

# East Renfrewshire Health and Social Care Partnership

## Non Residential Care Charging Policy 2024/25

Version 6

(Revisions in relation to extending non-residential care  
charging, subject to approval)

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<b>Changes:</b>	September 2021: Version 3 – new clause regarding residential rehabilitation contribution September 2022: Version 4 – new clause added to include treatment of compensation September 2023: Version 5 – 2023 DWP rates updated Nov 2024: Version 6 - 2024 DWP Rates updated & Policy Amended per COSLA. Revised to reflect proposal for new charges (subject to approval by Cabinet)			



## Introduction

1. This Charging Policy explains how East Renfrewshire Health and Social Care Partnership (HSCP) considers and calculates the contribution that people who use services will be expected to pay towards the cost of the services they receive from the HSCP.
2. Charges apply whether the service is provided directly from the HSCP, or by an external provider commissioned to provide services on the HSCP's behalf or where a person receives an individual budget (direct payment) and arranges their own support.
3. There are some services for which charges do not apply:
  - a) Criminal Justice social work services
  - b) Children in need, including; children subject to statutory and voluntary supervision arrangements, or are involved with social work under section 12 or section 22 and section 23, relating to children with additional support needs
  - c) People with mental health problems who are subject to community care or supervision and / or criminal court orders
4. There are some services which are provided free of charge:
  - a) Personal Care (see Appendix 2)
  - b) Additional Care at Home on discharge from hospital for a period of reablement for up to 6 weeks (COSLA guidance is for over 65's, however we will not distinguish for age)
  - c) Free Personal Care and Free Nursing Care
  - d) Carers; some services to support unpaid carers will not be chargeable
  - e) Care, where a service user is terminally ill, which is evidenced through a DS1500 form, an SR1 form or a Benefits Assessment for Special Rules in Scotland (BASRiS) form
  - f) Residential Rehabilitation; will not incur any individual contribution given the timing and nature of this service
5. The charges are set in line with statutory requirements and National Guidance, are remitted by the Integration Joint Board of the HSCP to East Renfrewshire Council (Local Authority) to be approved by elected members and reviewed on an annual basis through the budget setting process.
6. The policy to support annual charges will be reviewed annually referencing the relevant legislation and guidance, including but not limited to the COSLA National Strategy and Guidance on charging for non-residential care. The key points from this guidance can be summarised:
  - a) The threshold for single people and couples be based on Income Support Personal Allowance, the Pension Credit – Standard Minimum Guarantee and a

buffer of 25% of the thresholds to be up-rated on an annual basis, using the figures announced in November each year. Charging policies that reduce users' net income below these basic levels are not acceptable and undermine social inclusion policies.

- b) The level of charge, which the service user will pay, will be determined by individual Local Authorities. Any charges should not exceed the cost of providing the service.
  - c) Local Authorities should ensure equality in charging irrespective of their financial circumstances, and widening access to income maximisation.
  - d) Local Authorities should exercise discretion to disregard some forms of income.
  - e) Where the service user has dependent children, recognition should be afforded to the costs associated with raising and maintaining children. To this end, all benefits paid for, or on behalf of a dependent child, will be disregarded.
  - f) Local Authorities should adopt capital rules similar to those applied in respect of Income Support, but without an upper level beyond which people would be refused service. This guidance does not prevent local authorities from using a higher capital threshold should they wish.
  - g) Where a service user has difficulty in meeting the approved cost of the service, due to their financial circumstances, it is recommended that councils use their powers to abate or waive charges. Local authorities should provide adequate information in their policies on waiving and abating charges.
  - h) It is recommended that all Local Authorities be pro-active in promoting benefit take up for service users. Where possible, local authorities should ensure that there are dedicated staff to promote and assist with Income Maximisation processes for service users.
  - i) All councils should provide clear and concise public information to service users on what elements of the service are free, what can be charged and what the level of charge will be.
7. Charges are linked to an individual's ability to pay. How we determine this is through a Financial Assessment with supporting detail (Appendix 1 to this policy). People will be assessed on individual income as standard. However, in the event that income is maximised through assessment as a couple this will be considered.
8. The financial assessment also includes a taper which determines how much of the assessed disposable income should be charged for towards the costs of care. This is currently proposed at 60%.
9. The Chief Officer and Chief Financial Officer of the HSCP have the delegated authority to waive a charge in exceptional circumstances.
10. Where a person pays a contribution toward a Community Alarm, or any other service, or to the Independent Living Fund these amounts will be deducted from Income to ensure no duplication of charge.

11. There will be an upper limit to the weekly charge payable, to recognise that the more complex a person's needs are then generally the higher the cost of care. This limit will be set based on the level of the National Care Home Contract cost for residential care, less the Free Personal Care entitlement. For 2024/25 this will equate to a weekly upper limit of £577.24 (being £825.94 less £248.70 respectively for each component).
12. Treatment of compensation payments should be considered where the breakdown of any compensation award includes provision for the cost of care. Any such element should be included in assessment and the ability to pay, subject to legal advice and agreement to ensure the financial assessment is accurate and fair. The upper limit may not apply in these circumstances.

## APPENDIX 1 – FINANCIAL ASSESSMENT

### Financial Assessment – An Assessment of Ability to Pay

1. The Convention of Scottish Local Authorities (CoSLA) provides annual advice on the level of weekly income below which a person cannot be asked to pay charges. These are known as Minimum Income Thresholds and are updated each financial year in line with the Department of Work and Pensions (DWP) benefit up-rates.
2. If the assessable weekly income is less than the income threshold figure, there will be no charge for services other than any flat rate charges.
3. If the assessable weekly income is more than the income threshold figure, the charge or contribution will apply.
4. Financial Assessments will be carried out by the HSCP's Finance Support Officers and / or the Council's Money Advice and Rights Team (MART), with the intention to avoid any duplication. We will liaise with service users and an allocated worker to gather appropriate financial information to enable the charge to be determined.
5. Where individuals do not wish to claim benefits to which they are entitled they will be financially assessed as if they were in receipt of these benefits.
6. Where a financial assessment is declined the full charge for the service will be applied.
7. We will not ask you to pay more than you can reasonably afford. When we ask about your income & expenditure to see how much you can pay, this is known as a Financial Assessment.

Each year we will set a weekly income amount for single people and couples depending on their age as follows:

Single person under pension age	£167
Single person over pension age	£273
Couple under pension age	£254
Couple over pension age	£417

If your income is below this weekly amount, we will not charge you for services. This does not apply to any flat rate charged services described below.

- You will be asked to give information on your income every year.
- You will likely be assessed as an individual unless it makes sense for your circumstances to be assessed as a couple (for example if a couple are sharing supports this may be beneficial to assess jointly).
- We look at your total weekly income from all sources including your capital and savings. (A set amount is ignored from your capital and savings – see Treatment of Capital section below).
- We disregard set amounts depending on your age as shown above.

## **Income Disregarded in the Financial Assessment**

8. The following income sources are disregarded:

- The Mobility component of Benefits such as Disability Living Allowance, Adult Disability Payment, Personal Independence Payment
- Where night-time supports are not provided as part of a care package, only the middle rate of Disability Living Allowance and lower rate of Attendance allowance should be considered when assessing clients' income. Similarly, for people who receive the enhanced rate of PIP or DLA and who do not receive night-time support, only the standard rate should be taken into account.
- War Widows Pension and War Disability Pension
- Kinship Care/Residence payments
- Industrial Injuries Benefit
- Payments made from a Gallantry award
- Any pension paid from the Austrian or German Government as compensation
- Income derived from benefits paid for or on behalf of children
- Government funding for specific initiatives such as cost of living utilities support
- ILF Income
- Any backdated benefits you receive as a result of a benefit check (for 52 week)

The above list is not exhaustive, other sources on Income will be considered on a case by case basis.

### **Treatment of Capital:**

Capital can be considered as a source of income and as such, is included in a financial assessment. In calculating the income a person receives from capital they own, the HSCP adopt the same approach as that used by the Department of Work and Pensions (DWP) for means testing income-based benefits (see table below).

- Capital such as savings, bonds, stocks and shares, ISAs etc. will be taken into account in determining charges for the service. The value of your main property will be disregarded, however, the value of any other property owned may be taken into account.
- There is no upper capital limit at which people would be refused support, as the provision of social care support at home will always be based legally on need rather than the ability to pay.

Below state pension qualifying age:  
Disregard Capital Below £6,000  
Weekly Tariff Income £1 per £250

State pension qualifying age or above:  
Disregard Capital Below £10,000  
Weekly Tariff Income £1 per £500

- For service users with capital in excess of the disregard threshold, a tariff income is applied. For people over pension age, this is currently £1 for each band of £500 over the disregard threshold and for people under pension age, the tariff is £1 for each band of £250 over the disregard threshold. These amounts are added to your assessed income.

### **Non-Disclosure or Incorrect Information Provided in Respect of Financial Assessment**

If an individual does not wish to divulge financial information for the financial assessment, the HSCP will apply the full charge or contribution for the service.

If incorrect financial information has been provided the HSCP will seek to recover any amount due or will reimburse any amount overpaid. A new financial assessment will be undertaken and the correct charge applied.

The HSCP will have the right to pursue unpaid charges through East Renfrewshire Council's corporate debt recovery process.

**Should the policy be approved and become operational, there will be guides to support people with the financial assessment, including examples.**



## APPENDIX 2 – SOCIAL CARE NOT ORDINARILY CHARGED FOR

<https://www.legislation.gov.uk/asp/2002/5/schedule/1>

### **SCHEDULE 1 Social care not ordinarily charged for**

*(introduced by section 1(1)(c))*

1 As regards the personal hygiene of the person cared for

- (a) shaving;
- (b) cleaning teeth (whether or not they are artificial) by means of a brush or dental floss and (in the case of artificial teeth) by means of soaking;
- (c) providing assistance in rinsing the mouth;
- (d) keeping finger nails and toe nails trimmed;
- (e) assisting the person with going to the toilet or with using a bedpan or other receptacle;
- (f) where the person is fitted with a catheter or stoma, providing such assistance as is requisite to ensure cleanliness and that the skin is kept in a favourable hygienic condition;
- (g) where the person is incontinent
- (i) the consequential making of the person's bed and consequential changing and laundering of the person's bedding and clothing; and
- (ii) caring for the person's skin to ensure that it is not adversely affected.

2 As regards eating requirements, the preparation of, or the provision of any assistance with the preparation of, the person's food including (without prejudice to that generality)–

- (a) defrosting, washing, peeling, cutting, chopping, pureeing, mixing or combining, cooking, heating or re-heating, or otherwise preparing food or ingredients;
- (b) cooking, heating or re-heating pre-prepared fresh or frozen food;
- (c) portioning or serving food;
- (d) cutting up, pureeing or otherwise processing food to assist with eating it;
- (e) advising on food preparation; and
- (f) assisting in the fulfilment of special dietary needs, but not the supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for, the person, or the preparation of food prior to the point of supply to the person.]

3 If the person is immobile or substantially immobile, dealing with the problems of that immobility.

4 If the person requires medical treatment, assisting with medication, as for example by—

(a) applying creams or lotions;

(b) administering eye drops;

(c) applying dressings in cases where this can be done without the physical involvement of a registered nurse or of a medical practitioner;

(d) assisting with the administration of oxygen as part of a course of therapy.

5 With regard to the person's general well-being

(a) assisting with getting dressed;

(b) assisting with surgical appliances, prosthesis and mechanical and manual equipment;

(c) assisting with getting up and with going to bed;

(d) the provision of devices to help memory and of safety devices;

(e) behaviour management and psychological support, if deemed appropriate by a social work professional.