

# **Contributions Policy for Adult Care and Support**

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North  
Tyneside  
Council

## Document control

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29 January	4d	Added text in 12.1 regarding charging for additional carers and one off services like deep cleans

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## **1 Introduction**

- 1.1** North Tyneside Council's Contributions Policy for adult care and support services complies with the Care Act 2014, in particular, Sections 14 and 17.

Its aim is to produce a fair and consistent framework for charging and financial assessment for all adults who receive care and support services, following an assessment of their individual needs, and their individual financial circumstances.

The policy will be continually reviewed and amended in line with statutory guidance and advice issued by the Department of Health.

- 1.2** For the purposes of this policy, an adult is any customer aged 18 and above.

## **2 Legal basis for charging and financial assessment**

- 2.1** The Care Act 2014 provides a single legal framework for charging for care and support. It enables Local Authorities to decide whether to charge an adult when it is arranging to meet care and support needs of the adult, or a carer's support needs. This is based on an individual's financial assessment
- 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 an adult's financial resource, and the amount (if any) which the adult may be likely to be able to pay towards the cost of meeting their needs through care and support services.

**2.5** 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:

- 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 £1,000 or less;
- Intermediate care (including re-ablement support) services for **up to 6 weeks**;
- Care and support provided to people with Creutzfeldt-Jacob Disease;
- Services that are provided under Section 117 of the Mental Health Act (1983) which relate to an adult's mental health problems and cannot be charged for
- 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, or

health services provided to adults who are terminally ill and assessed as palliative end of life care;

- Services which the 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** North Tyneside Council will refer to the 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 relating to charging and financial assessment.

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 Equality and Diversity**

#### **3.1 Equality**

The Care Act 2014 Section 14 outlines the principle for charging people in receipt of Adult Social Care services and Section 17 outlines the process for carrying out financial assessments to determine individuals' contributions.

The guidance states that charging rules must be applied equally so those with similar needs or services are treated the same and minimise anomalies between different care settings.

### **3.2 Diversity**

The Council is committed to ensuring that no one is treated in any way less favourably on the grounds of personal differences such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **4 Policy objectives**

### **4.1** The principles underpinning this policy are:

- Where the Council is required to arrange care and support for free, it does so;
- That adults are not charged more than it is reasonably practicable for them to pay following a Financial Assessment. The Financial Assessment will consider any additional costs that an adult may face as a result of their disability;
- To provide clear and transparent information so adults know what they will be charged for;
- To apply the rules consistently, to avoid variation in the way adults 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 needs of adults;
- 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 adult 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 do so;
- To ensure that where an adult lacks capacity to undertake a Financial Assessment that the Council consults a suitable person defined as having either:-
  - 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, for example - someone who has been given Appointeeship by the Department of Work and Pensions (DWP) for the purpose of benefits payments

## **5 Principles**

**5.1** An adult requiring care and support must initially satisfy an eligibility assessment and only where an adult has **an eligible need, will a financial assessment be required.**

**5.2** All adults requiring care and support must have a financial assessment. An adult's financial circumstances will determine whether the adult is eligible for support towards the cost of their care and support from the Council.



**5.3** The purpose of the financial assessment is to ensure that the level of contribution calculated is within the adult's means and what they can reasonably afford to pay and leaves them with at least the guaranteed minimum level of income set by the Department of Health and Social Care.

**5.4** The Council will ensure that all adults are supported to maximise their benefit entitlement and assist with the completion of benefit claim forms where necessary.

## **6. The Financial Assessment**

**6.1** Where the Council has determined that an adult is eligible for care and support services, it will undertake a financial assessment to ensure that the adult is not charged more than it is reasonably practicable for them to pay.

**6.2** Once completed a written record of how the financial contribution has been calculated will be provided to the adult.

**6.3** The adult is responsible for advising the Council of any changes to their financial circumstances that may impact upon their financial assessment.

## **7 “Light-Touch” Financial Assessment**

**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 individual adult that they can afford, and will continue to be able to afford, any charge due. This is known as a 'light-touch' financial assessment.

The individual adult has the right at any time to request a full financial assessment.

**7.2** The Council will consider a light-touch' financial assessment if:

- The adult has significant financial resources and does not wish to undergo a full financial assessment for personal reasons, but wishes nonetheless to access local authority support in meeting their needs;
- In such circumstances, and where care and support is provided in a community setting, including respite care, the Council will charge an 'arrangement fee'. (see section 12.7 below)
- Where an adult is in receipt of benefits/income which demonstrate that they would not be able to contribute towards their care and support costs; and
- Where there is difficulty in contacting the adult or their representative within a reasonable time to undertake the financial assessment. In such cases the Council will assess the client using a light-touch' financial assessment and charge accordingly. The charge will be reviewed when contact has been established and a full financial assessment undertaken.

**8 Non-Disclosure of Financial information**

- 8.1** An adult has the right to choose not to disclose their financial circumstances, for example where they can afford to and will continue to be able to afford to pay any charges due for care and support. If the adult chooses to exercise this right, then they will be required to pay the full cost of their care and support at the time the service is delivered.

**8.2** If the adult lacks capacity and their representative fails to engage in the Financial Assessment process, then the Council will require the representative to pay the care costs in full.

**8.3** If the Council is concerned that the representative is not acting in the adult's best interests, then the Council will consider following the Adult Safeguarding process.

## **9 Charging and financial assessment for care and support in a care home on a permanent basis**

**9.1** The Council will charge for care and support delivered in a Care Home on a permanent basis.

**9.2** Adults requiring permanent care and support in a Care Home must initially satisfy an eligibility assessment for care and support. Only where an adult has an eligible care and support need will a financial assessment be required.

**9.3** All adults requiring permanent care and support in a Care Home must have a Financial Assessment. The adult's individual financial circumstances will determine whether they are eligible for support towards permanent care costs from the Council.

**9.4** Adults will be made aware at the outset of the maximum amount of funding the Council makes available towards care and support provided by independent / voluntary sector Care Homes. This is known as 'The Local Authority Rate'. This rate is inclusive of any assessed customer contribution, and in the case of Nursing Care, includes

the free Funded Nursing Care element (FNC) paid by the NHS.

- 9.5** Third party top ups may be applicable when an adult chooses more expensive accommodation than the Local Authority Rate. The top-up is to be paid by a third party, the third party must confirm they are able to meet the costs of the top-up for the duration of the agreement, including any price changes that may occur.

Both they and the adult will be made aware of the cost and to whom payment is to be made, together with the frequency, as well as provision for review, the consequences of failing to maintain payment and the effect changes in any parties' financial circumstances will have on the agreement.

It is recommended that the top up is paid directly to the care home by the third party, this is the simplest option. The second option is for North Tyneside Council to pay the top up to the care home and then invoice the third party for the four-weekly amount.

Non-payment of the top up; if the top up is not paid the service user may be moved to a room or other home that does not require a top up. Any unpaid top up costs that are paid by North Tyneside Council will be passed on to the third party as debt to be recovered.

If the Local Authority were not involved in the placement of the person, any third party top up would be a private arrangement.

**9.6** Where an adult is eligible to receive Local Authority funding for support in a care home setting, but decides to reside in another Local Authority area, North Tyneside Council will pay the Local Authority rate for the area where the customer decides to live.

Where an adult chooses more expensive accommodation than the Local Authority Rate of their chosen area and the top-up is to be paid by a third party, the third party must confirm they are able to meet the costs of the top-up for the duration of the agreement, including any price changes that may occur.

Both they and the adult will be made aware of the cost and to whom payment is to be made, together with the frequency, as well as provision for review, the consequences of failing to maintain payment and the effect changes in any parties' financial circumstances will have on the agreement.

It is recommended that the top up is paid directly to the care home by the third party, this is the simplest option. The second option is for North Tyneside Council to pay the top up to the care home and then invoice the third party for the four-weekly amount.

Non-payment of the top up; if the top up is not paid the service user may be moved to a room or other home that does not require a top up. Any unpaid top up costs that are paid by North Tyneside Council will be passed on to the third party as debt to be recovered.

If the Local Authority were not involved in the placement of the person, any third party top up would be a private arrangement.

- 9.7** Adults 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. On an individual basis, North Tyneside Council will consider other assets than a property as eligibility for the Deferred Payment Scheme.

North Tyneside Council will make Deferred Payment Agreements available under the national 'Universal Deferred Payment Agreement Scheme' and 'North Tyneside Council Deferred Payment Agreement Scheme' providing the eligibility criteria has been met.

Details of Deferred Payment Agreements can be found within the Council's Deferred Payment Agreement Policy located at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

- 9.8** The Council will undertake a financial and benefits check for adults entering Residential Care on a permanent basis to ensure that their income is maximised. Contributions are payable from the date care commences.
- 9.9** The Financial Assessment will consider 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 Care and Support (Charging and Assessment of Resources) Regulations 2014.

- 9.10** The Financial Assessment will take into account statutory amounts required to be retained by the customer from their income. These are known as 'Personal Expenditure Allowance' (PEA) and 'Disposable Income Allowance' (DIA). These amounts are dependent upon the adult's individual financial circumstances and are reviewed annually by the Department of Health and Social Care.

The rates applicable for the relevant financial year (April – March) are set out on the Councils website [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk) Where a customer has no income the Local Authority must ensure that they receive a personal expenditure allowance at the prevailing rate.

- 9.11** Financial assessments will be regularly re-assessed to ensure that the person is able to meet the cost of any charges. An assessment will take place if there is a change in circumstances or if the person requests an assessment.

## **10 Charging and financial assessment for care and support in a care home on a temporary basis - short-term placement (excluding respite care)**

- 10.1** The Council will charge for care and support delivered in a care home on a temporary basis (short-term placement).

- 10.2** Following an assessment of an adult's eligible care and support needs, a decision may be taken that the adult would benefit from a temporary stay in a Care Home. A temporary resident is defined as an adult whose need to stay in a Care Home is intended to last for a limited period of time and where there is a plan to return home. The adult's stay should be unlikely to exceed 52 weeks, or in exceptional circumstances, unlikely to substantially exceed 52 weeks.
- 10.3** Where an adult'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.
- 10.4** Adults that have a temporary stay that becomes permanent will be assessed for a permanent stay at the date permanency is confirmed and the Care and Support plan is amended.
- 10.5** The Council will financially assess all adults having a temporary stay in a Care Home and will charge from the date of admittance.
- 10.6** The financial assessment for temporary stays will completely disregard the adult's main or only home where the adult intends to return to that home.
- 10.7** The financial assessment will treat income and capital in the same way as if the customer was entering a Care Home on a permanent basis with the following exceptions:



- Where the adult is in receipt of Disability Living Allowance, Personal Independence Payment or Attendance Allowance, these are completely disregarded from the financial assessment;
- Where the adult receives Severe Disability Premium or Enhanced Disability Premium, these payments cease when Disability Living Allowance, Personal Independence Payment or Attendance Allowance ceases

**10.8** The Council will ensure that where a spouse or partner resides in the same residence as the adult, that the spouse/partner will have an income of at least the basic level of income support or pension credit, to which they would be entitled to in their own right.

**10.9** The Council will ensure that where Housing Benefit is paid, this is disregarded.

The Council will ensure that payments made by the adult to keep and maintain their home, such as rent or insurance premiums are disregarded at the rate of £20 per week.

In exceptional circumstances, where the payments are more than this amount, the Council will consider disregarding a higher amount but will request evidence to support the decision.

Contributions are payable from the date care commences.

A new financial assessment will be required in each financial year where an adult requires temporary accommodation in a Care Home.

## **11 Charging and financial assessment for respite care provided in a care home setting**

The Council will charge for respite care delivered in a care home.

Respite care is defined as a short-term placement, which has an agreed start date and agreed end date, as identified in a support plan. Respite arranged outside of the support plan would be considered a private arrangement.

It is classed as 'replacement care' and is usually provided to a cared for person, to enable their carer to take a break from their caring role.

The Council will assess an individual's ability to pay for respite care, using the charging and financial assessment process for care and support services within a residential placement, however additional disregards will be provided to ensure the person is not financially disadvantaged due to housing costs.

The Council will ensure that payments made by the adult to keep and maintain their home, such as rent or insurance premiums are disregarded at the rate of £20 per week.

In exceptional circumstances, where the payments are more than this amount, the Council will consider disregarding a higher amount but will request evidence to support the decision.

Contributions are payable from the date care commences.

## **12 Charging and financial assessment for care and support in an adult's own home, including supported living**

- 12.1** North Tyneside Council will charge individuals a contribution, based on their ability to pay following a financial assessment, against the full cost of care and support delivered in other care settings including a person's own home. This could include charging for a second carer if required. There will be no upper ceiling on the amount of contribution an adult will make, contributions will be solely based on the adult's ability to pay following the outcome of a financial assessment. Where the support is a one-off intervention that benefits the adult for a number of months, for example a "deep clean" of their property, the charge will be made, based on the weekly contribution decided by the financial assessment for a period of 6 months or until the full cost of the intervention is recovered, whichever is sooner.
- 12.2** Adults requiring care and support in their own home or other care settings, such as Extra Care Housing must initially satisfy an eligibility assessment for care and support. Only where an adult has an eligible care and support need will a financial assessment be required.

**12.3** Where an adult has an eligible care and support need, the Council will calculate how much the personal budget might be using its

Resource Allocation System (RAS). Once the indicative budget is known, the care support planning process, taking into account the adult's desired outcomes, will determine the agreed personal budget.

**12.4** Adults will have the option to take their personal budget as: a council commissioned services; an Individual Service Fund; as a Direct Payment; or a combination of any of these options.

Adults who take their personal budget as a Direct Payment may purchase alternative types of care to meet their care and support needs as defined in Sections 31 to 33 of The Care Act 2014.

**12.5** The Council has specific 'Direct Payments Guidance' that sets out the criteria for care and support being managed through Direct Payments available on our My Care website.

<https://mycare.northtyneside.gov.uk/web/portal/pages/help/facts>

**12.6** The Council will undertake a financial assessment to determine the amount an adult can contribute towards their care and support costs. The financial assessment will be based, as a minimum, on income, capital, housing costs and Disability Related Expenditure (DRE).

Adults 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 substantiate fully an adult's financial circumstances. Please refer to Appendix A of this policy for Guidance in relation to DRE.

- 12.7** Where an adult has capital in excess of the higher capital limit and is therefore classed as 'self-funding' they can choose to make their own arrangements and pay privately to meet their needs.

Alternatively, they can request that their services are arranged by the Council. They would then be considered 'full cost client' and would be required to pay the full cost of their care and support.

The Council will charge an 'arrangement fee' for doing this.

The annual fee is set out in Appendix **B** Schedule of Charges. This schedule will be reviewed and updated annually.

- 12.8** The Schedule of Charges will be managed under the Council's Delegated Responsibilities and will be reviewed annually. This will include charges for support being met through technology.

**12.9** The Council will ensure that adults retain at least the 'Minimum Income Guarantee.' As set out in Appendix C General Living Allowance

This retained income level is designed to promote independence and social inclusion and is intended to cover basic needs for ordinary living expenses such as food, light and heating, after housing costs have been taken into consideration.

Direct housing costs will only be considered where the adult is liable for such costs, i.e. holds the tenancy agreement or is party to the mortgage.

The 'Minimum Income Guarantee' is set out under The Care Act and is confirmed each year by Department of Health and Social Care.

**12.10** The financial assessment will refer to the Care and Support (Charging and Assessment of Resources) Regulations 2014 for all disregards in respect of income and capital when making a determination of the adult's financial resources.

**12.11** When the financial assessment has been concluded, the adult will be informed in writing of the weekly amount they must contribute towards their care and support costs.

Adults will not be charged more than the amount determined by the financial assessment.

Contributions are payable from the date that care and support services commence.

Adults who require services to be arranged by the Council will be invoiced on a four-weekly basis in arrears for their care and support costs.

Adults receiving their care and support costs through a Direct Payment will receive payments weekly, inclusive of their financial contribution. They will then receive an invoice for their financial contribution which will be paid to the Council.

Adults who receive their care and support through an Individual Service Fund, ISF, will be invoiced on a four-weekly basis for their assessed contribution.

**12.12** The Council will aim to review all financial assessments with the adult or their financial representative on a regular basis.

**12.13** The Council will back date any uplifts in charges based on the uplift in benefit rates which occur each April.

**12.14** Adults who receive their care and support through an Extra Care scheme may be liable for a core charge, for maintenance and 24-hour concierge support. The amount will be disregarded from their financial assessment and separate invoices raised on a 4-weekly basis. If the person is not in receipt of care and support

from the Council, they would still be liable for the core charge.

### **13 Charging and financial assessment for support for carers**

**13.1** The Care Act 2014 provides Councils with the power to charge for support for carers, where they have an eligible support need in their own right.

**13.2** Carers support is support provided directly to the Carer and not support provided directly to the adult being cared for. For example, sitting services and respite care are provided to the cared for person and are chargeable, although their provision benefits the Carer.

**13.3** North Tyneside's current policy is not to charge Carers for the support they receive in their own right.

This decision will be reviewed on a regular basis and any appropriate notice of change will be given.

Following, the review, if the Council changes its policy in terms of charging Carers, the financial assessment will follow the same calculation methodology as those receiving care and support outside of a care home. This may be a 'light-touch' financial assessment, however the Carer can request a full financial assessment, if they so wish.

### **14 Financial Assessment Considerations**

**14.1** Deprivation of income and/or assets is the disposal of income and capital (property and investments) in order to avoid or reduce care charges.



Disposal can take the form of transfer of ownership or conversion into a disregarded form.

In all cases, it is up to the adult to prove to the Council that they no longer possess an income or an asset.

The Council will determine whether to conduct an investigation into whether deprivation of income or assets has occurred.

Where an investigation is conducted, this could be conducted under guidance contained within the Regulation of Investigatory Powers Act 2000.

Following the investigation, where the Council decides that an adult has deliberately deprived themselves of an asset or income in order to reduce a charge for care and support, the Council will initially charge the adult as though they still own the asset or income.

**14.2** Property other than the adult's main or only home will be included within the financial assessment as a capital asset where they are the beneficial owner or have a beneficial interest in the property.

The only exception to this rule is where the adult is taking steps to sell any additional property(s). The Council would expect that reasonable steps are taken by the adult to ensure that the sale is progressed in a reasonable timeframe. The Council reserves the right to review this situation on a 6-monthly basis.

**14.3** The Care Act 2014 requires that financial assessments are completed for adults as individuals.

Where capital is held and income is received on a joint basis, then it is assumed that each person is entitled to 50% of that income. A couple is defined (for administration of their financial affairs) as two people living together as spouses or partners.

Where appropriate the Authority will assess as a couple, if the outcome of the financial assessment is more beneficial to the adult being cared for.

**14.4** An allowance for housing costs (e.g. rent / mortgage / council tax) will be made within the financial assessment for actual costs incurred, on production of evidence to substantiate liability for expenditure. Where the adult is not liable for these costs but contributes towards these through a private board agreement or similar, then the adult will be expected to meet this expenditure from their guaranteed income.

**14.5** 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.

**14.6** Where the adult 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". For example, if an adult has £4,000 above the lower capital limit, they are charged a tariff income of £16 per week.

## **15 Recovery of Debt**

**15.1** The Care Act 2014 consolidates the Council's powers to recover money owed for arranging care and support for an adult.

Section 69 of this Act provides equal protection to both the Local Authority and the person.

Section 70 of the Act also provides the Local Authority with the power to recover charges from a third party where a person has transferred assets to them in order to avoid paying charges for care and support.

Where North Tyneside Council is not able to recover the debt, it will pursue the recovery by making a claim to the County Court for a Judgment Order.

These powers can be exercised where an adult 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).

**15.2** The powers granted to the Council for the recovery of debt also extends to the adult 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.

**15.3** Where there is a refusal to pay for care and support costs by the adult or their representative, the Council will act reasonably and endeavour to resolve the issue in one of the following ways, before making application to the County Court.

These include:

- Contacting the adult or their representative in writing, to establish why the contribution to care and support costs has not been met and for payment arrangements to be made. These repayments must be affordable and relevant to the outstanding debt.
- Where mental capacity is not established North Tyneside Council may support the representative to gain Deputyship as appropriate;
- Where mental capacity is not established and there is no appropriate representative to gain Deputyship North Tyneside Council will consider applying to be a Deputy; or requesting a Panel Deputy be appointed and
- Use of independent mediation through an independent third party such as a voluntary organisation, advocate or solicitor where appropriate

**15.4** Documentary evidence must be gathered in all cases to support any application to the County Court. This includes documentary evidence that;

- the adult is eligible for, has been offered, and refused, a Deferred Payment Agreement (where applicable)
- All invoices raised

- Recorded dates of contact made with the adult or their representative and the outcome of these meetings
- Any other relevant information

**15.5** In all cases the desired outcome is to prevent debt escalating and for the adult to enter into affordable repayments of the debt as well as being able to pay on-going costs as they arise.

**15.6** Social workers will be advised of the debt and will become involved as appropriate

**15.7** The Council will give regard to the level of debt and the cost of recovery and will not proceed with recovery action where the cost of recovery would be disproportionate.

**15.8** All debt that arises from 1st April 2015 must be recovered within 6 years from when the sum became due to the council.

## **16 Reviews**

**16.1** If an adult is unhappy with the assessment or considers after the assessment that they cannot afford to pay, then they have the right to request a review of the charge that has been assessed.

The review will be carried out by a manager of the individual who has completed the assessment.

## **16.2 Review Process – Financial Assessments for Residential and Non-Residential Services**

The Council refers to the Care and Support Regulations (Statutory Instruments) and Care and Support (Charging and Assessment of Resources) Regulations 2014 in all regards for specific guidance relating to charging and financial assessment.

This policy allows some discretion in terms of dealing with individual cases and each case is determined on individual financial circumstances and the outcome of a financial assessment.

The Local Government Ombudsman has emphasised that customers should be given clear information as to the criteria for having charges reviewed, reduced or waived.

**The Financial Assessment Review process sets out the mechanism through which individuals may request a review of their assessed charge.**

## **16.4 Review Process**

Where a customer disagrees with the level of charge set following a financial assessment, they can request a review. The request would normally be within 1 month of receiving confirmation, in writing, of the assessed charge.

The review will be completed and undertaken by a Manager within Adult Social Care Finance. The customer

will be notified in writing of this, with an undertaking that any reduction (if agreed) will be applied from the date of notification of the assessed/re-assessed charge, i.e. the date from which the charge would take effect

The Manager will:

- Establish that the charging policy has been appropriately applied and that the charge has been calculated correctly.
- Establish that benefits have been maximised appropriately.
- Establish that any additional costs of disability have been allowed in accordance with agreed amounts.
- Consider any exceptional costs that result from disability, identified by the customer and assess the need for a reduction in the charge through the exercise of discretion.
- Check the care and support plan and discuss with the Care Manager whether any other exceptional circumstances apply.
- Ensure that, where appropriate, additional supporting evidence of actual expenditure is provided
- Arrange to meet with the customer user/family or carer as necessary to discuss the circumstances of the review.
- Obtain the agreement of the Review with Business Process Manager or Assistant Director Wellbeing and Assessment regarding the outcome of the review.
- Notify the customer in writing of the outcome of the review and advise the customer of the right to complain through the Council's Corporate

Complaints process, if dissatisfied with the outcome of the review.

## **17 Complaints**

**17.1** If a customer is dissatisfied with the process or outcome of the financial assessment, then they are entitled to make a complaint. The leaflet entitled "How to Complain about Adult and Children's Social Services" is available upon request from Customer & Member Liaison Office, North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park, Newcastle upon Tyne NE27 0BY,

Tel: (0191) 643 2280.

Fax: (0191) 643 2430

Email: [CLMO@northtyneside.gov.uk](mailto:CLMO@northtyneside.gov.uk)