

BEDFORD BOROUGH COUNCIL

ADULT SERVICES



POLICY DOCUMENT

CHARGING AND FINANCIAL ASSESSMENT FOR ADULT CARE & SUPPORT SERVICES POLICY 2023

Director Of Adult Services:

Kate Walker

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Executive

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CHARGING AND FINANCIAL ASSESSMENT FOR ADULT CARE & SUPPORT
SERVICES POLICY 2022

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1. Introduction

- 1.1 Bedford Borough Council's Charging and Financial Assessment for Adult Care and Support Services policy has been designed to comply with The Care Act 2014. Its aim is to produce a consistent and fair framework for charging and financial assessment for all service users that receive care and support services following an assessment of their individual needs and their individual financial circumstances.
- 1.2 For the purpose of this policy, an adult is a service user aged 18 and above.

2. Legislative framework

- 2.1 The Care Act 2014 provides a single legal framework for charging for care and support. It enables local authorities to decide whether or not to charge a service user when it is arranging to meet a service user's care and support needs or a carer's support needs.
- 2.2 Section 14 of The Care Act 2014 provides local authorities with the power to charge adults in receipt of care and support services, where the local authority is permitted to charge for the service being provided.
- 2.3 Section 14 of The Care Act 2014 provides local authorities with the power to charge for services meeting carer's needs by providing services directly to the carer.
- 2.4 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 service user's financial resources and the amount, which the service user is required to pay towards the cost of meeting their needs through care and support services.

- 2.5 Pursuant to regulations issued under Section 14 of The Care Act 2014, local authorities are not permitted to charge for the provision of the following types of care and support:
- Community Equipment (aids and minor adaptations); a service, which consists of the provision of an aid, or minor adaptation to property, for the purposes of assisting with nursing at home or aiding daily living. An adaptation is minor if the cost of making the adaptation is £1000 or less;
 - Intermediate care (including reablement support) services for 6 weeks;
 - Care and support provided to people with Creutzfeldt-Jakob disease;
 - Any service or part of service, which the NHS is under duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care;
 - After-care services/support provided under Section 117 of the Mental Health Act 1983
 - Services which local authorities have a duty to provide through other legislation;

- Assessment of needs and care planning, including the cost of the financial assessment as these constitute 'meeting needs'

2.6 Bedford Borough Council will refer to Care and Support Regulations (Statutory Instruments) and Care and Support Statutory guidance and annexes issued under The Care Act 2014, in all regards for specific guidance in relation to charging and financial assessment and as such these statutory regulations form the basis of this policy, except where the Council exercises its power of discretion as set out within the regulations.

3. Policy objectives

3.1 The principles underpinning this policy are:

- Where the authority is required to arrange care and support for free, it does so.
- That service users will only be required to pay what they can afford.
- That financial support towards care costs will be determined through financial assessment.
- To provide clear and transparent information so service users know what they will be charged.
- To apply the rules consistently to avoid variation in the way people are assessed and charged.
- To promote wellbeing, social inclusion and support the vision of personalisation, independence, choice and control.
- To support carers to look after their own health and wellbeing and to care effectively and safely.

- To be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet service user's needs.
- To apply charging rules equally so those with similar needs, or services, are treated the same, and to minimise anomalies between different care settings.
- To ensure that the charge to the service user for services provided is no greater than the cost of that service being delivered to the council.
- To encourage and enable those who wish to stay in, or take up employment, education or training to plan for the future costs of meeting their needs.
- To ensure that where a service user lacks mental capacity to undertake a financial assessment that the local authority consults a suitable person defined as having Enduring Power of Attorney (EPA), Lasting Power of Attorney (LPA) for Property and Affairs, Lasting Power of Attorney (LPA) for Health and Welfare, Property and Affairs Deputyship under the Court of Protection or any other person dealing with that person's affairs (e.g. someone who has been given appointeeship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).
- To ensure where a service user lacks mental capacity to undertake a financial assessment and does not have a suitable person that can be consulted with, then the Local Authority will conduct a decision specific Mental Capacity Assessment as to finances, and if appropriate a Best Interests Decision as to whether the Local Authority should undertake the financial assessment and appoint a Deputy for Property and Finances where the finances are complex.

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 delivered in a care home on a permanent basis.
- 4.2 Service users requiring permanent care and support in a care home must initially satisfy an eligibility assessment for care and support. Only where a service user has an eligible care and support need will a financial assessment be required.
- 4.3 All service users requiring permanent care and support in a care home must have a financial assessment. Service user's financial circumstances will determine whether the service user is eligible for financial support from the Council towards permanent care costs.
- 4.4 Service users will be made aware at the outset by the social worker, the maximum amount of funding the Council makes available towards care and support provided by care homes. This is known as **'the Local Authority Rate'**. This rate is inclusive of any assessed service user contribution but excludes the funded nursing care contribution (FNC) paid by the NHS.
- 4.5 Charges will apply from the date the service user moves into the home.
- 4.6 Where a service user is eligible to receive local authority funding support, but decides to reside in another local authority area, Bedford Borough Council will match the local authority rate for the area where the service user decides to live.
- 4.7 Service users that would like to live in accommodation that costs more than The Local Authority Rate can do so providing the additional costs can be met by a Third Party or in certain circumstances, by the service user themselves. This additional cost is known as a Third Party Agreement or 'Top-up'. This additional cost must be sustainable for the duration of the placement and the local authority has the right to refuse a service user using their assets for this purpose if the costs cannot be met over a sustained length of time.
- 4.8 Where a service user chooses more expensive accommodation than the Local Authority Rate and the additional fee is to be paid by a Third Party, the Third Party must confirm that they are able to meet the costs of the additional fee for the duration of the agreement including any price changes that may occur. The Third Party will be asked to enter into an agreement with the provider for the additional fee required.
- 4.9 The service user whose non-housing assets are below the upper capital limit, but owns property, is entitled to a 12-week property disregard for their main, or only home, when they first enter a care home as a permanent resident or when another property disregard has ended.

- 4.10 Service users who own a property over which security can be taken may be eligible to defer care costs against the value of the property. This is known as a Deferred Payment Agreement.
- 4.11 In accordance with the Care Act 2014, The Council operates a Deferred Payment Scheme to allow people to defer the sale of their home where it is needed to fund care home fees for as long as they use the service. Please refer to the Council's Deferred Payment Scheme Policy.
- 4.12 The financial assessment will take into account income, capital and the value of any assets. The charging methodology will take into consideration any mandatory disregards of income, capital and property as defined in the Charging for Care and Support Statutory Guidance and regulations. Evidence will be required to fully substantiate a service user's financial circumstances.
- 4.13 The financial assessment will take into account statutory amounts required to be retained by the service user from their income. These are known as Personal Expenditure Allowance (PEA) and Disposable Income Allowance (DIA). These amounts are dependent upon the service user's financial circumstances and are reviewed annually by the Department of Health. Where the service user has no income, the local authority is not responsible for providing one. However, the service user will be referred to policy 12.1 and signposted for a benefits check. Financial assessments will be reviewed and updated annually.
- 4.14 Following the financial assessment, the service user will be informed of the weekly amount that they are required to contribute towards their care costs. Contributions are payable from the date care commences. Service users will be invoiced by the Council based upon a 4 or 5-week period, in arrears, for their care costs.

5. Charging and financial assessment for care and support in care homes on a short-term or temporary basis (Respite)

- 5.1 The Council will charge for care and support delivered in a care home on a short-term or temporary basis (respite).
- 5.2 Following an assessment of a service user's eligible care and support needs, a decision may be taken that the service user would benefit from a short term or temporary stay in a care home. This applies to a person whose need to stay in a care home is intended to last for a limited period of time and there is a plan to return home.
- 5.3 (i) A short-term resident is someone provided with accommodation in a care home for a period of not exceeding 8 weeks, for example where a person is placed in a care home to provide respite care. Where a person is a short-term resident a local authority may choose to assess and charge based on the rules for care and support other than in a care home.

(ii) A temporary resident is someone whose stay in a care home is unlikely to exceed 52 weeks, or in exceptional circumstances, is unlikely to substantially exceed 52 weeks. Because a temporary resident is expected to return home their main and only home is usually disregarded in the assessment of whether and what they can afford to pay. Any contribution payable toward the respite care will be calculated in the same way as the home care contribution.
- 5.4 Where a person's stay is intended to be permanent, but circumstances change and the stay becomes temporary, then the Council will assess and charge as a temporary stay, from the point that the intention is known.

- 5.5 Service user's that have a short-term or temporary stay that becomes permanent will be assessed for a permanent stay at the date permanency is confirmed and the support plan is amended.
- 5.6 The Council will charge for all service users having a short-term or temporary stay, called respite, in a care home and will charge from the date of admittance based on the actual cost of the placement.
- 5.7 The Council will undertake a financial assessment and the charge determined by the assessment will be the applicable charge. The financial assessment will be calculated in the same way as someone living at home and receiving Homecare.
- 5.8 The financial assessment for short term or temporary stays will completely disregard the service user's main or only home where the service user intends to return to that home.
- 5.9 The financial assessment will treat income and capital in the same way as if the service user was receiving homecare, in the residential home:
 - The financial assessment will be adjusted where the stay extends into this period.
- 5.10 The Council will ensure that where housing benefit or housing element of Universal Credit is paid that this is disregarded.
- 5.11 The Council will ensure that payments made by the service user to keep and maintain their home such as rent, mortgage, water rates, household fuel bills, broadband and insurance premiums are disregarded. Similarly expenses that the service user would normally incur and would continue to pay should also be disregarded such as household related disability related expenditure (e.g. community alarm services). Evidence will be required to fully substantiate a service user's financial circumstances.
- 5.12 Contributions are payable from the date care commences and the service user will be charged per night.
- 5.13 The Council will undertake a financial assessment to determine the amount a service user can contribute towards their care and support costs. The assessment will be based on income, capital, housing costs and disability related expenditure (DRE). Service users with capital in excess of the higher capital limit will be responsible for meeting all of their care and support costs. Evidence will be required to fully substantiate a service user's financial circumstances.

6. Charging and financial assessment for care and support in other care settings including a person's own home

- 6.1 The Council will charge for care and support delivered in other care settings including a person's own home.
- 6.2 Service users requiring care and support in their own home, or other care settings, must initially satisfy an eligibility assessment for care and support. Only where a service user has an eligible care and support need will a financial assessment be required.
- 6.3 Where a service user has an eligible care and support need, the Council will calculate how much the personal budget might be using the Council's rates for providing the care. Once the indicative budget is known the care and support planning process and has determined the care required to meet the person's needs, the personal budget will be agreed.
- 6.4 Service users are likely to choose varied forms of care and support to meet their specific needs as defined in their care and support plan. Where a service user has capital in excess of the higher capital limit and is therefore required to pay the full cost of their care and support they are still entitled to request services to be arranged by the Council.
- 6.5 Service users have the option to take their personal budget as a Council commissioned service or as a direct payment or a combination of both.
- 6.6 The Council will undertake a financial assessment to determine the amount a service user can contribute

towards their care and support costs. The assessment will be based on income, capital, housing costs and disability related expenditure (DRE). Service users with capital in excess of the higher capital limit will be responsible for meeting all of their care and support costs. Evidence will be required to fully substantiate a service user's financial circumstances.

- 6.7 Where a service user has capital in excess of the higher capital limit and will continue to receive services directly provided by the Council, they will be required to sign a Full Cost Agreement to confirm that they are willing and able to pay all charges due.
- 6.8 The Council will ensure that service users 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 and clothing. Direct housing costs will only be considered where the service user is liable for such costs, i.e. holds the tenancy agreement or is party to the mortgage.

The financial assessment will refer to care and support statutory guidance for all disregards in respect of income and capital when making a determination of the service user's financial resources.

- 6.9 Following the financial assessment, the service user will be informed of the weekly amount they are required to contribute towards their care and support costs. Service users will not be charged more than the amount determined by the financial assessment. Contributions are payable from the date care commences. Service users will be invoiced by the Council based upon a 4 or 5-week period, in arrears, for their care costs.

- 6.10 All Financial Assessments will be reviewed with the service user, or their financial representative, on an annual basis. The service user, or their financial representative, is responsible for advising the Council of any changes in their income or capital. (see Section 11).

7. One off and lump sum payments

- 7.1 Service users who receive one-off or lump sum payments, for services that are eligible for financial assessment, will be subject to a financial assessment under the same criteria. The cost of the one-off or lump sum payment or service will be divided across the time period for which the payment or service applies and the service user will be assessed and charged accordingly.
- 7.2 If the one off payment applies for a one-off purchase with no time frame, the service user will be charged for the expected lifetime of the purchase, with a maximum charge period of 12 months from the date of assessment.
- 7.3 One off payments for items costing less than £100 will not be financially assessed except, if the service user is provided with 2, or more, one off direct payments within the same 12-month period that total more than £500, or the one off payment is made in addition to other services covered by this policy. A further Financial Assessment will not be made where the client is already making their maximum contribution to the care costs.

8. Carers

- 8.1 Where a service is provided directly to the person with needs, even if it also meets a carer's needs, the adult with needs is liable to pay any charges and must agree to do so. This would apply to replacement care in order to allow the carer to take a break from their caring role for example respite, home care or a live in carer for a short period of time.

9. Self-funding

- 9.1 The self-funding threshold is the amount of assessable capital as defined by legislation, that a service user has, above which they are required to meet the full cost of their care. This is the upper capital limit. Service users and carers with capital above this limit are not entitled to financial support from the Council.
- 9.2 Service users who have been assessed to pay the full cost of their care, and service users who choose to fund their own care, are still eligible to receive care management support e.g. assessment of needs, support plan advice and annual reviews from the Council.
- 9.3 Where the service user's capital subsequently falls below the self-funding threshold, the service user should notify the Council in order for a financial assessment and assessment of need to be undertaken.
- 9.4 Service users are likely to choose varied forms of care and support to meet their specific needs as defined in their care and support plan. Where a service user has capital in excess of the higher capital limit and is therefore required to pay the full cost of their care and support they are still entitled to request services to be arranged by the Council. The Council will charge an administration fee for arranging care and support for all service users that are able to pay the full cost of their care and support. This will be charged to the service user as a single fee each time that the Brokerage service is used.

- 9.5 Where the Council pays a provider on behalf of a self-funding person, the full cost of those services, paid on their behalf, will be charged to the serviceuser.

10. Non-disclosure of information

- 10.1 Service users have the right to choose not to disclose their financial details. Any service user who chooses not to disclose their finances, or declines a financial assessment, will be assumed to be able to meet the full charge of their service from the date the services commenced and will be invoiced accordingly.
- 10.2 In cases where the service user/representative does not supply the Financial Assessment Officer with the required information, the Financial Assessment Officer may contact the Department for Works and Pensions to enquire what benefits the person is receiving and may contact other departments within the Council.
- 10.3 If the service user is in receipt of means tested benefits, the Financial Assessment Officer will undertake an assessment based on this information. No disability related expenditure will be allowed in these assessments. If the person is not in receipt of any means tested benefits, a full cost assessment will be undertaken and the full costs of the services will be charged to the service user.

11. Changes to Circumstance

- 11.1 Service users, or their financial representative, are responsible for notifying the Council of any changes in circumstances which may affect charges. Which includes, but is not limited to, changes in income, capital, home address, ownership of property that is not your main residence, someone moves in or out of your household.
- 11.2 An automatic uplift of state benefits will be applied in April each year as per the DWP uprating circular and actual rates will be verified at the annual review.
- 11.3 A service user should request a financial re-assessment if their circumstances have changed.
- 11.4 Any changes to contributions identified in a reassessment of charges will be backdated to the date of the change in the financial circumstances.
- 11.5 All changes are calculated from the actual date of the change.
- 11.6 A review form will be issued for completion, on the anniversary of the Financial Assessment, however, the service user should request a financial assessment at any time if their circumstances change.

12. Welfare Benefits

- 12.1 Where the service user and/or their carer may be entitled to claim additional benefits, the Financial Assessment Officer will signpost the person to the relevant Agency.

13. Deprivation of Assets

- 13.1 'Deliberate deprivation' is a term used when someone is assessed as having given away or sold assets in order to not have to use those monies to pay for their care. This can relate to income, capital or property, there are no specific time limits on this if it can be shown the action was to avoid paying for care.
- 13.2 Bedford Borough Council follows the Department of Health guidance on deprivation of assets, if we, as the Local Authority, believe that someone has deliberately deprived themselves of monies we will carry out the financial assessment as if the service user still has the assets they have given away.

14. Protection of property

- 14.1 The local authority must take all reasonable steps to protect the moveable property of a person with care and support needs who is away from home in hospital or care home and cannot arrange to protect their property themselves. The local authority must act where there is a risk that the property will be lost or damaged. This may include a person's private possessions including looking after pets.
- 14.2 Where the authority incurs costs associated with protecting a person's property, the authority will charge the person for the cost of arranging these services, and any ongoing costs, associated with protecting the property concerned.

15. Exclusions from the charging policy

- 15.1 The Council exercises its discretion not to levy charges in respect of some services but may revise this decision as resources require. The following services are excluded from charging:
- Drug and alcohol rehabilitation provided in rehabilitation establishments.
 - Prisoners with eligible needs assessed under the Care Act

16. Cases of Hardship: Waiving Charges and Write-Off

- 16.1 It is the intention of this policy that a person who is required to pay a contribution towards the cost of their social care should be allowed to retain enough of their income, including benefits, to pay for things to meet those essential needs not being met by the local authority. It is expected that for most people receiving social care that the financial assessment process as set out in this policy will achieve that intention. However, it is recognised that there may be exceptional cases where it may be appropriate to waive, reduce or write off charges
- 16.2 If a service user falls behind with payments the council's debt recovery procedures will normally be instigated.
- 16.3 The service user/representative should contact the Financial Assessment Officer if they have any difficulty paying the assessed contributions.
- 16.4 If the service user advises the Financial Assessment Officer that they are having financial difficulties, the financial assessment should be reviewed and a reassessment of charges should be initiated.

- 16.5 The Financial Assessment Officer will notify the Social Work Team and Debtors where the service user advises that they are having financial difficulties and the financial assessment has been reviewed.
- 16.6 The Social Work Team will contact the service user to ascertain the details of the financial difficulties.
- 16.7 Decisions to waive fees wholly or in part or for a period of time must be made by The Director for Adult Services.
- 16.8 The charging policy is a framework for making decisions
– The Director for Adult Services has discretionary powers to deal with all personal circumstances. Where a service user has difficulty meeting charges this must be discussed with a member of the Senior Management Team to determine whether to waive part or all of the charges or recommend the write-off of the debt in line with the current Council procedure and scheme of delegation. Each case will be treated individually.
- 16.9 The Director can use this discretion in the following circumstances:
- For abnormal expenditure caused by serious or long term illness or disability
 - Where there is exceptional need not recognised in the normal financial assessment procedure.
- 16.10 All or part of the weekly charge can be waived. Normally a waiver will be for up to a period of six months and reviewed regularly.
- 16.11 Only the Director of Adult Services can recommend debt for write-off. All normal Council debt recovery procedures will be followed before considering write-off.

- 16.12 If the financial difficulty is due to other debts the Council may signpost the person experiencing difficulty to money and debt management advice services.

17 Recovery of Debt

- 17.1 The Care Act 2014 consolidates the Council's powers to recover money owed for arranging care and support for a customer. These powers can be exercised where a customer refuses to pay the amount they have been assessed as being able to pay or have been asked to pay (where the cost of care and support is less than their assessed contribution)
- 17.2 The powers granted to the Council for the recovery of debt also extends to the service user 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.
- 17.3 The Council will approach the recovery of debt reasonably and sensitively and will only take court action as a last resort.
- 17.4 The initial stage of debt recovery will involve discussing the debt with the service user or their representative. Care managers 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 service user to enter into affordable repayment of the debt as well as being able to pay ongoing costs as they arise.
- 17.5 The Council will give regard to the level of debt and the cost of recovery and will not proceed where the cost of recovery would be disproportionate.
- 17.6 The Council 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.
- 17.7 All debt that arises from 1 April 2015 must be recovered within 6 years from when the sum became due to the Council.¹³

- 17.8 Where a person has a debt and meets the eligibility criteria for the Deferred Payment Scheme, the person will be offered this as an option. The authority may agree to enter into an agreement just for the amount outstanding and not the continuing amount due depending upon the individual circumstances.

Appendix A

Allowances and Disregards (2023/24 to be updated in line with Department of Health rates)

Minimum Income Guarantee

Table 1 - Single Adults

Allowance	18 – 24	25 – Pension Age	Pension Age	Lone Parent
Not entitled to any premium	£82.15	£103.65	£214.35	£103.65
Entitled to CP or UC CE	£131.20	£152.70	£263.40	£152.70
Entitled to DP	£127.90	£149.40	N/A	£149.40
Entitled to DP + UC CE	£176.95	£198.45	N/A	£198.45
Entitled to DP + EDP	£150.25	£171.75	N/A	£171.75
Entitled to DP + EDP + CP	£199.30	£220.80	N/A	£220.80

Table 2 – Couples

Allowance	Under Pension Age	Pension Age*
Not entitled to any premium	£81.40	£163.65
Entitled to CP or UC CE	£130.45	£212.70
Entitled to DP	£114.00	N/A
Entitled to DP + CE	£163.05	N/A
Entitled to DP + EDP	£130.05	N/A
Entitled to DP + EDP + CP	£179.10	N/A

* Where one partner is over state pension credit age the Pension Age MIG applies whether the person being assessed is under or over that age.

** Persons receiving Universal Credit Limited Capability for Work and Work related activity and/or Carer's Element will be entitled to the comparable MIG to a person on other benefits entitled to the enhanced disability premium and/or carer's premium. Except in the event that regulations provide for a different MIG specific to Limited Capability for Work and of Carer's Element in which cases the rate specified in regulations shall apply.

Children

For each child the adult is responsible for, that is a member of the same, household an additional allowance of **£94.90**.

Key

CP = Carer's Premium
DP = Disability Premium

EDP = Enhanced
Disability Premium

UC = Universal Credit

UC CP = UC with
Carers Premium

UC LCWRA = UC
with Limited
Capability for Work
Related Activities

It is expected that the Minimum Income Guarantee will cover costs such as:

- Food
- Clothes
- Insurance, including buildings and contents, mortgage protection, life insurance
- Core utility bills such as gas electricity and telephone as shown in the table below
- Water rates
- Transport, including bus fares and transport to and from Day service
- TV licence and subscriptions to satellite or digital TV companies
- Repair and replacement of household items
- Repair and maintenance of buildings
- Gardening – other than basic gardening costs allowable under disability related expenditure
- Other expenditures such as personal debt (including county court judgements) and arrears
- Social and leisure activities

This list is neither exhaustive nor exclusive.

Income disregards

The following income should be partially disregarded: The first £10 of:

- War widows and war widowers pension;
- Survivors Guaranteed Income Payments from the Armed Forces Compensation scheme, this includes non-veterans;
- War Disablement pension paid to non-veterans
- Payments to victims of National Socialist persecution (paid under German or Austrian law);
- Civilian War Injury Pension; and

The following income should be disregarded in full (please refer to **Care and Support Statutory Guidance, Annex C** for the full list of disregards):

- Armed Forces Independence Payments & Mobility Supplement;
- Child Support Maintenance Payments, Child Benefit and Child Tax Credit; Child Element of Universal Credit
- Disability Living Allowance (Mobility Component) and Mobility Supplement;
- Personal Independence Payment (Mobility Component) and Mobility Supplement;
- Savings Credit Disregard; and
- War Widows and Widowers special payments
- Payments made to Veterans under the War Pension Scheme with the exception of Constant Attendance Allowance
- War Disablement pension and payments to victims of National Socialist persecution (paid under German or Austrian law)
- Scottish Infected Blood Support Scheme
- London Emergencies Trust
- We Love Manchester Emergency Fund

Any income earned by the service user will be disregarded from the financial assessment.

Property Disregards

The value of the service user's **main or only** home must be excluded from the financial assessment if it meets the following criteria:

- The service user is receiving care in a setting that is not a care home; and
- The service user's stay in a care home is temporary and they intend to return to their property or they are taking reasonable steps to dispose of the property in order to acquire another more suitable property to return to.

- Where the service user no longer occupies the property but it is occupied in part or whole by the following:
- The service user's partner, former partner or civil partner, except where they are estranged or divorced partner;
- A relative as defined in Annex B, paragraph 35 of the Care and Support Statutory Guidance, who is:
 - Aged 60 or over, or
 - Is a child of the service user aged 18 or under, or
 - Is incapacitated (the relative is receiving disability benefits or has equivalent level of incapacity to qualify for disability benefits); evidence of incapacity will be required.

This mandatory disregard only applies where the property has been continuously occupied since before the service user went into a care home.

Appendix B - Assessment of Income & Capital

For full details please refer to [Annex B](#) & [Annex C](#) of the Care and Support Statutory Guidance

When calculating a service user's contribution to the cost of their care, the financial assessment takes account of income the person receives and any capital they have.

All income and capital (including property, investments and all savings) requires evidence of ownership and up to date bank statements.

Income for the purposes of financial assessment includes retirement pension, pension credit, and benefits such as income support, universal credit, attendance allowance, occupational pensions and trust funds. Where a share of a pension has been transferred to the service user's partner only the non-transferred share will be taken into account.

Where income is received on a joint basis, it is assumed that each person is entitled to 50% of the income.

Where capital is held on a joint basis, it is assumed that each person is entitled to 50% of the capital.

Capital includes property, bank and building society accounts, national savings certificates, bonds and shares. Where capital is joint owned, only the percentage owned by the service user is taken into account.

Where a service user has chosen to withdraw funds from their pension pot in order to manage the funds themselves, this may be treated as capital.

Tariff Income

Where the service user receiving care and support has capital at or below the higher capital limit, but more than the lower capital limit, they will be charged £1 per week for every £250 in capital between the two amounts. This is called tariff income.

Trusts

Where funds are held in trust, the financial assessment will seek to determine whether income received or capital held in trust should be included or disregarded. Copies of trust documents (e.g. Trust Deed, Will Settlement etc.) are required to be produced as part of the financial assessment.

Appendix C - Household Expenses

Housing Costs

Allowable housing costs (e.g. rent/mortgage/council tax) will only be allowed in the financial assessment where the service user is liable to pay these costs. Where the service user is not liable for these costs but contributes towards these through a private agreement or similar, then the service user will be expected to meet this expenditure from their Minimum Income Guarantee.

Single person with legal liability to pay

Mortgage payments / Rent	Allow full amount less any Housing Benefit, Universal Credit Housing Element or Mortgage Interest payments made	Evidence required
Council Tax	Allow full amount less any Council Tax Reduction applied	Evidence required
Water Rates	To be paid from Minimum Income Guarantee	Disregard
Insurance	To be paid from Basic Minimum Income Guarantee	Disregard
TV Licence	To be paid from	Disregard

	Minimum Income Guarantee	
Community Alarm Systems	Actual cost unless included in Housing Benefit or Supporting People Grant	Evidence required – bills from provider
Basic Broadband		Maximum £10.03 per week in line with BT (£43.46 per month) (Revised Apr 2023)
Loans including hire purchase and catalogues	To be paid from Minimum Income Guarantee	Disregard

Non Dependents and Couples

For the purposes of assessment, a couple is either:

- a legally married husband and wife; or
- two individuals who effectively live together as a couple but who are not legally married; or
- Civil Partnership

Rent	Where legal liability to pay. In excess of any housing benefit in payment	Cost should be divided between a 'Couple' as defined above
	For a non-dependent living in the property	Where there is no legal

	(Service User)	liability to pay, an allowance of £18.10 per week (in line with Housing Benefit rules) can be made if client indicates requirement to contribute.
Mortgage Payments	Where legal liability to pay. In excess of any Income Support/Pension Credit Mortgage Interest Payments For non-dependent living in property (Service User)	Cost should be divided between a 'Couple' as defined above No allowance made
Ground Rent	In excess of any Income Support/Pension Credit Payments For non-dependent living in property (Service User)	Cost should be divided between a 'Couple' as defined above No allowance made

Service Charges	Where legal liability to pay in excess of any Income Support/Pension Credit Payments	Cost should be divided between a 'Couple' as defined above
	Non-dependent living in property (Service User)	No allowance made
Council Tax	Where legal liability to pay. In excess of any Council Tax Benefit	Cost should be divided between a 'Couple' as defined above
	Non-dependent living in property (Service User)	Where there is no legal liability to pay, an allowance of £7.99 per week (in line with Council Tax Support Rules) can be made if client indicates a requirement to contribute.

Heating (2023/2024) – to be updated in line with NAFAO guidance)

An allowance should be made for excessive fuel costs incurred by a service user. The Government has identified typical annual fuel figures for six scenarios. Fuel costs above these amounts should be allowed as an expense; however, any forms of support received with fuel costs e.g. Government or Local Authority grants will be taken into account in determining additional cost incurred.

If type of property is unknown use *

Single person in flat or terraced property*	£2,761.73 per year	£53.11 per week
Couple in flat or terraced property *	£3,643.68 per year	£70.07 per week
Single person in semi-detached property	£2,993.32 per year	£57.56 per week
Couple in semi-detached property	£3,872.45 per year	£74.47 per week
Single person in detached property	£3,568.76 per year	£ 68.63 per week
Couple in detached property	£4,704.40 per year	£90.47 per week

Appendix D

Disability Related Expenditure (DRE)

Bedford Borough Council assessment of DRE is based on the good practice guidelines developed by the National Association of Financial Assessment Officers (NAFAO)

Disability Related Expenditure (DRE) is reasonable additional expenses that a service user incurs because of their illness or disability and where the service user has little or no choice other than to incur the expenditure to maintain independent living. The service user's support plan should identify disabilities or medical conditions that indicate that additional allowances should be given.

Disability related expenditure will only be taken into consideration if disability related benefits are in payment. It is not possible to list every item/service allowed under DRE as each service user's DRE is individually assessed.

Disability related benefit will be taken into consideration from the date of the award.

DRE will only be taken into account if it is identified as part of a service users support plan.

Costs of Disability

Allowable Disability Related Expenditure (DRE) will be for services deemed necessary as a result of disability, ill health or for health and safety reasons.

- (a) If service does not have supporting evidence, we will allow expenditure up to £30 per week to be claimed.
- (b) If service user has DRE of more than £30 per week, but does not have supporting evidence, allow £30 maximum in total
- (c) If service user can provide supporting evidence and it is considered reasonable, allow actual amounts in line with Policy. If DRE exceeds £45 per week, this is referred to a panel of officers from Adult Social Care and Financial Assessment to consider and determine.
- (d) If the DRE claim is less than £45 per week but the items claimed are not evidenced as a need in the support plan and/ or not on the list of items (above) they will need to be considered by the panel of officers from Adult Social Care and Financial Assessment.

ITEM	AMOUNT	EVIDENCE
Community Alarm System	Actual Cost if reasonable	Bills or payments to provider
Privately Arranged Care	Actual cost if Social Worker confirms requirement as part of the Support Plan and Council supported care is reduced accordingly. Personal care tasks include – bathing, washing, feeding, helping to get dressed.	Allow £30 in total Details of personal help provided will be required
Private Domestic Help	Up to maximum of £30 per week. Payments allowed where no-one else in the household able to undertake domestic tasks – shopping, cleaning, ironing. (Costs based on approximately 2 hrs per week)	Allow £30 in total Details of personal help provided will be required
Laundry/ Washing Powder	Up to a maximum of £5.00 per week. Payments above £5.00 allowed in exceptional circumstances following confirmation from Social work team	Additional laundry costs identified as a result of incontinence/ other health problems. Identify more

		than 4 loads of washing per week
Dietary	Discretionary as special dietary needs may not be more expensive than normal – up to a maximum of £5 per week.	Details of special purchases
	Payments above £5 allowed in exceptional circumstances.	
Gardening	Discretionary up to a maximum £5 per week based on individual costs of garden maintenance and no-one else in the household able to do gardening.	Evidence required
Wheelchair	£4.75 per week manual £11.55 per week powered	Evidence of purchase. No allowance if equipment is provided free of charge
Powered bed	Actual cost divided by 500 (10 yr. life) up to a maximum of £5.25 per	Evidence of purchase

	week	
Turning bed	Actual cost divided by 500 (10 yr. life) up to a maximum cost of £9.19 per week.	Evidence of purchase
Powered reclining chair	Actual cost divided by 500 (10 yr. life) up to a maximum cost of £4.16 per week	Evidence of purchase
Stair-lift	Actual cost divided by 500 (10 yr. life) up to a maximum of £7.42 per week	Evidence of purchase without DFG input

Hoist	Actual cost divided by 500 (10 yr. life) up to a maximum of £3.64 per week	Evidence of purchase without DFG input
Prescription Charges.	<p>Cost of an NHS Prescription Prepayment Certificate divided by 52 or actual cost of prescriptions, whichever is less.</p> <p>(Reviewed in line with NHS charges)</p> <p>Single item - £9.35 3 monthly pre-paid prescriptions - £30.25 Annual pre-paid prescription - £108.10 per year (£2.08 per week)</p>	For those not eligible for free prescriptions.

Transport	<p>Discretionary based on costs that are greater than those incurred by a person without a disability. Reasonable amounts over and above the mobility component of PIP or DLA.</p> <p>Transport to and from day centre should be treated as DRE and allowed if mobility component of PIP or DLA.</p>	<p>Additional transport costs related to disability.</p> <p>Up to £10 allowed without proof.</p> <p>Payments above £10 per week receipt, proof of payment required.</p>
Specialist Clothing/Footwear	<p>If specialist clothing/footwear is required that costs more than non-specialist alternative.</p> <p>Confirmation required by Social work team</p>	<p>Proof of purchase required</p> <p>Allow expenditure above £23.40 per week (ONS family spending survey)</p>
Mobile Phone	<p>Mobile phone use is often part of everyday living and therefore will <u>only</u> be allowed if there is evidence that a mobile</p>	<p>Receipts/ proof of spend.</p>

	<p>phone is disability related and a requirement of the support plan.</p> <p>Allowance to cover essential use of the phone only</p> <p>Confirmation required by social work team</p>	<p>maximum of £10 per month</p>
BROADBAND	<p>Allowance will be made to cover the basic package.</p>	<p>Maximum £10.03 per week in line with BT (£43.46 per month)</p>
Other Disability Related Expenditure	<p>There is discretion to allow other items of disability related expenditure.</p>	<p>Proof, including receipts or any other evidence</p>
Telephone Landline	<p>Allowance will be made to cover the basic package if no Broadband package in place.</p>	<p>Allow cost of basic package up to a maximum of £26.35 per month £6.08 per week.</p>

Other disability related expenditure will be compared with the most recent ONS Family Spending report in order to evaluate that the costs incurred are higher average.

Receipts

It would not be reasonable to expect new service users to have kept every receipt for items purchased; however, certain receipts and supporting evidence will be required. Where receipts have not been kept, this should be done for future expenditure.

Receipts will be required for services, for example, laundry services, gardening, cleaning and domestic services.

Any monies paid to family and friends for providing additional personal assistance will not be allowed in the financial assessment unless this forms part of the assessed needs in the support plan.

If there is a duplication of care being provided privately and by the council, then no DRE will be given for that particular service item.

Appendix E – Costs of Services 2023/24

Capital Limits as defined by the Care Act Statutory Guidance (April 2023)	
Upper Limit	£23,250
Lower Limit	£14,250
Care Home related standard costs	
Personal Expenses Allowance	£28.25 per week
Funded Nursing Care Contribution (NHS)	£209.19 Paid direct to care provider
Full weekly cost of George Beal House	From January 2023 £1,884.30.
Full weekly cost of Brookside, Highfield, Parkside, Puttenhoe, Rivermead and Southway	From 3 January 2023 £798.15 for Direct Payers only / £946.45 for other Governing Bodies
Banding Tool	From 4 April 2023
Residential Medium	Not Used
Residential High	£784.00
Nursing Care	£805.00 + RNCC
Maximum top-up to be deferred	25% of Maximum Local Authority Rate – Maximum top-up £196.00 per week
Non Residential Fees	
Minimum charge for Non-Residential care	£2 per week

Domiciliary care provided by Council carers – charge per hour, per carer, minimum charge 15 minutes	£20.40 from January 2023	
Day opportunities at Kempston Centre - Direct Client Payers	£88.40 per day	£51.20 per half day
Day opportunities at Gadsby Street – Direct Client Payers	£88.40 per day	£51.20 per half day
Day opportunities at Kempston Centre - Other Governing Bodies	£88.40 per day	£51.20 per half day
Day opportunities at Gadsby Street - Other Governing Bodies	£88.40 per day	£51.20 per half day
Transport to and from Kempston Centre or Gadsby Street	£14.00	£7.00 one way
Day opportunities at Goldington Road - Direct Client Payers	£33.15 per day	
Day opportunities at Goldington Road - Other Governing Bodies	£34.50 per day	
Transport to and from Goldington Road day centres	£14.00 return	£7.00 one way

Appendix F - Appeals and Complaints

The service user has the right to ask for a review of their financial assessment and the charges which have been determined as part of Bedford Borough Councils financial assessment process

Service users not satisfied with the calculation or outcome of their financial assessment should discuss their concern with the Financial Assessment team in the first instance to ensure that the assessment has been calculated correctly.

These should be directed to:

Assessment Hub Financial Assessment Team
Borough Hall
Cauldwell Street Bedford
MK42 9AP 01234 718833
Or email to bsu.customerfinance@bedford.gov.uk

An officer independent of the disputed assessment will reassess the information provided by the customer at the time of the assessment. Any information omitted from the initial assessment will be considered upon submission, however, the Council is under no obligation to backdate the outcome to the date of the original assessment. The only exception to this is where benefit income has stopped without prior knowledge of the service user. If it is identified that income and/or capital has not been declared the reassessment will be done back to the initial date that that income was available.

If the service user still remains dissatisfied with the assessed charge, then they are able to request a review of charges by the Senior Financial Assessment Officer. The Senior Financial Assessment Officer will review the information used by the Financial Assessment Officer and scrutinise the financial assessment against The Charging and Financial Assessment Policy. The service user will be notified in writing of their decision and state the reasoning behind it. The service user should be informed that should they remain dissatisfied with the decision; they are able to complain using the Council's complaints procedure.

- Whether this policy has been applied correctly
- Whether the customer will suffer exceptional hardship as a result of having to pay charges for services
- Whether the policy has impacted unfairly on the customer

The outcome of a complaint may be that none, some or all of a charge is waived

The decision to waive charges will be made by the officer who has an appropriate level of authority under the Council's Scheme of Delegation.

This may not be the officer who investigates the complaint.

During the investigation of the complaint, the assessed charge will remain payable and can be pursued according to the Council's debt recovery processes.

If the outcome of a complaint is that the service user has overpaid, then the overpayment will be refunded