs of their own care and support, due to exceeding the upper capital limit (see 2.5), they are known as a self-funder. The expectation is that, although the Council will ensure the provision of information and/or advice, if required, contracting or payment of care and support will rest with the person or their representative.
- 4.3 Contributions will be payable from the date care and support starts.
- 4.4 Subject to paragraphs 4.8, 4.9 and 4.11, the financial assessment will take into account the cost of meeting eligible care and support needs, income, capital and the value of any assets, including any mandatory disregards, which are prescribed in the Charging for Care and Support Statutory Guidance. Dependent on the person's financial circumstances, some of their income is ignored. This is known as

'Personal Expenditure Allowance' (PEA) and 'Disposable Income Allowance' (DIA).

- 4.5 Mandatory disregard amounts are updated annually and are published in Local Authority Circulars from the Department of Health & Social Care.
- 4.6 People with eligible care needs will be informed at the outset of the maximum amount of funding the Council makes available towards care and support provided by private sector care homes. This is known as 'The Local Authority Rate'. This rate is inclusive of any assessed contribution of the person and, in the case of nursing care, includes the free nursing care element (FNC) paid by the NHS.
- 4.7 Where the Council is responsible for the contracting and the payment of providers, on behalf of the person, then billing arrangements between both the Council and the provider is based on the gross cost of care (the full agreed weekly). Any client contribution towards the cost of care will be directly reclaimed, from the person, via an invoice from the Council.
- 4.8 Where a person is eligible to receive local authority funded support, but chooses to live in another local authority area, the Council will pay no more than the Local Authority rate prescribed by the host authority that the resident resides in.
- 4.9 Where a person chooses accommodation that is more expensive than the Local Authority rate a third party must meet the additional costs. This additional cost (known as "top up") must be sustainable and the third party must confirm that they are willing and able to meet the top-up for the duration of the agreement (which could be for some time into the future), including any price changes that may occur. Both the third party and the person receiving care will be made aware of the top-up amount, to whom the payment is to be made, and the provision for reviewing the package of care on an annual basis. Both parties will also be made aware of the consequences of failing to maintain top-up payments and the effect changes in any parties' financial circumstances will have on the agreement, for example, the person may be asked to move to alternative, more affordable accommodation where this would be suitable to meet their needs. The third party will be asked to enter into an agreement covering all of these points. The Council has the right to refuse to fund accommodation where it seems likely a third party top up will not be sustained.
- 4.10 Where the Council is responsible for the contracting and the payment of providers, on behalf of the person, then billing arrangements between both the Council and the provider is based on the gross cost of care (the agreed weekly rate plus the top up). Any top up costs will then be directly reclaimed, from the third party, via an invoice from the Council.

- 4.11 A person or third party will not be asked to pay a ‘top-up’ towards the cost of their accommodation where there are no other suitable or available options at the Local Authority rate. In this instance, the Council will pay the full cost of the least expensive suitable and available option above the Local Authority rate. If the person prefers a more expensive home, than the least expensive suitable and available option, then a third party will be asked to commit to paying a top-up to cover the difference in cost.
- 4.12 People who own a property may be eligible to defer paying some or all of their care costs by signing up to a Deferred Payment Agreement. The Deferred Payments Scheme is designed to help people who have been assessed as having to pay the full cost of residential care but cannot afford to pay the full weekly charge immediately because most of their capital is tied up in their home. A Deferred Payment Agreement enables Doncaster Council to effectively offer a loan to pay towards care fees using the value of the person’s home as security. The Council will either pay an agreed part of the weekly care and support costs for as long as is necessary or loan the money needed to meet the shortfall, avoiding the need to sell the property to pay for care and support costs, during person’s lifetime and if the person does not want to. Doncaster Council will make deferred payment agreements available under the national ‘Universal Deferred Payment Agreement Scheme’ and the Council’s local Deferred Payment Agreement Scheme, providing the eligibility criteria has been met. More information about the Council’s Scheme is available on the [Deferred Payment Agreement Fact Sheet](#)

## **5 Charging and Financial Assessment for Care and Support in Non Care Home Settings**

- 5.1 The Council will charge for care and support provided in other non-care home settings including a person’s own home.
- 5.2 If we determine that a person has unmet eligible needs for care and support, as per the Care Act 2014 and the person (or their representative) has decided that their needs are best met in their own home or other non-care home setting, they will require a financial assessment to determine how much they can afford to contribute towards the cost of their care and support.
- 5.3 If a person has been assessed as being eligible for care services from Doncaster Council, they will be told exactly how much money they have to spend on their eligible care and support needs. This amount of money is known as their ‘Personal Budget’. The person will be required to pay their contributions from the start date of the Personal Budget.
- 5.4 The financial assessment will take into account the cost of meeting eligible care and support needs, the person’s income, capital and value of any assets, including any mandatory disregards; which are

prescribed in the Charging for Care and Support Statutory Guidance. Mandatory disregard amounts are updated annually and are published in Local Authority Circulars from the Department of Health & Social Care.

- 5.5 The financial assessment will also take into account any housing costs and disability related expenditure incurred by the person. Section 11 and Appendix 1 of this policy gives more information about disability-related expenditure.
- 5.6 People with capital in excess of the upper capital limit will be responsible for meeting all of their care and support costs. Details of the upper capital limit are available on the [Financial Assessments Fact Sheet](#)
- 5.7 Where a person is identified as being able to meet the full costs of their own care and support, due to exceeding the upper capital limit (see 2.5), they are known as a self-funder. Through information and advice that the Council is already required to provide the person will be encouraged to arrange their own care, where appropriate. Where the Council does support arranging, contracting or payment of homecare, for these individuals, then we will apply an annual charge.
- 5.8 The Council will ensure that people retain at least the 'Minimum Income Guarantee'. This retained income level is designed to promote independence and social inclusion, and is intended to cover basic needs such as purchasing food, after housing costs have been taken into consideration. Direct housing costs will only be considered where the person is liable for such costs, i.e. holds the tenancy agreement or is party to the mortgage. The 'Minimum Income Guarantee' ensures that the person retains income to the equivalent of the annually published government rates. Doncaster has until recently used its own minimum income guarantee but is now adjusting to fall in line with national government. Doncaster's rate will be reduced by a maximum of 3% per annum from October 2020, until the Council rate and the government Minimum Income Guarantee are the same.
- 5.9 Only the income and assets of the person requiring care and support will be taken into account. Where this person receives income as one of a couple, or has joint assets, the starting presumption will be that they have an equal share of the income and assets. However, further measures for couples have also been made, to limit the impact of moving to national rules, on people who have previously been assessed as part of a couple, to more manageable levels; including the offer of a "better-off" assessment, taking account of the partner's income and circumstances.
- 5.10 Where residential short stay care (sometimes known as "respite") forms part of a person's Care and Support Plan the financial assessment will treat income and capital in the same way as if the person was receiving care in a care home setting. Extra household costs will be taken into account. These are costs that a person might have to pay for their

normal home, whilst spending time in residential respite or short stay care, for example, rent service charges, water rates and insurance premiums.

- 5.11 Where a person receives benefits, such as, Disability Living Allowance (DLA), Attendance Allowance (AA) or the enhanced daily living component of Personal Independence Payment (PIP), for a long-term illness or disability, then they will be included in the financial assessment. If a person receives the enhanced daily living component of PIP and can evidence receiving additional care at night, their night care costs will also be considered as part of the financial assessment. Inclusion of the enhanced rate of PIP in financial assessments is being phased in over 3 years from October 2020.

## **6 Charging and Financial Assessments for Carers**

- 6.1 Where a carer, following a Carer's Assessment, is receiving support in their own name, arranged by the Council to help sustain their caring role, the Council will not charge for this support. This is to reflect the value the Council places on carers and recognise the significant contribution carers make in maintaining the health and wellbeing of the person they care for, supporting this person's independence and enabling them to stay in their own homes for longer.

## **7 "Light-Touch" Financial Assessments**

- 7.1 In some circumstances, the Council may choose to treat a person as if a financial assessment had been carried out. In order to do so, the Council must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford, any charges due. The main circumstances in which the Council may consider carrying out a light-touch financial assessment are:
- Where a person has significant financial resources and does not wish to undergo a full financial assessment for personal reasons, but wishes nonetheless to access support from the Council in meeting their needs. In these situations, the Council may accept other evidence in lieu of carrying out the financial assessment and consider the person to have financial resources above the upper capital limit.
  - Where the Council charges a small or nominal amount for care and support, which a person is clearly able to meet and would clearly have the relevant minimum income left, and carrying out a financial assessment would be disproportionate.
  - When an individual is in receipt of benefits, which demonstrate that they would not be able to contribute towards their care and support costs.

- 7.2 Where a person does not agree to the charges that they have been assessed as being able to afford following a light-touch financial assessment, a full financial assessment may be carried out.
- 7.3 In all circumstances where a light-touch financial assessment has been carried out, the person will have the right to request a full financial assessment.

## **8 Deprivation of Income and Assets**

- 8.1 While the Council accepts that people should be able to spend the money they have saved as they wish, it is important that people pay the contribution to their care and support costs they are responsible for. This is key to the overall affordability of the care and support system. By ensuring everyone pays their contribution, the Council is in a better position to ensure that care and support is provided to people who need it.
- 8.2 In cases where a person has tried to deliberately avoid paying for care and support costs through depriving themselves of assets – either capital or income, the Council may charge the person as if they still possessed the asset. If the asset has been transferred to another person, for example a relative, the council has the power to recover charges from that person using Section 70 of the Care Act.

## **9 Reassessments**

- 9.1 All financial assessments will be reviewed at least once a year following the Government's annual uprating to benefits and allowances and changes in the Council's care and support charges. Reassessments may also take place at other times during the year to take account of any changes in circumstances of the person being assessed that may affect how much they have to pay towards the cost of their care and support. Individuals have an obligation, throughout the year, to promptly advise the Council of any changes in income, where it could result in an increase or decrease to what they pay towards the cost of their care and support.
- 9.2 Regular reassessments will also be made if a person has been assessed as having to pay the full cost of their care due to having capital above the upper limit. This is to identify where the person's capital may have reduced to such a level where they may be liable to pay less towards their care and support. If a delay is experienced in the assessment process this will not be of financial detriment to the person, where their capital has fallen below the threshold during the waiting period, as this will be backdated.

## **10 Recovery of Contributions to Care and Support Costs**

- 10.1 The Care Act 2014 consolidates the Council's powers to recover money owed for arranging care and support. These powers can be

exercised where a person refuses to pay the amount they have been assessed as being able to afford to pay, or have been asked to pay (where the cost of care and support is less than their assessed contribution).

- 10.2 The powers granted to the Council for the recovery of debt also extends to the person receiving care and support or their representative, where they have misrepresented or have failed to disclose (whether fraudulently or otherwise), information relevant to the financial assessment of what they can afford to pay.
- 10.3 The initial stages of debt recovery will involve discussing the debt with the person or their representative. Social care workers will be advised of the debt and will become involved as appropriate. In all cases the desired outcome is to prevent debt escalating and for the person receiving care and support or their representative to enter into affordable repayments of the debt as well as being able to pay ongoing costs as they arise.
- 10.4 The Council will approach the recovery of contributions to care and support costs reasonably and sensitively and will only proceed with Court action where all alternatives have been exhausted. At this stage the Council will proceed with action through the County Court.

## **11 Disability Related Expenditure**

- 11.1 If a person receiving care and support, other than permanently in a care home, receives a disability benefit such as Disability Living Allowance (Care or Mobility), Personal Independence Payment or Attendance Allowance, the Council will allow the person to keep enough income to pay for any necessary disability related expenditure, used to meet any needs which are not being met as part of their care and support plan.
- 11.2 Only additional disability related expenditure, which is necessary, will be taken into account. The Council has the right not to allow expenses that should be met by other agencies, such as the NHS. This applies to therapies such as physiotherapy, chiropody and incontinence pads.
- 11.3 A list of disability related expenditure the Council will include in the financial assessment is at Appendix 1 to this policy.

## **12 Disputes and Complaints**

- 12.1 A person may dispute or make a complaint about any aspect of the financial assessment or how the Council has chosen to charge for care and support.
- 12.2 The first stage is to ensure that the financial assessment has been conducted and calculated correctly. Requests for a financial reassessment should be direct to:

The Financial Assessments Team  
Doncaster Council  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU

Email: [FinAssess1@doncaster.gov.uk](mailto:FinAssess1@doncaster.gov.uk)

12.3 A senior Financial Assessments Officer who was not involved in the original assessment will carry out a reassessment. They will check whether the information provided in the original assessment was treated correctly and consider any new information provided that may affect the assessment.

12.4 Complaints about the Council's charging policy are subject to the Care and Support Complaints Procedure as set out in The Local Authority Social Services and NHS Complaints Regulations 2009. Complaints should be addressed in the first instance to:

The Complaints Manager  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU

Complaints can also be made using the online complaints form on the Council's website at <https://www.doncaster.gov.uk/services/get-in-touch/complaints-and-compliments> or by e-mailing [SocialCareComplaints@doncaster.gov.uk](mailto:SocialCareComplaints@doncaster.gov.uk)

### Disability Related Expenditure

The Council will include the following disability-related expenditure within the financial assessment for people receiving care and support other than on a permanent basis in a care home.

- (a) Payment for a non-Doncaster Council provided community/pendant alarm system
- (b) Costs of any privately arranged care services required, including respite care.
- (c) Costs of any specialist items needed to meet the person's disability needs, for example:
  - Day or night care for which the customer has an eligible need but is not being arranged by the Council;
  - Specialist washing powders or laundry;
  - Additional costs of special dietary needs due to illness or disability (evidence from the person's GP may be required);
  - Special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability;
  - Additional costs of bedding, for example, because of incontinence;
  - Any heating costs, or metered costs of water, above the average levels for the area and housing type occasioned by age, medical condition or disability;
  - Reasonable costs of basic garden maintenance, cleaning or domestic help, if necessitated by the person's disability and is not met by the Council;
  - Purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included if due to the waiting for supply of equipment from the Council;
  - Personal assistance costs, including any household or other necessary costs arising for the person;
  - Internet access for example for blind and partially sighted people;
  - Other transport costs necessitated by illness or disability, including costs of transport to day centres over and above the mobility component of DLA or PIP, if in payment and available for these costs. Where the Council provides transport and the person wishes to use alternative transport at a higher cost, the cost of Council provision will be used to determine any allowance

This list is not exhaustive and the Council will allow for any other reasonable additional costs directly related to a person's disability, including those incurred for recreational and leisure activities.

The Council will not allow for items where a reasonable alternative is available at no cost or at a reduced cost, for example, where incontinence pads are available on the NHS but the person decides to purchase them privately.

All other expenditure will be assessed as either an everyday living cost, or will be reviewed as a specific need against the persons' care and support plan.