

ADULT SOCIAL CARE

POLICY ON CONTRIBUTIONS FOR NON-RESIDENTIAL SOCIAL CARE SERVICES

Developed: July 2018
Approved: 11 September 2018
Review date: September 2019

1. INTRODUCTION

- 1.1 West Lothian Council supports individuals to live at home independently, safely and for as long as possible. To help us continue providing social care to as wide a range of individuals as possible everyone who undertakes an outcome based assessment of needs will be financially assessed to determine whether they should make a financial contribution towards the cost of their assessed non-residential care and support services. Contributions towards the cost of an individual's eligible non-residential care and support will be an important part of the council's income and will help to maintain and develop social care services.
- 1.2 A contribution towards the cost of an eligible care and support plan may apply if someone receives services from the council now or in the future. A contribution will apply whether the service is provided by the council or purchased /arranged from an external provider.
- 1.3 Local Authorities are permitted to charge for non-residential services which are provided or arranged under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003. These charges must be reasonable, having regard to the care and support being provided and a person's ability to meet any costs. Any charge for services should not exceed the cost of providing the service.
- 1.4 A financial assessment will be undertaken for an individual where they are assessed as requiring eligible care and support services, which there could be a contribution due for.
- 1.5 The contributions policy explains how the council will work out how much a service user should pay towards the cost of their assessed eligible care and support services. The policy approved by the council on 11 September 2018 is effective from 1 October 2018 for new service users and 1 April 2019 for existing service users.
- 1.6 The policy complies with social care legislation, Scottish Government guidance and reflects COSLA's National Strategy and Guidance for Charges Applying to Non-Residential Social Care Services 2018/19 which provides a framework for councils to demonstrate that in developing their charging policies, they have followed best practice.
- 1.7 The policy is based on:
 - Fairness and equality
 - Consistent decision making
 - Transparency of cost of contribution
 - COSLA National Guidance and relevant social work legislation
- 1.8 The council will adhere to the following principles that an individual will be:
 - Entitled to be assessed for eligible care and support needs and services provided on that basis;
 - Asked to contribute towards the cost of their eligible care and support where it is practicable for them to pay;
 - Required to contribute no more than the cost of providing their eligible care and support;
 - Provided with a financial assessment before any determination is made about the level of contribution they should make to their eligible care and support services;
 - Provided with a personal income check to provide them with information, advice and support to maximise and manage their income;
 - Treated in a transparent, fair and equitable manner;
 - Provided with information and assistance when they need it; and

- Able to complain or request a review of any decision which is made about them, their care or financial contribution.

1.9 Figures in this policy are correct for the financial year 1 April 2018 to 31 March 2019. As reference to COSLA guidance is made throughout this policy and this guidance is subject to annual updates, reference should be made to the latest COSLA guidance for up to date personal allowance thresholds. <http://www.cosla.gov.uk/social-care-charging-information>

2. PROVISION OF SOCIAL CARE AND SUPPORT

2.1 The self-directed support approach means developing plans for individuals based on outcomes and selection of support to meet their needs, within an identified budget. A care and support contribution will be linked to an individual's personal budget and their ability to pay rather than the services that may be used to meet their needs.

2.2 A financial assessment will be carried out to determine the overall contribution due by an individual.

2.3 A financial contribution towards a care and support package is not required for the following:

- Criminal Justice Social Work Services
- Information and Advice
- Needs Assessment
- Care Management
- Personal Care, see Section 3 below for further details.
- Home Care services for 42 days on discharge from hospital, including Reablement
- Adaptations for disabled persons in owner occupier or privately rented housing, which attract a mandatory grant (in line with the council's Scheme of Assistance) as they are being funded by the council through a grant process to meet the cost of that work.

2.4 Individuals residing in Residential, Assisted Living or Housing with Care may be assessed for additional social care needs, in terms of the council's Eligibility for Non Residential Adult Social Care Policy. If this identifies a need for additional care and support they may be subject to a financial assessment and contribution. Other care and support provided and charged independently through Housing Support Charges or Telecare charges do not fall within the terms of this policy.

3. WHO IS EXEMPT FROM MAKING FINANCIAL CONTRIBUTIONS?

3.1 Individuals who:

- are terminally ill (in receipt of a DS1500 form)
- are over the age of 65 receiving Personal Care only; or
- are subject to a Compulsory Treatment Order

will not be required to make a contribution.

3.2 Currently personal and nursing care is only exempt from charging for individuals over the age of 65; however the Scottish Government has committed to provide this to individuals under 65, regardless of condition, from April 2019. On this basis, the council's policy will be to exempt the cost of personal and nursing care for everyone from its effective date of 1 October 2018.

3.3 Appendix 1 contains details of what is covered under free personal and nursing care and also includes details of what services are treated as "chargeable".

4. THE FINANCIAL ASSESSMENT PROCESS

- 4.1 Anyone who receives a “chargeable service” will be assessed to determine how much they can afford to pay towards the cost of those services they receive; this is called a financial assessment. The care and support provided will always be based on assessed eligible need and a contribution towards the cost of care and support based on the practicality of an individual’s ability to pay that contribution.
- 4.2 A financial assessment will be carried out along with a social care assessment. Where care and support needs have been identified eligible services will be delivered to meet those needs from an agreed commencement date on the care and support plan. Any contribution which is determined as being due will be backdated to the commencement of any care or support services being provided.
- 4.3 The council will ensure, as part of the financial assessment process, that an individual is receiving maximum entitlement to any benefits / income. If the financial assessment process is refused an individual may be liable for the full cost of their care and support, less any free personal care element.
- 4.4 An individual’s ability to contribute toward the cost of their care will be based on their available weekly income, and capital held. An officer from the council may be required to visit an individual at home to undertake a financial assessment. The officer is required to have proof of all income and capital held, therefore any Pension or Benefit statements, and bank or savings books relating to financial affairs should be made available for inspection.

4.5 Total Assessed Income

An individual’s ability to contribute to the cost of eligible care and support will take account of following income, based on a weekly amount:

- Net earnings
- Benefits / Tax Credits
- Pension Income
- Other income, including income from a non-dependant living at home
- Capital income

4.6 Partner’s Income

Where someone is part of a couple, this being their spouse or civil partner, only their income and capital, along with 50% of any jointly awarded/held income and capital will be taken into account when calculating their contribution. This ensures that partners are left with their own income and capital.

Jointly held capital is split equally between the couple unless he/she can demonstrate that they have no legal entitlement to the capital. Capital income (see paragraph 4.8) will be calculated on the basis of the apportioned share of capital.

4.7 Disregarded Income

Certain types of income will not be taken into account in the financial assessment process. This is known as disregarded income. These include the following:

- Disability Living Allowance (DLA) Mobility Component
- Personal Independence Payment (Mobility Component)
- Enhanced rate of Personal Independence Payment (Daily Living Component) when the person is not receiving night time services. Therefore only including the standard rate as income

- The higher rate element of Disability Living Allowance (Care Component) when the person is not receiving night time services. Therefore only including the middle rate as income
- The enhanced rate of Attendance Allowance when the person is not receiving night time services. Therefore only including the lower rate as income
- £20 of net earned income
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children including Child Benefit
- Child Tax Credits
- War Disablement Pension and compensation payments made through the Armed Forces Compensation Scheme

4.8 Capital

Capital such as savings, bonds, stocks and shares, ISAs etc. will be considered as a source of income.

The approach set out below disregards income received against capital held up to a level of £6,000 for individuals below state pension qualifying age; or £10,000 for individuals of state pension qualifying age or above. For any capital held above those levels a weekly income is assumed and this is added as income in the financial assessment; as per the rates set out in the table below:

| | Disregard Capital Below | Weekly Capital Income |
|---------------------------------------|--------------------------------|------------------------------|
| Below State Pension Qualifying Age | £6,000 | £1 per £250, or part thereof |
| State Pension Qualifying Age or Above | £10,000 | £1 per £500, or part thereof |

The value of a person's home is not counted as capital.

4.9 Applicable Housing Costs

The assessable income calculation will be net of applicable housing and council tax costs. Housing costs include rent and mortgage payments and costs for Council Tax and Water and Sewerage will also be deducted. If an individual is part of a couple this will be a 50% deduction.

For non-dependants living at home an allowance for rent paid to family / parents will be disregarded in line with DWP guidance on non-dependant deductions.

4.10 Personal Allowance

For users of non-residential services the policy reflects the COSLA Guidance, which suggests a level of weekly income below which someone cannot be asked to pay care and support charges. These are known as personal allowances (or minimum income thresholds) and are set at the following levels for 2018/19:

| | |
|--|------|
| Single person under pension qualifying age | £134 |
| Couple under pension qualifying age | £204 |
| Single person over pension qualifying age | £204 |
| Couple over pension qualifying age | £311 |

The basis of the personal allowance is linked to rates set by the DWP for income support personal allowances, disability premiums and pension credit. In order to provide more help to those on low incomes and to recognise that not all of someone's income above these rates should be taken in contributions, a buffer of 25% is included in the personal allowance threshold levels set out above.

5. HOW WILL CONTRIBUTIONS BE CALCULATED?

- 5.1 To determine the amount someone can afford to contribute towards their eligible care and support, the following will be completed:

| |
|-------------------------------------|
| Total Assessed Income (A) |
| Less Applicable Housing Costs (B) |
| Less Disregarded Income (C) |
| Less Personal Allowance (D) |
| Equals Excess Income (E) |
| Apply WLC Taper of 65% if (E) > Nil |
| Equals Maximum Weekly Contribution |

- 5.2 If the assessable weekly income is calculated at less than the personal allowance figure, an individual will not be charged for their care and support service.
- 5.3 A decision to apply taper rates to contributions or charges is at the discretion of individual local authorities. The council has decided that the maximum weekly contribution that someone will be required to contribute to their eligible care and support costs is 65% of any excess income. This is in addition to the 25% buffer rate included in the personal allowance and other income and expenditure disregards.
- 5.4 Individuals will be required to contribute the maximum weekly contribution that has been assessed, or the actual cost of their care and support plan, whichever is the lesser amount.
- 5.5 Individuals with an assessed contribution of less than £1 per week will not be asked to contribute.
- 5.6 Appendix 3 provides some examples of how a contribution will be calculated.

6. DISABILITY RELATED EXPENDITURE

- 6.1 Disability related expenditure will vary for each individual and what may or may not be included in a financial assessment will depend on the disability and individual's needs.
- 6.2 The council will consider whether to disregard more of a person's income or capital, over and above any existing disregards, to take account of any additional disability related expenditure. This process will be undertaken on a case by case basis by request.
- 6.3 Should someone have additional disability related expenditure, which they feel is not taken account of in the additional 65% income taper applied to all financial assessments, they should request a review of the contribution in line with the process detailed in Paragraph 11 providing evidence of all additional disability related expenditure.

7. PERSONAL INCOME CHECK

- 7.1 To fully assess an individual's circumstances it is important that help, support and advice are provided at the right time. To support an individual's needs a full holistic personal income check will be offered encompassing advice and support in Income Maximisation, Debt, Money Management, and Energy & Housing options.
- 7.2 All individuals who undertake a financial assessment will be given the opportunity to undertake a full personal income check. Individuals can opt out of this.

- 7.3 The service is provided by West Lothian Advice Shop, who will carry out an impartial, confidential and a holistic income check. Carers and/or other members of the household can also have a personal income check completed.

8. OTHER CHARGES

- 8.1 The contribution which is to be made towards care and support will be based on assessed eligible care needs regardless of what Self Directed Support option is chosen or whether care is provided by the council or another provider.
- 8.2 Access to the Home Safety Service (“Telecare”) will not be part of an individuals assessed needs if this has been chosen as a service. The current charge for the Telecare service is £3.02 per week. This will remain as a separate chargeable service, if required as part of any care and support plan.

9. DIRECT PAYMENTS

- 9.1 Self-Directed Support allows everyone with a care and support package to manage their own care and provides them with opportunity to exercise choice and control on how those needs are met. Where a person has been assessed as being able to contribute towards their care and support, and chooses a direct payment (Self-Directed Support option 1), their assessed contribution will be deducted prior to the provision of the monthly direct payment i.e. the direct payment will be paid ‘net’.
- 9.2 A direct payment will be paid net of any assessed financial contribution, unless a request is made for the payment to be paid gross.
- 9.3 The council will give any request to pay a direct payment gross its full consideration. The council will consider the reasons and circumstances behind any request before making a decision. It will inform the person in writing of their decision.

10. PAYMENT OF CONTRIBUTIONS

- 10.1 Individuals will be invoiced on completion of the financial assessment for their annual contribution from the date their eligible care and support services commence to end of the financial year, and thereafter will be billed annually in advance.
- 10.2 A direct debit will be set up to collect the contribution in instalments on a monthly basis. If individuals are unable to use the Direct Debit Scheme then the council will discuss alternative methods of collection with them.
- 10.3 Failure to make payment of any contribution may result in the council taking appropriate recovery action in line its Service Accounts invoicing and collection process and Corporate Debt policy.
- 10.4 It is the responsibility of individuals to advise the council in advance of any planned circumstances which will impact on the need for service delivery, such as going on holiday or being admitted to hospital for a scheduled operation. In these circumstances, an adjustment will be made to the individual’s contributions calculation.

11. ENQUIRIES, REVIEWS, COMPLAINTS

- 11.1 West Lothian Council seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. The first point of contact should be the assessor who has undertaken the needs assessment.
- 11.2 If there are concerns the financial contribution has been miscalculated or income, capital or disregards used in the calculation are incorrect the Financial Assessment Team can be asked to review their decision. Reconsideration of the financial assessment is the first step in the review process.
- 11.3 If an individual feels their financial contribution will cause undue financial hardship they can request a social work review to determine if further disregards should be applied, or a reduction of the contribution or waiver of it should be applied.
- 11.4 If the individual has a complaint about the service they receive they are entitled to make a complaint at any time. The West Lothian Council Complaints Processes will apply.
- 11.5 The provision of care and support will continue during the period of any review or complaint.
- 11.6 Details of the review and complaints processes are available on request and on the Council's website.

12 RELATED LEGISLATION AND WEST LOTHIAN COUNCIL POLICIES

This policy complies with the following core legislation which continues to be the legal basis for assessment in West Lothian Council:

- The Social Work (Scotland) Act 1968
- Chronically Sick and Disabled Persons Act 1970
- The NHS and Community Care Act 1990
- The Human Rights Act 1998
- Data Protection Act 1998
- Adults with Incapacity (Scotland) Act 2000
- The Regulation of Care (Scotland) Act 2001
- Community Health and Care (Scotland) Act 2002
- Mental Health (Care and Treatment) (Scotland) Act 2003
- The Adult Support and Protection (Scotland) Act 2007
- Social Care (Self-directed Support)(Scotland) Act 2013
- The Carer's (Scotland) Act 2016
- West Lothian Council Policy on the application of hourly rates for the purchase of registered agency services under Self-directed Support Option 2 ('SDS Option 2 Policy')
- West Lothian Council Policy on Self-directed Support ('SDS Policy')
- West Lothian Council Eligibility Criteria for Carer Support ('Carer's eligibility')
- West Lothian Council Policy on Assessment and the Application of Eligibility Criteria for Non-Residential Care ("Eligibility Policy")

13 UPDATES

This policy will be reviewed annually. Up to date information will be published on the council's website www.westlothian.gov.uk and paper copies will be made available through our Social Work offices.

Appendix 1

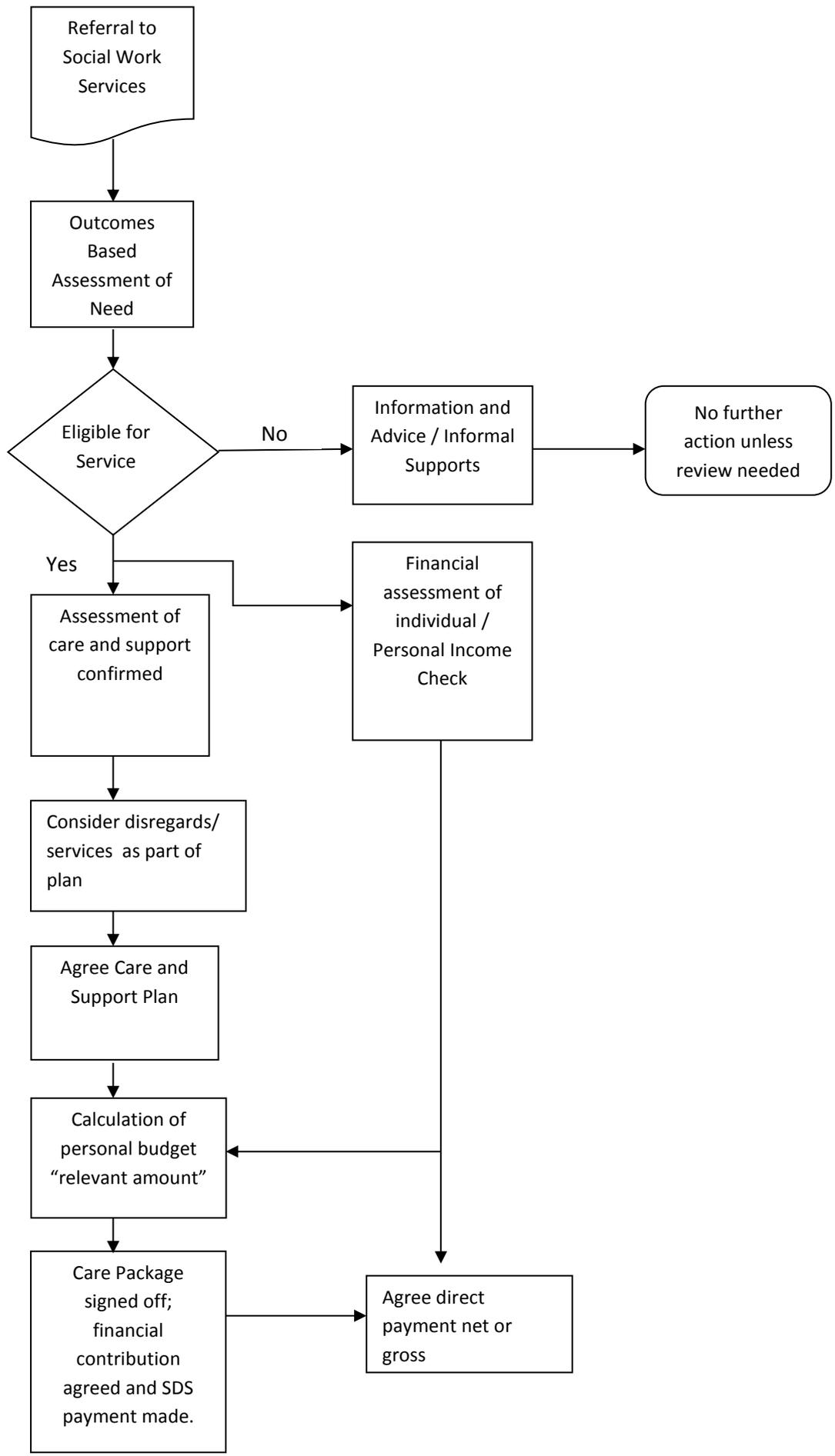
Definition of personal care

- Personal Hygiene- Bathing, Showering, hair washing, shaving etc.
- Personal Assistance – Dressing, surgical appliances, prosthesis etc.
- Continence Management, Toileting, skin care, bed changing etc.
- Simple Medical Treatments – Assistance with medication, including eye/ear drops, application of creams, simple dressings etc.
- Food and Diet – Food and drink provision, feeding, assistance with special diets, assistance to manage different meals services etc.
- Moving and handling – Assistance to get up/go to bed, Transfers, including the use of hoists.

Examples of Non-residential care services

- Day Care
- Care at Home – supported accommodation, supported living, housing support services
- Lunch Clubs
- Wardens in Sheltered Housing
- Laundry Services
- Aids and Adaptations
- Transport
- After Care services for people with a mental illness
- Care and support services for those who have, or have had a mental illness, (in or not in hospital)

**Appendix 2
Assessment of Needs and Financial Assessment Process**



Appendix 3

Non Residential Social Care Examples

Client A: This client is a single person under pension age. They have been assessed as requiring 8 hours of non-personal care per week, costing £128.00 per week.

| | |
|---|----------------|
| Total Assessed Income | £ |
| Employment and Support Allowance (Income Related) - including disability premiums | 191.45 |
| Capital | 0.00 |
| Total Assessed Income (A) | £191.45 |
| Applicable Housing Costs (B) | |
| Council Tax (inc Water and Sewerage) | 4.90 |
| Rent (net of Housing Benefit) | 0.00 |
| Disregarded Income (C) | |
| N/A | 0.00 |
| Personal Allowance (D) | |
| Single Person Allowance – under pension age | 134.00 |
| Total Housing Costs, Disregards and Personal Allowances | £138.90 |
| Excess Income (E) | £52.55 |
| Maximum Weekly Contribution (65% of excess income) | £34.16 |
| Actual Weekly Contribution | £34.16 |

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £52.55 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £34.16 per week.

The client's maximum weekly contribution is lower than the weekly cost of their care and support package which is £128.00 per week, and they have therefore been assessed as requiring to contribute £34.16 per week towards the cost of their non-personal care.

Contd/.

Client B: This client is a single person under pension age. They receive 27 hours of non-personal care a week, at a cost of £547.15 per week.

| | |
|---|---------------|
| Total Assessed Income | £ |
| Employment and Support Allowance (Income Related) | 127.15 |
| PIP Mobility Enhanced Rate | 59.75 |
| PIP Daily Living Enhanced Rate | 85.60 |
| Capital | 0.00 |
| Total Assessed Income (A) | 272.50 |
| Applicable Housing Costs (B) | |
| Council Tax (inc Water and Sewerage) | 4.90 |
| Rent (net of Housing Benefit) | 0.00 |
| Disregarded Income (C) | |
| PIP Mobility Enhanced Rate | 59.75 |
| PIP Daily Living Enhanced Rate – only the difference between the enhanced rate and standard rate is taken into account) | 28.30 |
| Personal Allowance (D) | |
| Single Person Allowance – under pension age | 134.00 |
| Total Housing Costs, Disregards and Personal Allowances | 226.95 |
| Excess Income (E) | £45.55 |
| Maximum Weekly Contribution (65% of excess income) | £29.60 |
| Actual Weekly Contribution | £29.60 |

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £45.55 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £29.60 per week.

The client's maximum weekly contribution is lower than the weekly cost of their care and support package which is £547.15 per week, and they have therefore been assessed as requiring to contribute £29.60 per week towards the cost of their non-personal care.

Contd/.

Client C: This client is a single person over 65. They receive 2 hours of non- personal care a week at a costs of £ 42.10 a week

| | |
|--|---------------|
| Total Assessed Income | £ |
| War Disablement Pension | 51.34 |
| State Pension | 125.97 |
| Additional Pension | 56.76 |
| DLA Mobility low rate | 22.65 |
| DLA Care middle rate | 57.30 |
| Private Pension | 39.99 |
| Capital | 0.00 |
| Total Assessed Income (A) | 354.01 |
| Applicable Housing Costs (B) | |
| Council Tax | 4.21 |
| Rent | 2.00 |
| Disregarded Income (C) | |
| PIP Mobility Low Rate | 22.65 |
| War Disablement Pension | 51.34 |
| Personal Allowance (D) | |
| Single Person Allowance – over pension age | 204.00 |
| Total Housing Costs, Disregards and Personal Allowances | 284.20 |
| Excess Income | £69.81 |
| Maximum Weekly Contribution (65% of excess income) | £45.37 |
| Actual Weekly Contribution | £42.10 |

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £69.81 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £45.37 per week.

On this occasion, as a result of the client's maximum weekly contribution of £45.37, being greater than the actual cost of care, £42.10, they are required to pay the lesser of the two calculations, £42.10

Contd/.

Client D: This client is a single person over 65. They receive 9 hours of non- personal care a week at a costs of £189.47 a week

| | |
|--|---------------|
| Total Assessed Income | £ |
| War Disablement Pension | 51.34 |
| State Pension | 125.97 |
| Additional Pension | 56.76 |
| DLA Mobility low rate | 22.65 |
| DLA Care middle rate | 57.30 |
| Private Pension | 39.99 |
| Capital | 0.00 |
| Total Assessed Income (A) | 354.01 |
| Applicable Housing Costs (B) | |
| Council Tax (inc Water and Sewerage) | 4.21 |
| Rent (net of Housing Benefit) | 0.00 |
| Disregarded Income (C) | |
| PIP Mobility Low Rate | 22.65 |
| War Disablement Pension | 51.34 |
| Personal Allowance (D) | |
| Single Person Allowance – over pension age | 204.00 |
| Total Housing Costs, Disregards and Personal Allowances | 282.20 |
| Excess Income (E) | £71.81 |
| Maximum Weekly Contribution (65% of excess income) | £46.67 |
| Actual Weekly Contribution | £46.67 |

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £71.81 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £46.67 per week.

The client's maximum weekly contribution is lower than the weekly cost of their care and support package which is £189.47 per week, and they have therefore been assessed as requiring to contribute £46.67 per week towards the cost of their non-personal care.

Contd/.

Appendix 3 continued

Client E: This client is part of a couple and is over pension age. WLC will assume income solely received by the person receiving care and only 50% of any income or capital jointly received or held by the couple. In this example, the couple do not receive any joint income or hold any capital over £10,000. The client currently receives 12 hours of non-personal care a week at a cost of £197.52 per week.

| | |
|--|---------------|
| Total Assessed Income | £ |
| Basic State Pension | 91.96 |
| Additional Pension | 0.41 |
| DLA mobility high rate | 59.75 |
| DLA Care middle rate | 57.30 |
| Partner's Income | 0.00 |
| Total Assessed Income (A) | 209.42 |
| Applicable Housing Costs (B) | |
| Council Tax (inc Water and Sewerage) – 50% | 2.10 |
| Rent (net of Housing Benefit) – 50% | 6.75 |
| Disregarded Income (C) | |
| DLA mobility high rate | 59.75 |
| Personal Allowance (D) | |
| Single Person Allowance – over pension age | 204.00 |
| Total Housing Costs, Disregards and Personal Allowances | 272.60 |
| Excess Income (E) | 0.00 |
| Maximum Weekly Contribution (65% of excess income) | 0.00 |
| Actual Weekly Contribution | 0.00 |

In this example, because the clients applicable housing costs, disregarded income and personal allowance is higher than their total assessed weekly income, it has been assessed that they do not have any excess income to contribute towards their non-personal care package.