



DARLINGTON

Borough Council

Adult Services

The Care and Support (Charging and Assessment of Resources) For Residential Services Policy

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Policy Statement

1. This policy has been written in accordance with the Care Act 2014 [hereinafter referred to as the Act] and the Care and Support Statutory Guidance issued under the Care Act 2014 by the Department of Health. The Act provides a single legal framework for charging for care and support under sections 14 and 17. The Act is supported by the Care and Support (Charging and Assessment of Resources) Regulations 2014 which Local Authorities must follow when charging individuals for their care and support needs.
2. Should readers of this policy require clarification on any of the following, the Care and Support Statutory Guidance issued under the Care Act is accessible via the following link: [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292207/care-and-support-statutory-guidance.pdf)
3. The Council will charge a person when it is arranging to meet a person's care and support needs, except where the Council is required to arrange care and support free of charge. The amount a person is charged will be determined by way of a financial assessment which will determine whether they are required to pay in full, a contribution or will receive care and/or support services free of charge.
4. The new framework is intended to make charging fairer and clearer. The overarching principle is that people should only be required to pay what they can afford. People will be entitled to financial support based on a means-test and some will be entitled to free care.
5. The framework is based on the following principles, as set out in the Care and Support Statutory [Guidance](#) issued under the Act that the approach to charging for care and support needs should:
 - a) Ensure that people are not charged more than it is reasonably practicable for them to pay.
 - b) Be comprehensive, to reduce variation in the way people are assessed and charged.
 - c) Be clear and transparent, so people know what they will be charged.
 - d) Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice, and control.
 - e) Support carers to look after their own health and wellbeing and to care effectively and safely.
 - f) Be person-focused, reflecting the variety of care and caring journeys and the variety of
 - g) Options available to meet their needs.
 - h) Apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings.
 - i) Encourage and enable those who wish to stay in or take up employment, education or training, or plan for the future costs of meeting their needs to do so; and

- j) Be sustainable for local authorities in the long-term.
6. The Council will also ensure there is sufficient information and advice available in a suitable format for the person's needs, in line with the Equality Act 2010 (in particular for those with a sensory impairment, with learning disabilities or for whom English is not their first language), to ensure that they or their representative are able to understand any contributions they are asked to make. The Council will also make the person or their representative aware of the availability of independent financial information and advice.

Support Needs

7. The Council has a duty to arrange care and support for those with eligible needs, and a power to meet both eligible and non-eligible needs. The Council has the discretion to choose whether, or not, to charge under section 14 of the Act following a person's needs assessment.
8. Where an individual is to be charged, the Council will follow the Care and Support (Charging and Assessment of Resources) Regulations 2014 and have regard to the guidance. The detail of how to charge is different depending on whether someone is receiving care in a care home, or their own home, or another setting. This policy sets out the Council's charging policy for individuals with residential care needs. There is a separate charging policy for individuals with non-residential care needs.
9. As set out at paragraph 3 above, the Council will normally charge individuals for the care and support needs unless they fall within an exemption as set out within this policy or if the Council considers the circumstances of an individual's case would warrant a departure from this policy when making a charging decision following a financial assessment.
10. The following types of care and support must be arranged free of charge by the Council, as per the Statutory [Guidance](#):
- a) Intermediate care, including reablement, which will be provided free of charge for up to six weeks.
 - b) Care and support provided to people with Creutzfeldt-Jacob Disease.
 - c) After-care services/support provided under section 117 of the Mental Health Act 1983.
 - d) Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.
 - e) More broadly, any services which the Council is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
 - f) Assessment of needs and care planning may also not be charged for since these processes do not constitute "meeting needs".

The Financial Assessment

11. To ensure that everyone is treated fairly all individuals with residential care needs will undergo a financial assessment in order to calculate their ability to contribute towards the cost of these services and to enable individuals to maximize any benefits to which they may be entitled.
12. The financial assessment can be conducted using a number of different methods, including in-person - via a visit or a pre-arranged appointment at the customer services centre - or over the telephone.
13. The Council may choose to treat an individual as if a financial assessment has already been carried out. This is known as a “light-touch” financial assessment and the main circumstances in which the Council may consider carrying out a light-touch financial assessment are:
 - a. Where an individual has significant financial resources and does not wish to undergo a full financial assessment for personal reasons but wishes to access Council support in meeting their needs. In these situations, the Council may accept other evidence in lieu of carrying out the financial assessment and consider the individual to have financial resources above the upper limit.
 - b. Where the Council charges a small or nominal amount for a service which an individual is clearly able to meet and would clearly have the relevant minimum income left, and carrying out a financial assessment would be disproportionate.
 - c. When an individual is in receipt of benefits which demonstrate that they would not be able to contribute towards their care and support costs
14. Where a ‘light-touch’ assessment has been carried the individual will be notified of this and also of their right to request a full financial assessment should they wish.
15. At the time of a care and support needs assessment, the Council will establish whether the individual in question has the capacity to take part in the financial assessment. If the person lacks capacity, the Council must find out if the person has any of the following as the appropriate person will need to be involved:
 - a) Enduring Power of Attorney (EPA).
 - b) Lasting Power of Attorney (LPA) for Property and Affairs..
 - c) Property and Affairs Deputyship under the Court of Protection; or
 - d) Any other person dealing with that person’s affairs (e.g. someone who has been given appointee-ship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).
16. Individuals who lack capacity to give consent to a financial assessment and who do not have any of the above people with authority to be involved in their affairs, may require the appointment of a Property and Affairs Deputyship. Family members can apply for this to the Court of Protection, or the Council can apply if there are no family involved in the care of the person. While this takes some weeks, it then enables the person appointed to access.

information about bank accounts and financial affairs. A person with dementia for example should not be 'forced' to undertake a financial assessment, to sign documents they can no longer understand and should not be punished for any incomplete information that is elicited from them. Instead, the Council will work with the EPA, LPA, or the Deputies.

17. If there is a delay in the completion of the financial assessment, due to an application being made to the Court of Protection for deputyship, then the payment schedule of the assessed charge from the point of services being provided will be considered on a case-by-case basis.
18. If an individual with eligible needs and financial assets above the upper capital limit ask the Council to meet their needs the Council will not make the arrangements unless we have a duty to do so, e.g. if the individual lacks capacity and if there are no legal representative to make the arrangements.
19. A financial assessment consists of a Visiting Financial Assessment Officer:
 - a. Calculating an individual's total income and capital.
 - b. Calculating disregards and allowances.
 - c. Completing a Disability Related Expenditure Assessment.
 - d. Undertaking a comprehensive welfare rights check.
 - e. Supporting the individual to identify their best options for paying any charges, this may include offering the person a deferred payment agreement.
20. If an individual chooses not to supply all of the information requested on the Financial Assessment form, they will be asked to complete a Non-Disclosure of Financial Information Declaration and will be charged the full actual cost of the services. Should an individual not agree to the charges then a full financial assessment will be necessary.
21. Following the financial assessment, where applicable, an estimated charge will be left with the individual, along with an easy-to-understand written record of the assessment explaining how the assessment has been carried out, what the charge will be and how often it will be made.
22. Where an assessed need has been identified services will commence regardless of whether a financial assessment has been completed. Once an assessment has taken place any assessed charges will be backdated to the commencement of the service. There is no charge for the financial assessment, needs assessment or the preparation of a care and support plan.
23. The Council will endeavour to carry out a financial assessment within 8 weeks of the commencement of services to ensure that the individual does not accumulate significant debts before backdated fees are sought.
24. Once completed, individuals will be provided with a copy of their financial assessment.

Treatment of Income

25. Income is assessed net of any tax and National Insurance contributions and net of any housing costs such as rent or mortgage and Council Tax.

26. Only the income of the individual being charged will be taken into account. Where this person receives income as part of a couple, the starting presumption is that they have an equal share of the income. In these circumstances, the Council will consider the implications for the individual's partner when making decisions about charging.
27. The financial limit, known as the "upper capital limit", is set nationally and exists for the purposes of the financial assessment. This sets out at what point a person is entitled to access Council support to meet their eligible needs – below this level, a person can seek means-tested support from the Council. Capital below the "lower capital limit" is disregarded in the financial assessment, and where an individual's resources are below the lower capital limit they will not need to contribute to the cost of care and support from their capital.

Benefits

28. Any income from the following benefits will be taken into account when considering what a person can afford to pay towards their care from their income:
 - a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
 - b) Bereavement Allowance
 - c) Carers Allowance
 - d) The Care component of Disability Living Allowance
 - e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
 - f) Income Support
 - g) Industrial Injuries Disablement Benefit or equivalent benefits
 - h) Jobseeker's Allowance
 - i) Maternity Allowance
 - j) Pension Credit
 - k) The Daily Living component of Personal Independence Payment
 - l) State Pension
 - m) Universal Credit
 - n) Working Tax Credit.
29. Where any Social Security benefit payment has been reduced (other than a reduction because of voluntary unemployment), for example because of an earlier overpayment, the amount taken into account will be the gross amount of the benefit before reduction.

30. Any income from the following sources will be fully disregarded:
- a) Direct Payments.
 - b) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme.
 - c) The mobility component of Disability Living Allowance.
 - d) The mobility component of Personal Independence Payments.
31. Attendance Allowance, the care component of Disability Living Allowance and the daily living component of Personal Independence will be treated in the following manner:
- a) Where a person is in a long-term placement where the Council assists with the funding, they will lose their entitlement after 28 days.
 - b) Where a person is paying for the whole cost of their placement, they will continue to keep their entitlement.
 - c) Where a person is receiving a 12-week property disregard they will lose their entitlement after 28 days. Entitlement will re-commence from the beginning of the 13th week.
 - d) If a person is in hospital or receiving a period of intermediate care, including reablement, in a residential home prior to the start of their placement the number of days they were there will count towards their entitlement.

Earnings

32. Earnings from current employment will be disregarded in the financial assessment to help encourage individuals to remain in or take up employment.
33. A full list of what is defined as earnings in the financial assessment can be found in “Appendix C: Treatment of Income” in the Care and Support Statutory Guidance issued under the Act.

Annuity and Pension Income

34. An annuity is a type of pension product that provides a regular income for a number of years in return for an investment. Such products are usually purchased at retirement in order to provide a regular income. While the capital is disregarded, any income from an annuity must be taken fully into account except where it is:
- a. Purchased with a loan secured on the individual’s main or only home; or
 - b. A gallantry award such as the Victoria Cross Annuity or George Cross Annuity.
35. Occupational pensions are fully taken into account in the financial assessment unless an individual is paying half of their occupational pension, personal pension or retirement annuity to their spouse or civil partner in which case the Council will disregard 50% of its value if one of the annuitants is still occupying the property as their main or only home.

36. For a comprehensive overview of what disregards can be applied to annuity and pension income and qualifying conditions, please see Appendix C of the Care and Support Statutory Guidance issued under the Act.

Income Disregarded

37. Certain income will be either fully or partially disregarded in the financial assessment. For a full list please refer to the Care and Support Statutory Guidance issued under the Act.
38. Any income from the following sources will be fully disregarded, however this list is not exhaustive:
- a) Child Support Maintenance Payments and Child Benefit
 - b) Child Tax Credit
 - c) Council Tax Reduction Schemes where this involves a payment to the person.
 - d) Disability Living Allowance (Mobility Component) and Mobility Supplement
 - e) Income in kind
 - f) Personal Independence Payment (Mobility Component) and Mobility Supplement
 - g) Savings credit disregard
 - h) Social Fund payments (including winter fuel payments)
 - i) Any grants or loans paid for the purposes of education; and Payments made in relation to training for employment.
39. The following income is partially disregarded:
- a) The first £10 per week of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, War Disablement pension and payments to victims of National Socialist persecution (paid under German or Austrian law).
 - b) A savings disregard based on qualifying conditions.

Notional Income

40. In some circumstances a person may be treated as having income that they do not actually have. This is known as notional income. This might include for example income that would be available on application but has not been applied for, income that is due but has not been received or income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care. In all cases the Council will satisfy itself that the income would or should have been available to the person.
41. Where notional income is included in a financial assessment, it will be treated the same way as actual income and will be calculated from the date it could be expected to be acquired is an application had been made.
42. The following sources of income will not be treated as notional income:
- a. Income payable under a discretionary trust.
 - b. Income payable under a trust derived from a payment made as a result of a personal injury where the income would be available but has not yet been applied for.

- c. Income from capital resulting from an award of damages for personal injury that is administered by a court.
- d. Occupational pension which is not being paid because:
 - i. The trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources; or
 - ii. The trustees or managers of the scheme have insufficient resources available to them to meet the schemes liabilities in full.
- e. Working Tax Credit.

43. This is not an exhaustive list of income and further information can be found in Care and Support Statutory Guidance issued under the Care Act 2014.

Personal Expense Allowance

44. The Council must leave care home residents with a minimum amount of income. This is known as the Personal Expenses Allowance (PEA) and the amount is set out in regulations and updates sent via a Council circular. Anything above this may be taken into account in determining charges.

Treatment of Capital

- 45. In assessing what a person can afford to contribute the Council will apply the upper and lower capital limits as set by the Department of Health every year.
- 46. A person with assets above the upper capital limit will be deemed to be able to afford the full cost of their care. Any assets below the lower capital limit will be disregarded.
- 47. Where a person has assets between the lower and upper capital limits a tariff income will apply. This assumes that for every £250 of capital, or part thereof, a person is able to afford to contribute £1 per week towards the cost of their eligible care needs.
- 48. The following list gives examples of capital. This list is intended as a guide and is not exhaustive.
 - a) Buildings
 - b) Land
 - c) National Savings Certificates and Ulster Savings Certificates
 - d) Premium Bonds
 - e) Stocks and shares
 - f) Capital held by the Court of Protection, or a Deputy appointed by that Court.
 - g) Any savings held in:
 - i. Building society accounts.

- ii. Bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustee Savings Bank.
 - iii. SAYE schemes.
 - iv. Unit Trusts.
 - v. Co-operatives share accounts.
- h) Cash.
- i) Trust funds
49. Where ownership of capital is disputed, the Council will seek written evidence to prove where ownership lies. If a person states they are holding capital for somebody else, the Council will require evidence of this arrangement, the origin of the capital and intentions for its future use and return to its rightful owner.
50. Where a person has joint beneficial ownership of capital, except where there is evidence that the person owns an unequal share, the total value should be divided equally between the joint owners and the person should be treated as owning an equal share. Once the person is in sole possession of their actual share, they can be treated as owning that actual amount.
51. Capital, which is not immediately realisable due to notice periods, for example Premium Bonds, should be taken into account at face value at the time of assessment and may need to be confirmed and adjusted when the capital is realised.

Notional Capital

52. In some circumstances a person may be treated as possessing a capital asset even where they do not actually possess it. This is called notional capital.
53. Notional capital may be capital which:
- a) would be available to the person if they applied for it.
 - b) is paid to a third party in respect of the person.
 - c) the person has deprived themselves of in order to reduce the amount of charge they have to pay for their care.
54. Where a person has been assessed as having notional capital, the value of this will be reduced over time. The rule, as laid out in Care and Support Statutory Guidance issued under the Care Act, is that the value of notional capital must be reduced weekly by the difference between the weekly rate the person is paying for their care and the weekly rate they would have paid if notional capital did not apply.

Capital Disregarded

55. Certain types of capital may be disregarded in the financial assessment. For a full list please refer to the Care and Support Statutory Guidance issued under the Act.

Property disregards

56. The person's main or only home must be disregarded in the following circumstances:
- a) Where the person is receiving care in a setting that is not a care home.
 - b) If the person's stay in a care home is temporary and they:
 - i. Intend to return to that property as their main or only home and it remains available to them; or
 - ii. Have taken reasonable steps to dispose of the property in order to acquire one that is more suitable and intend to return to that property.
 - c) Where the person no longer occupies the property, but it is occupied in part or whole as their main or only home by any of the people listed below, the mandatory disregard only applies where the property has been continuously occupied since before the person went into a care home.
 - i. The person's partner, former partner, or civil partner, except where they are estranged.
 - ii. A lone parent who is the person's estranged or divorced partner
 - iii. A relative of the person or member of the person's family who is-
 1. Aged 60 or over, or
 2. Is a child of the resident aged under 18, or
 3. Is incapacitated.
57. Precise definitions for the terms used above can be found in the Care and Support Statutory Guidance issued under the Act.

12-week Property Disregard

58. If the value of an individual's non-housing assets is below the upper capital limit, then the value of their *main or only* home must be disregarded for the first 12 weeks in the following circumstances:
- a. when they first enter a care home as a permanent resident; or
 - b. when a property disregard other than the 12-week property disregard unexpectedly ends because the qualifying relative has died or moved into a care home.

Allowances/Disregards

Housing Costs

59. Disregards are made for certain housing-related costs, as follows:

- a. Mortgage payments - Mortgage payable net of any housing benefit is disregarded. This is disregarded by the number of people named on the deeds and whether there is a specified percentage share.
- b. Rent Payments - Rent payable net of housing benefit can be disregarded as long as the individuals name is on the tenancy, and they are deemed eligible under the housing benefit rules. However, if housing benefit is reduced for under occupation, then the difference that an individual is required to pay will not be disregarded. If the assessment is for one member of a couple, then no disregard is given for rent.
- c. Council Tax – No disregard unless exemption ceases
- d. Water rates – If a resident has a beneficial interest in a property that is vacant there is no disregard for water rates unless proof can be provided of essential expenditure to maintain the property.
- e. Utility bills - If a resident has a beneficial interest in a property that is vacant there is no disregard for utility bills unless proof can be provided of essential expenditure to maintain the property.
- f. Building Insurance - If a resident has a beneficial interest in a property a disregard is given according the number of people named on the deeds and whether there is a specified percentage share.

Other allowances

60. Other disregards available include:
 - a. A disregard will be made for non-dependants, but only if a non-dependant deduction has been made by Housing Benefits.
 - b. Disability-Related Expenditure
 - c. Pre-paid funeral policy

The Deferred Payment Scheme

61. The deferred payment scheme is designed to help individuals who have been assessed as having to pay the full cost of their care, but who cannot afford to pay the full weekly charge because most of their capital is tied up in their home. Deferred payment agreements will be offered to anyone who meets the qualifying criteria and are able to provide adequate security as outlined in the Council's [Deferred Payment Policy](#).
62. Individuals will pay a weekly contribution towards their care that they have been assessed as being able to pay from their income and other savings. The Council pays the part of the weekly charge that they cannot afford until the value of their home is realised.
63. The Council will charge an administration fee for setting up a deferred payment agreement including legal and ongoing running costs.
64. The Council will charge interest on the deferred amount using the nationally set maximum interest rate.

65. Individuals who refuse or are not eligible to enter into a deferred payment agreement will be charged the full cost of their placement after the 12-week property disregard.

Top-Up Payments

66. Where a person chooses a placement that is more expensive than the amount identified to meet their accommodation needs in their personal budget - provided a third party, or in certain circumstances the person in need of care and support, is willing and able to meet the additional cost - arrangements will need to be made to make this 'top-up' payment.
67. Before entering into the agreement, the Council will provide the individual paying the 'top-up' with information and advice to ensure they understand the full implications of their choice, and the terms and conditions, including actively considering the provision of independent financial information and advice. Further detail is available in Care and Support Statutory Guidance issued under the Act.
68. Before entering into the agreement, the Council will undertake a financial assessment with the person/persons undertaking the third party top up to ensure that affordability and sustainability of this amount is maintainable.
69. If the arrangements for a 'top-up' were to fail for any reason, the Council may have to make alternative arrangements, subject to a care and support needs assessment.
70. The person paying the 'top-up' must enter into a written agreement with the Council, agreeing to meet the additional top-up cost. That agreement must, as a minimum, include:
 - a. The additional amount to be paid.
 - b. The amount specified for the accommodation in the person's personal budget.
 - c. The frequency of the payments.
 - d. To whom the payments are to be met.
 - e. Provisions for reviewing the agreement.
 - f. A statement on the consequences of ceasing to make payments.
 - g. A statement on the effect of any increases in charges that a provider may make.
 - h. A statement on the effect of any changes in the financial circumstances of the person paying the 'top-up'.
71. The 'top-up' agreements will be reviewed by the Council on an annual basis.
72. Following on from the financial assessment the Council may decline the third party top up arrangement if the above criteria is not met or the financial assessment is refused or the financial assessment shows that this payment was not affordable or sustainable.

Temporary and short-term residents in care homes (Short Break Stay)

Who is a temporary resident?

73. A temporary resident is defined as a person 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 person's stay should be unlikely to exceed 52 weeks, or in exceptional circumstances, unlikely to substantially exceed 52 weeks.
74. In some cases, a person may enter a care home with the intention of a permanent stay but a change in circumstances could result in it being temporary. In such cases the Council will treat the individual as temporary from the date of admission for the purposes of charging.
75. Similarly, a stay which was initially intended to be temporary could become permanent. In such cases, the financial assessment of the person as a permanent resident will be from the date that the care plan is amended and agreed with the person and/or their Representative where the individual lacks capacity.
76. The financial assessment will be based on the individual resources of the person. However, the Council will give regard to any partner or spouse remaining at home and ensure they are left with a basic level of income support or pension credit to which they may be entitled to in their own right.

Capital

77. Where the Council charges a temporary resident, the individual's main or only home will be disregarded where the person:
 - a. Intends to return to the property as their main or only home and it remains available to them; or
 - b. Has taken steps to dispose of the home in order to acquire one that is more suitable and intends to return to that property.
78. Any other capital assets will be treated in the same way as for permanent residents.

Income and earnings

79. Both income and earnings will be treated in the same way as for permanent residents; however, any additional amounts the individual may need to maintain their home during their temporary stay will be disregarded. Such expenses may include ground rent, service charges, water rates or insurance premiums.
80. Where Attendance Allowance, Disability Living Allowance or Personal Independence Payments are being received, these will be completely disregarded, however eligibility for both of these benefits ceases after 4 weeks of Council support so the Council will consider the impact of this on the person's ability to maintain their home.
81. Any Housing Benefit paid to the person will be disregarded as they will still be responsible for meeting any costs associated with their main or only home.
82. Any payments the individual receives to support the costs of housing and/or independent living will also be disregarded, for example payments to provide warden support, emergency alarms or the meeting of cleaning costs.

83. Where a person is sub-letting their main or only home, this income will be disregarded.
84. Where a person has income from a boarder, the first £20 of the income should be ignored plus half of any balance over £20.

The Welfare Rights Check

85. As part of the Financial Assessment the Visiting Financial Assessment Officer will ensure that appropriate benefits advice is given to all individuals. This will include advice about benefit eligibility; help with the completion of benefit claims and the follow up of claims with the benefit provider where the Individual wishes this. As most decisions about benefit entitlement carry the right of appeal, then the Visiting Financial Assessment Officer will suggest that expert advice be sought as early as possible to avoid loss of benefit and avoid lengthy appeal processes.
86. Advice will not be limited to benefits directly affecting charges. It will therefore include Housing Benefit, Council Tax Benefit, and Council Tax Discounts and reductions as well as the core benefits of Income Support and Pension Credits, disability benefits (AA/DLA) and Tax Credits.
87. The individual will also be notified whether charges are likely to increase if the benefit application is successful.
88. Some individuals may prefer to obtain independent Welfare Rights advice from agencies such as Age UK or Citizens Advice Bureau and will be offered this choice. Where the Individual has given permission, information regarding the financial assessment will be exchanged with the relevant agency.
89. Individuals can choose not to take the advice offered by the Visiting Financial Assessment Officer. Where the individual fails to make a claim for a benefit that they will be entitled to, this may result in this amount being treated as notional i.e. as if it is still there.

Review of Assessed Charges

90. An income and expenditure uplift will be applied in line with benefit increases annually.
91. The Council will undertake regular reviews of financial assessments. This will usually be on an annual basis.
92. A financial reassessment will be completed as a result of any changes in financial circumstances. This includes being awarded new benefits and the payments of new income.

Change in Financial Circumstances

93. It is the responsibility of the individual or their representative to inform the Council of any relevant change of financial circumstances, as failure to do so may lead to backdated charges. Examples of changes in circumstances include reductions and increases in income or capital.
94. An individual or their authorised representative can request a review of their financial assessment at any time, and this should be undertaken to consider any changes in their resources. If it comes to the attention of the Council that an individual's circumstances may have changed then a referral should be made to the financial assessment team for the financial assessment to be reviewed accordingly.

When undertaking a review of the financial assessment, individuals will be expected to provide the requested updated information to the Council within 15 working days. If the individual refuses to provide updated information, then they will be deemed to afford the full actual cost of the services they receive.

95. The individual will be notified in writing of any alteration to their weekly contribution, as a result of any changes. Any change to the individual's weekly contribution may be from the date of such change.

Paying for Care and Support

96. Individuals will normally be invoiced on a 4-weekly basis, in arrears for their assessed charge, however, alternative payment arrangement may be available upon request.
97. Details on how to pay assessed contributions will be provided on invoices.

Appeals

98. If the client disagrees with the initial financial assessment, then a different Visiting Financial Assessment Officer will verify the assessment. This will be completed within 10 working days and a written reply made setting out the reasons for maintaining or amending the present charge.
99. If the individual or their authorised representative still disputes the charge, then a further review will be completed by the Visiting Financial Assessment Officers' line manager. Again, a written reply will be sent out within 10 working days confirming the reasons for maintaining or amending the current charge.
100. If the individual still remains dissatisfied regarding the outcome of their appeal, then the Director of Services for People or a nominated officer will hear appeals against decisions made by the Financial Assessment Section.
101. At any time during this process the individual or their representative can make a complaint under the Darlington Borough Council Complaints Procedure. Details regarding the Council's complaints procedure are detailed at the end of this policy.

Waiving the Charges

102. In exceptional cases, the charges for care and support may be waived. Cases will be considered on an individual basis taking into account the effect upon the individual.
103. In such cases, the Assessing Officer and their Team Manager will submit a report outlining the client's circumstances and the reasons why they believe that the charges should be waived to the Assistant Director Adult Social Care for approval. Approval may be given retrospectively, and the individual would be reimbursed for contributions paid back to the date that approval was effective. It can also be given for a specified period of time to give the individual the opportunity to reassess their own position on paying for their care.
104. The Council has a responsibility to provide care and support to people assessed as needing it through a Care and Support Needs Assessment regardless of the individual's ability or willingness to pay. Services that are essential to support someone safely in the community should not be withdrawn

because the person refuses to pay. Where the person withdraws themselves from services, further enquiries and alternative advice and assistance will be offered.

Debt Management

105. Where an individual has accrued a debt, the Council may use its powers under the Act to recover that debt. In deciding how to proceed, the Council will consider the circumstances of the case before deciding a course of action.
106. Ultimately, the Council may institute County Court proceedings to recover the debt due to the Council. However, the Council will only use this power once other reasonable alternatives for recovery have been exhausted.

Complaints

107. Darlington Adult Social Care welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with individuals and carers and improving services.
108. The Adult Social Care Complaints Procedure comprises of one stage after which the complainant should be advised to discuss the matter with the Complaints Manager or refer the matter to the Local Government Ombudsman.
109. Although complainants can refer their complaint from the outset to the Local Government Ombudsman, they will not normally investigate the matter until the Council has conducted its own investigation and made a response.
110. More information is available from:
Complaints and Information Governance Team
Darlington Borough Council
Town Hall
Feethams
Darlington
DL1 5QT
Tel: 01325 406777

www.darlington.gov.uk/complaints

E-mail: complaints@darlington.gov.uk

111. Complaints concerning the conduct of Officers of the Council will be dealt with under the Council's employment policy and procedures.