

## **Oxfordshire County Council Policy for Contributions in Adult Social Care**

**Approved: 10/04/2017**  
**Active from: 10/04/2017**  
**Review: 01/04/2018**

### **Purpose**

1. This policy outlines how the council ensures a fair approach to contributions from individuals towards the social care services they receive. It covers residential and non-residential care services following an assessment, and direct access services such as day care.
2. This policy is based on appropriate legislation and Government guidance, including:
  - The Care Act 2014, associated regulations and statutory guidance
  - The Mental Capacity Act 2005
  - Mental Health Act 1983 section 117 – the duty on health and social care services to provide free aftercare to patients previously detained under certain sections of the act
3. It should be read in conjunction with the council's Adult Social Care policies on Assessment and Review, Support Planning, Safeguarding and Complaints, Appeals and Compliments, and associated operational procedures and guidance.

### **Context**

4. Oxfordshire County Council aims to support and promote strong communities so that people live their lives as successfully, independently and safely as possible. The council aims to promote independence and choice, be fair and equitable and give service users more power and control over their lives.
5. Social care is not a free service and national funding arrangements make it clear councils need to collect income locally to contribute towards the cost of services.
6. Legislation permits an Authority to recover a reasonable charge for social care from service users who satisfy the Authority that they have insufficient means to pay for the service themselves.
7. Income from charging for services where it is appropriate to do so is therefore an essential part of Oxfordshire County Council's financial strategy.
8. In setting its contributions policy and determining the contribution to be paid by an individual the council cannot be less generous in the treatment of capital than the provisions set out in the Care Act 2014.
9. As set out in the Care Act 2014, councils should take account of no more than the full cost of providing the service. The council calculates this based on the

average cost of providing this service across the county, and this is reviewed on an annual basis.

10. A list of the services that the council currently charges for is attached as Appendix A.

## **Policy Principles**

11. Where the council requires contributions towards services for Adult Social Care, the following principles will be applied:
- Ensure people have access to the information, advice and support they need to plan their care and support according to their own preferences
  - Encourage people to think creatively about meeting their care and support needs, including drawing on resources they already have or can develop to promote their independence
  - Encourage people to purchase services which best address their needs, promote their wellbeing and prevent further needs from developing
  - Provide people with timely, clear and concise information about the costs of their care
12. The way in which the council sets the contributions people are expected to make towards their own care, and the process by which these contributions are made, will be as simple and straightforward as possible.
13. The council will publish its contributions policy and accompanying guidance on the council website ([www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)) and provide clear information to service users, carers and the general public in a variety of formats.
14. The council will signpost service users, carers and the general public to wider information about the cost of care, including support available through a range of information and advice services and centres provided and commissioned by the council.

## **Choice and Control**

15. This policy supports the council's wider aims to offer individuals greater choice and control over services that meet their eligible social care needs. An individual is able to decide where and from whom they purchase the services that meet their eligible needs, using either their Personal Budget or their own financial means.

## **Fairness and Equity**

16. A single policy for all services for which the council is permitted to charge ensures people are treated fairly and equitably, and that people are not charged different amounts for the same services. This policy therefore covers residential and non-residential services, and universal or open access services.

## **Protecting people on low incomes**

17. The financial assessment will ensure that people on low incomes are not put in financial hardship as a result of paying towards their care costs. Advice and support to claim welfare benefit entitlements will be made available to service users and carers.

## **Promoting prevention and early intervention**

18. The council commissions and provides a range of intermediate care services that prevent or defer the need for more intensive health and social care services, such as reablement, intermediate care beds and crisis services. These services are provided free of charge for up to 6 weeks, following an assessment of need, to encourage and enable independence.
19. The council provides certain services free of charge to support people living at home and their carers who require services. These are identified in Appendix B.

## **Policy Inclusions**

20. This policy covers charges and contributions for all residential and for all non-residential Adult Social Care services provided in people's homes for which the council has powers to charge. It also applies equally to people in prison with social care needs. The policy covers charges and contributions for direct access and universal services, such as day opportunities.
21. This policy covers payments and contributions made by:
  - People paying for their own care and support (self-funders), who may choose to pay to access council-funded services
  - Individuals paying for care and support through Self Directed Support and Personal Budgets
  - The council arranging and paying for care and support on behalf of an individual
22. A person's eligibility to receive services from Adult Social Care will be determined by a care needs assessment based on National Eligibility Criteria.
23. The amount a person is required to pay towards their care and support needs will be determined by a financial assessment in line with the principles outlined in this policy.
24. This policy applies to all service users who are considered to be Ordinarily Resident in Oxfordshire (as defined in the Care Act 2014) and meet the nationally set eligibility criteria.
25. Service users receiving non-residential care and support have the choice to manage their own services through a Direct Payment, or to ask the council to do this for them. This policy applies equally to all service users who ask the council to manage services on their behalf, use a Direct Payment or use a combination of these. This does not affect their entitlement to an assessment of needs, or access to advice and information provided by the council.

26. Where the council makes a Direct Payment as an alternative to making arrangements for direct provision of a service, service users will be required to contribute on the basis of the same financial assessment and calculations as when the council commissions a service.
27. The same principles of fairness apply to those who hold Personal Budgets as those who do not.
28. The council will take into account in the financial assessment capital and income unless it is required to be disregarded under legislation or statutory guidance.

## **Policy Exclusions**

29. This policy does not cover:

- Services for which the council may not charge under legislation and/or statutory guidance. This includes:
  - aftercare services under section 117 of the Mental Health Act 1983,
  - services provided to people suffering from any form of Creutzfeldt-Jakob Disease,
  - intermediate care services such as reablement, crisis and intermediate care beds, which are free of charge for an initial period of up to 6 weeks,
  - community equipment and minor adaptations up to £1,000,
  - providing advice about the availability of services or for assessment, including assessment of community care needs,
  - services provided under specific health and housing legislation by other organisations, such as the NHS.
- Housing-related support services which are subject to separate arrangements. Account will be taken of the impact in individual cases where a person receives a housing-related support service as well as other care provision from the council.

30. Service users who are considered to be Ordinarily Resident in another council area and supported by that council will be subject to the contributions policy of that authority. Oxfordshire County Council will recover the full cost from other organisations for services it provides or arranges on behalf of their service users.

## **Mental Capacity**

31. In line with the Care Act 2014 and the principles set out in the Mental Capacity Act 2005, the council will assume that people have mental capacity and can make decisions for themselves unless it is established otherwise
32. If a person has substantial difficulty in engaging in the financial assessment process and has no other means of accessing appropriate support through relatives, friends or others involved, the council will ensure access to an

independent advocate to facilitate their involvement. Where applicable, this will be an advocate who meets the requirements of the Mental Capacity Act.

33. If the council thinks a person may lack capacity to take part in a financial assessment or to make financial decisions for themselves, it will carry out a capacity assessment in relation to the assessment or the specific decision to be made.
34. If a person has been assessed as lacking capacity, the council will determine if there is an appropriate person who has the authority to be involved in their affairs and make relevant decisions on their behalf. This will usually be someone who holds:
  - a. Enduring Power of Attorney
  - b. Lasting Power of Attorney for Property and Affairs
  - c. Lasting Power of Attorney for Health and Welfare
  - d. Property and Affairs Deputyship under the Court of Protection; or
  - e. 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 for the purpose of benefits payments)
35. Where there is not an appropriate person (as listed above), the council will follow the best interests process set out in the Mental Capacity Act. This will include consulting relevant family and friends to obtain their views, and may lead to the appointment of an appropriate person to act on their behalf.

## **Safeguarding**

36. If at any stage the council suspects that a person is experiencing or is at risk of abuse or neglect, a safeguarding enquiry will be carried out. This will establish if any action needs to be taken to prevent or stop abuse or neglect and will involve the person in deciding next steps. This is covered in the Safeguarding policy and associated guidance.

## **Requesting support to meet eligible needs**

### **Non-Residential Care**

37. The council has a duty to meet the eligible needs of people who require non-residential care.
38. A person with eligible needs and who has savings above the full cost threshold of £23,250 can ask the council to meet these needs. In these cases the council will charge an arrangement fee to cover the cost of arranging those services. This fee will be charged at two different rates depending on the level of the council's involvement.

### **Residential/Nursing Care**

39. The council has a duty to meet the eligible needs of people who require residential care/nursing care and who have savings under the full cost threshold of £23,250

40. The council can use its discretion to meet the needs of people who require residential/nursing care and who have savings over the full cost threshold. Where the council chooses to do this it will not charge an arrangement fee.

## **Personal Budgets**

41. Anyone eligible for care and support from the council will have a Personal Budget. A Personal Budget is the amount of money allocated to an individual to provide the support they require, based on an assessment of needs. For more information about Personal Budgets, please see the Support Planning Policy.

42. Service users will make a single contribution towards the cost of their care based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care they require to meet their needs, the council will fund the difference. Service Users may choose to purchase additional care at their own expense.

43. People with Personal Budgets and who receive care at home will be charged one month in arrears, based on the actual hours of care they receive. Home support will be charged at a single, flat rate per hour set annually by the County Council Cabinet and will be calculated by the minute.

## **Charges for Residential Services**

44. The Care Act 2014 covers charges for registered residential and nursing homes, including:

- All residential services.
- Temporary residential services under 8 weeks.

45. The Care Act 2014 allows councils to take into account the value of a person's property, and Oxfordshire County Council will also take other capital and income into account in the financial assessment of individuals, unless it is required to be disregarded under legislation or statutory guidance.

46. The council may also use its discretion in appropriate cases to disregard the value of a person's property from the financial assessment, if a third party lives there. For example, this may be where it is the sole residence of someone who has given up their own home to care for the resident, or someone who is an elderly companion of the resident (particularly if they have given up their own home).

## **Respite Care**

47. For respite care, including temporary stays of less than 8 weeks the council will undertake a financial assessment as if the individual is living in their own home.

## Charges for Non-residential Services

48. Under the Care Act 2014, Oxfordshire County Council is entitled to charge a contribution for non-residential services provided to adults. This policy reflects the requirements in the latest guidance to support the Act. Also under this Act, individuals can request a review of their assessed contribution at any stage.
49. A Personal Budget is used to purchase services to meet the individual's eligible needs. Service users may take this money in the form of a Direct Payment, or ask the council to arrange services on their behalf, or use a combination of both.
50. Services will either be:-
- a. provided exclusively to people with Personal Budgets, and paid for from those Personal Budgets.
- Or
- b. be provided as a "free universal offering" regardless of whether the person has a Personal Budget or not. In such circumstances receiving the service would have no impact on the individual's Personal Budget as the service will be free at the point of use, including for self-funders.
- Or
- c. provided as a "subsidised universal offering". In these cases providers of services will be responsible for setting, notifying and collecting contributions or charges from services users, and these contributions will be the same for all users regardless of whether they have a Personal Budget or not (including self-funders).

In some circumstances it may be appropriate for people to use their Personal Budgets to pay their contributions towards "subsidised universal" services. In these circumstances, there may be cases where the council is managing a Personal Budget on behalf of a service user and is willing to make payments directly to providers on their behalf if they wish to use their Personal Budget to pay these charges. However the preferred mechanism will be for individuals to pay the charge themselves, either from their own funds or from a direct payment.

51. There is a presumption that any new services not referred to in this policy will be chargeable unless the council determines:
- a. They are universal or preventative services
  - b. The cost of recovering charges will exceed the income raised;
  - c. There are statutory or legislative reasons for not charging at all or not charging the full amount to some users of the service
  - d. Charging the full cost would result in no uptake of a service
  - e. Charging for a service would act as a deterrent to taking up an essential service.
52. Calculations of the cost of home support will be based on a single, flat rate per hour and will be calculated by the minute. This will then be used to calculate a Personal Budget.

53. Personal Budgets for people who require double-handed care will be calculated to reflect the cost of having two carers. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution.
54. All charges for services, including the flat rate per hour for home support, will be reviewed and set on an annual basis by the County Council Cabinet.
55. A list of current services for which contributions could be charged out of a Personal Budget is included at Appendix B.

## **Financial Assessment of Service User Contributions**

56. All individuals will be offered the opportunity to have a full financial assessment to calculate their contribution. It is the individual's responsibility to provide all of the information required to complete the financial assessment and failure to provide this will result in the maximum contribution being applied.
57. Where appropriate the council may carry out a light touch financial assessment, for example where a person has significant financial resource and does not wish to undergo a full assessment.

## **When Contributions Will Start**

58. Service users in residential accommodation and receiving non-residential services may be asked to contribute from the date when they begin receiving a service or move in to a care premises, whichever is appropriate. If the financial assessment has not already taken place, the service user may be asked to contribute towards the cost of their care backdated from the date of the assessment to the point the service user started receiving the service or moved into the premises.
59. Oxfordshire County Council believes that people who need care should know how much that service will cost as soon as possible after their care needs have been assessed. The council therefore endeavours to complete financial assessments as soon as possible for all services and expects service users to cooperate in that process.
60. After they have been financially assessed, service users will be obliged to make their assessed contribution, either to their Personal Budget if it is in place by then, or towards the cost of any temporary services they are receiving prior to their support plan being agreed and implemented.
61. The exception to this obligation is intermediate care services (including reablement), which will be provided free of charge for up to six weeks. For these service users, the council will endeavour to complete the financial assessment process during this period so that service users can understand how much they will need to contribute if they still have care needs when the intermediate care ends.

## **Income, Capital and Investments**

62. In carrying out a financial assessment, the council will take into account all relevant income and capital that is not required to be disregarded. Examples of disregarded income include Winter Fuel Allowance, Cold Weather Payments and the mobility component of Disability Living Allowance or Personal Independence Payment.
63. The value and treatment of income will be based on the definitions within the Care Act 2014 and associated guidance.
64. The value and treatment of capital will be based on the guidelines set by the Department of Health who will set an amount:
- a. Below which capital will not be taken into account when assessing the service user's contribution.
  - b. Above which the service user will be expected to pay the full cost of their Personal Budget.
65. Normally, the individual will be required to pay the full cost of those services only if their total relevant capital exceeds £23,250, their income level is such that they are assessed as being able to contribute the full amount, or they choose not to disclose their financial circumstances.
66. Until further notice the following thresholds apply to assessments made under the Care Act 2014 for both residential and non-residential care:
- Up to £14,250 – we will not take account of an individual's savings.
  - Between £14,250 and £23,250 – we will assume that for every £250 in excess of £14,250 an individual is able to contribute £1.00 per week from capital
  - Above £23,250 – we will ask the individual to pay the full charge.
67. The above amounts cannot be less generous to the service user than are set out in the Care Act as amended from time to time.
68. There is no maximum weekly contribution rate, although individuals will only pay the lesser amount of the full cost of their care or their assessed contribution.
69. For those assessed as needing to make a contribution, the minimum weekly contribution level will be £2.00 per week.

## **Advice on benefits**

70. As part of the financial assessment process and where applicable, advice will be provided to individuals regarding benefit entitlement. This may include referring or signposting to relevant agencies and services.

## **Living Expenses - Non-Residential**

71. For non-residential care services, people receiving local authority arranged care and support other than in a care home need to retain a certain level of income to

cover their living costs. Under the Care Act 2014, charges must not reduce people's income below a certain amount. This amount is known as the Minimum Income Guarantee (MIG).

72. For the non-residential financial assessment the council will use the Minimum Income Guarantee figures provided by the Department of Health. In addition, service users will be asked to contribute only after any disability related expenditure has been considered.

### **Disability Related Expenses**

73. Disability Related Expenditure is considered to be a reasonable additional expense that an individual receiving non-residential care incurs due to their age or disability, and may vary from individual to individual. The aim is to allow for reasonable expenditure needed for independent living by the service user. The council will not include items that could be considered as normal living costs, which are covered by the allowance made in the Minimum Income Guarantee.

The council will take into consideration the relevant expenses of each individual service user. The list of possible items is extensive and examples are given in further information provided to the service user.

### **Living Expenses - Residential**

74. The council will usually disregard the normal amount of weekly Personal Expense Allowance (as prescribed by the Department of Health) from a service user's income. The council will also consider allowing additional expenses where the resident has continuing commitments for dependants not resident in a care home. However this is unusual and will only apply in exceptional cases.

### **Direct Payments**

75. The contribution to be made when the service user receives a Direct Payment instead of services is calculated on the same basis as when a service user receives a service commissioned by the council.
76. Direct Payments will be paid gross to the service user 4-weekly in advance, and the council will then invoice them for their assessed contribution.
77. The council will review the expenditure of the Direct Payment based on returns from the service user. Any adjustments to the person's contribution towards their Direct Payment will be made as necessary.

### **Deferred Interest Loans**

78. In some circumstances, the council may offer deferred interest loans to support people making adaptations costing in excess of £30k to allow them to continue to live at home. Eligibility for these loans will be assessed to establish that the person is unable to fund the work themselves and the council will be the lender of last resort.

79. Service users in receipt of a Deferred Interest Loan will have a review at least annually to ensure that the adaptation is still appropriate and in use.
80. Where the service user(s) no longer live permanently at the property the interest on the loan becomes payable.
81. The capital of the loan becomes repayable when the service user(s) dies, or on the sale of the property or transfer of the property to another person. This may be deferred only in exceptional circumstances e.g. where there is a spouse still living in the property until they also are deceased or the house is sold.

### **Couples**

82. Financial assessments will normally be undertaken as a single person. However, service users living with a partner in their own homes will also be offered a joint assessment. This will require details of all savings, income and expenses held individually or jointly. We will then financially assess at whichever rate is better for them.
83. Couples assessments do not apply to couples living together or separately in care homes. For these people, each will be separately financially assessed as appropriate.

### **Joint/shared costs**

84. When calculating the financial assessment, costs related to housing (e.g. utility bills) may be shared between the individual and anyone else living in the same home who shares responsibility for those costs with the individual.

### **Prisoners**

85. Care for a person in prison will be viewed as falling under non-residential charging rules, so property will therefore not be taken into account in any assessment.
86. Prisoners will be allocated a Personal Budget but will not be eligible for a Direct Payment.

### **Deprivation of capital**

87. If someone has deprived themselves of capital or an asset to reduce their contribution, this may be treated as deprivation of funds to pay for care and the contribution will be calculated as if the individual still owned the capital or asset.

### **Personal Injury Awards**

88. In existing proceedings where claims are made against defendants in legal proceedings alleging wrongdoing or negligence (such as insurance companies or the NHS), the council will give consideration to intervening in those proceedings where appropriate.

89. The council will also take into account any personal injury awards that are not held in Trust once a 52 week disregard period from the time they are awarded has expired.

### **Trust Funds**

90. The council will consider whether to recover the cost of care from a trust fund, where reasonable to do so, having regard for the terms of the trust.

### **Refusal to be assessed**

91. If a person refuses to disclose their financial details they will be required to pay the full cost of the service. The council will not withdraw services because a person refuses to pay their contribution to their care costs or the full cost of care where appropriate, but in such cases it will pursue any debt accrued.

### **Admission to hospital**

92. When people are admitted to hospital for a short period of time and their care arrangement remains in place, for example a care home placement or Direct Payment we will continue to charge their assessed contribution. This will be subject to regular review.

93. In some situations the event that caused the person to be admitted to hospital is likely to result in an increase in their level of need. In these circumstances a new care needs assessment will be required, leading to a revised Personal Budget. In some cases this may lead to an increase in the person's contribution.

### **Carers**

94. The Care Act requires councils to assess carers' needs to support their wellbeing and the caring relationship where they are providing care. The council gives consideration to meeting the needs of carers through provision of services:

- (i) **used directly by the carer** – these are defined as 'carers services' and are free under this policy. Such services are identified through the carers assessment of needs and are arranged by the carer using a Direct Payment provided by the council. The range of possible services is very wide and some examples are given in the Appendix B
- (ii) **used by the cared for person** – these are included in the service user's Support Plan and will generally be services liable to a service user's contribution.

95. Legislation requires personal care to be excluded from services determined as Carers Services as it is intimate in nature and directly provided to the service user. (There are exceptions to this, where the service user requests help or is in a situation that would cause harm).

### **'Top Up' Payments and Purchasing Additional Services**

96. Service users and their families can 'top up' their Personal Budget to buy additional support or services above their financial contribution if they choose to, for example to buy their care from a provider of their choice.

97. Service users may also arrange for contributing third parties to make additional payments to cover the cost of a care home that is more expensive than the council would usually expect to pay. However such service users may choose to pay the top-up themselves only in restricted circumstances such as Twelve Week Property Disregard or Deferred Payment Agreement funding.
98. The council will at all times ensure that Personal Budgets are sufficient to meet the person's eligible care needs. Any 'top ups' must be the individual's choice, and can only be made once they are aware of their right to have all their eligible care needs met without the requirement for a 'top up'.
99. The person paying the 'top up' will be expected to sign a Third Party Contribution Agreement, which sets out the conditions of making a 'top up'.
100. In the event the 'top up' ceases, the council is under no obligation to increase its contribution to cover the difference in cost. This may result, for example, in the service user having to move to other accommodation and being given a number of alternative options to choose from, unless, after an assessment of need, it is shown that their assessed eligible needs can only be met in the current accommodation.

### **12 Week Property Disregard**

101. If the service user is moving into a registered care home the council may disregard the value of the property they are vacating for up to 12 weeks. If the property has not been sold within 12 weeks, the council may then provide deferred payments secured by a legal charge over the property. The amount secured by the legal charge will be repayable to the council immediately on sale of the property and will be subject to an additional interest charge as set out in the Deferred Payment Agreement.
102. If the service user is moving elsewhere (for example into Extra Care Housing or to move in with relatives) and the property has not been sold within 12 weeks, the council will exercise its discretion and may offer to provide deferred payments secured by a legal charge over the property.
103. Service users who move into accommodation other than a registered care home and who do not agree to the council securing a charge over their property will not be offered an initial 12 week property disregard option, and will be financially reassessed with the value of their property taken into account.

### **Deferred Payment Agreements**

104. The council will offer Deferred Payment Agreements to allow a person to defer or delay paying the costs of their care and support until a later date. This will normally be until the person sells their home, or until death.
105. Deferred payments will normally be secured by a legal charge against the person's property, and in most cases the council will expect this to be the first charge against the property.

106. The council will charge a single, flat rate for arranging and administering a deferred payment agreement. This will be non-refundable and the amount will be set annually by the County Council Cabinet. Individuals can choose to pay this fee up front or add it to the loan, in which case it will be subject to the same interest charges as the rest of the loan.

107. In some cases a full valuation may be needed in setting up a deferred payment agreement. Where this is required, the cost will be the responsibility of the individual whether they arrange the valuation themselves or ask the council to do it for them. This cost will be non-refundable and the amount will be set annually by the County Council Cabinet. Individuals can choose to pay this fee up front or add it to the loan, in which case it will be subject to the same interest charges as the rest of the loan.

108. The council will apply interest to any amount deferred, which will be calculated on a compound basis. This will be charged at the maximum level of interest set nationally, which is reviewed on a six-monthly basis.

109. Non-payment of a deferred charge, or otherwise not following the terms of a deferred payment agreement, will result in debt recovery processes being instigated.

### **Second and Additional Properties**

110. When a service user owns a second or additional property that is not their main residence it will be considered as an asset in the financial assessment.

### **Joint arrangements with Children's Services**

111. Social care legislation in relation to the provision of services to meet the needs of adult and children is complex and the council is committed to ensuring Adult and Children's Services work collaboratively to achieve the best possible outcomes for individuals and family groups. In the context of paying for services, those arranged by Children's Services are free under legislation. Services arranged by Adult Services are subject to this policy. The following clarification is provided:

#### **Parents who are carers of disabled children**

112. People with parental responsibility for a disabled child are entitled to a carer's assessment, and to having their eligible needs met. Adult and Children's Services work with parent carers to ensure that the assessment is carried out by the most appropriate person. As set out above, Adult Social Care services directly to the carer are free.

#### **Young Carers**

113. Young people under the age of 18 who have caring responsibilities are entitled to an assessment of their needs by Children's Services. The cared for person is entitled to an Adult Social Care assessment; and to have their needs met where they meet national eligibility criteria. They will be required to make a contribution

to their Personal Budget for Adult Social care services, based upon a financial assessment.

## **Waivers**

114. Waivers apply only to non-residential care services and related financial assessments. They will only be issued in exceptional circumstances, for example when incurring the full assessed contribution would have a detrimental impact on the individual. Whilst each case will be considered on its merits, the contribution may be waived or reduced where it can be shown that paying the full assessed contribution would cause severe financial hardship or the individual's health would be put at serious risk.

115. Waivers will be considered and approved by the relevant Adult Social Care Service Manager. All waivers will be documented and reviewed at an agreed frequency.

## **Non-payment of contribution**

116. Where an individual fails to make payment of invoices for care services provided by the council, action will be taken in accordance with the council's Debt Recovery Policy. This may result in legal action being taken and extra cost to the individual.

## **Changes in an individual's financial circumstances**

117. Individuals must notify the council of any changes to their financial circumstances as these can affect their financial assessment. A change in a contribution may be triggered either by a change in type or level of service or the financial circumstances of the individual. In addition an individual may request a review of a financial assessment due to revised information or an error at any time. Changes to contributions may be backdated to the actual date of any change.

118. The council reserves the right to review all financial assessments at any point relating to current or historical services provided. This may require individuals to provide new or additional information and evidence where necessary.

119. Where individuals fail to provide information following written requests, contributions will be recalculated to the maximum level from the date of the first written request.

120. Where appropriate the council may automatically reassess service user contributions based on changes that we become aware of through policy changes, Department of Works and Pensions or regulation changes. These may include annual increases to standard benefit payments such as the State Retirement Pension, occupational or other private pensions (except fixed rate annuities) or service cost increases.

## **Disagreements or complaints**

121. Where these situations occur we will attempt to work with individuals in line with the Complaints and Appeals Policy to resolve them and this may involve either:
- a. a review of the financial assessment and/or service;
  - b. a complaint or representation against policy; and
  - c. an application for a waiver of the contribution.

If an individual remains dissatisfied with the outcome of the assessment process they can ask for the decision to be reconsidered under the council's complaints procedures.

## **Monitoring and review**

122. The council will have procedures in place for monitoring contributions processes, to ensure they are consistent with this policy and associated guidance.
123. The policy will be reviewed annually. This will take into account learning from complaints, compliments and concerns, including from people who use the council's services.

## Appendix A

### List of services which could be charged out of a Personal Budget

The following list sets out the services that will be provided free of charge, and those for which a contribution will be made by the individual.

Social care funding cannot be used to cover 'board and lodgings', so Personal Budgets cannot be used to pay for housing costs or the purchase of meals. However, individuals may choose to pay these costs themselves from their own money or other means.

This does not apply to people living in care homes, where social care funding can be spent on board and lodgings.

<b>Service Type</b>	<b>Definition of Service</b>	<b>Contribution Policy</b>
Alert Service	Telecare service for older people in their own homes. Provision of alarm and falls sensor. Assessment for provision of emergency response and planned visit.	Free to service users with less than £23,250 in assets who are also in receipt of housing benefit and either Income Support or (Guaranteed) or Pension Credit or Incapacity Benefit or Employment Support Allowance  Anyone else can pay privately to receive the service, or be financially assessed by the council and charged by the provider – this could come from an individual's Personal Budget or other means available to them
Arranging non-residential care	Arranging non-residential care and support for people with eligible needs who have savings over the full cost limit  Arranging non-residential care and support for people with eligible needs who have savings under the full cost limit	The council will charge an arrangement fee to cover the cost incurred by the council in making these arrangements  Free
Arranging Residential Care	Arranging residential care placements for people with eligible needs  Where the council uses its	Free  Free

<b>Service Type</b>	<b>Definition of Service</b>	<b>Contribution Policy</b>
	discretion to meet the eligible needs of people with financial assets above the capital limit.	
Care Home placements	A premises registered with the Care Quality Commission to provide care 24 hours per day for people who can no longer live at home. Care homes 'with nursing' employ nurses as well as carers to provide the care.	Financially assessed and charged by the council
Carers Services	Various services to support unpaid carers of adults caring for adults. Services include: peer support groups, confidence training, information giving, free time whilst cared for is looked after, carers independent voice	Free
Community Meals Service	A weekly or fortnightly frozen meal delivery service	Provider will charge
Community Support to people with Acquired Brain Injury	To provide a community based service to support people under the age of 65 who have an acquired brain injury - services provided are a day centre, support in the community in particular aiding discharge from hospital and supporting carers.	Subsidised by the council. Provider charges fee for attendance, meals, activities, transport. this could come from an individual's Personal Budget or other means available to them
Community Support for People under 65 with Dementia	To provide a community based service to enable people under 65 with dementia to have access to person centred one to one support by a specialist trained support team. Carers are also supported.	Subsidised by the council. Provider charges fee for activities including refreshments, transport. This could come from an individual's Personal Budget or other means available to them
Deferred Payment Agreements	Setting up a formal deferred payment agreement so that costs of care will be recouped once a property is sold or the person dies.	The council will charge a flat rate to cover all costs, including legal costs, valuations fees etc  The council will also charge interest on the outstanding loan at the rate set nationally by the Department of Health.
Dementia	Various services to support	Free

<b>Service Type</b>	<b>Definition of Service</b>	<b>Contribution Policy</b>
Prevention Services	people with a diagnosis of dementia. Services include: dementia advisors, one to one support, information giving, day centres	
Direct Payments advice and managed accounts	The provision of a Payroll and Managed Accounts Service to all Service Users and Carers referred by the council or Oxford Health Foundation Trust about all aspects of receiving and managing a Direct Payment/Personal Budget / Personal Health Budget. A Managed Account is where all of an individual's Direct Payment is paid to the Supported Managed Account Service Provider who manages the money behalf on an individual according to the individual's Support Plan	Free
Equipment and minor adaptations	Provision of equipment into individual's own home to aid mobility (grab rails, stair lifts, hoists etc)	Free
Extra Care Housing	Specialist one or two bedroom flats for older people (55 plus) to rent or purchase. Provides planned day-time care and emergency 24/7 care response.	Financially assessed by the council and charged by the provider – this could come from an individual's Personal Budget or other means available to them
Flexible care	A befriending service which supports older people with dementia and/or significant mental health needs that will enable the person to engage with services and work with them in a variety of activities to increase their confidence and improve their quality of life in order to remain in the community. The service provider also supports their carers.	Free, although service users are expected to pay for own activity or refreshments if they are taken out.
Foot care	The aim of this service is to use volunteers to provide a foot care service to older people who, through reasons	Subsidised by the council, provider charges – this could come from an individual's Personal Budget or other

<b>Service Type</b>	<b>Definition of Service</b>	<b>Contribution Policy</b>
	of frailty and disability, are unable to reach or see to cut their own nails safely.	means available to them
Home from hospital	The service will provide low level support to enable service users who have recently been discharged from hospital to regain confidence by providing assistance with practical tasks	Free
Home support	Delivery of a range of personal care and support services to maintain people in their own homes for as long as possible	Financially assessed by the council and charged by the provider – this could come from an individual's Personal Budget or other means available to them
Information and advice	Provision of the right information about Adult Social Care, welfare benefits, welfare rights and other related issues which help us to support and promote strong communities so that people live their lives as successfully, independently and safely as possible	Free
Intermediate Care Beds	Provide rehabilitation to enable people to regain or maintain skills and independence and return to their own home. The beds are in a registered care home. Carers and nurses from the care home support intermediate care residents, with specialist assessment and care provided by occupational and physiotherapists.	Free for up to the first 6 weeks and then financially assessed by the council and charged by the provider – this could come from an individual's Personal Budget or other means available to them
Laundry Service	A weekly laundry service collected and delivered to the door	Provider will charge – this could come from an individual's Personal Budget or other means available to them  The council provides subsidy for people with incontinence
Learning Disability Day Services	Day Centre provision aimed at supporting adults with a learning disability	Financially assessed by the council and charged by the provider – this could come

<b>Service Type</b>	<b>Definition of Service</b>	<b>Contribution Policy</b>
		from an individual's Personal Budget or other means available to them
Reablement	Care and support in people's own homes to support people to maintain and regain independence.	Free for up to the first 6 weeks. Ongoing care needs after this time are financially assessed and charged by the provider – this could come from an individual's Personal Budget or other means available to them.
Respite	A short stay in a care home or a care home 'with nursing'. The stay may last from a few nights to a few weeks.	Financially assessed by the council. This could come from an individual's Personal Budget or other means available to them
Shared Lives	A scheme for vulnerable adults that provides the opportunity to live or stay temporarily in a Shared Lives carer's home, or sometimes to be supported in their own home.	Financially assessed by the council this could come from an individual's Personal Budget or other means available to them
Supported Living	A range of housing and support services designed to help vulnerable adults including those with a disability retain their independence in their community.	Financially assessed by the council this could come from an individual's Personal Budget or other means available to them
Tier 2 Day Services	The aim of this Service is to provide support to older people that helps prevent the need for higher level services. The Service enables older people to live in the community for as long as possible. There are two elements to this service: 1. A day centre provided on a regular basis in a building based location 2. Community Networks supporting a wider range of service users who may not want or be able to attend a day centre	Subsidised by the council.  Provider charges a fee for attendance, meals, and activities.  There is a charge for return transport provided by the council to Tier 2 Day Services. This could come from an individual's Personal Budget or other means available to them

<b>Service Type</b>	<b>Definition of Service</b>	<b>Contribution Policy</b>
Tier 3 Day Services	Day Centre provision aimed at supporting adults, particularly older people of higher level needs that those of tier 2 services people to live in the community for as long as possible. Many of these will be FACS eligible.	<p>Subsidised by the council.</p> <p>Provider charges fee for attendance, meals, and activities - this could come from an individual's Personal Budget or other means available to them</p> <p>There is a charge for return transport provided by the council to Tier 3 Day Services. This could come from an individual's Personal Budget or other means available to them</p>
Transport	Transport provided by the council to access services	<p>Subsidised by the council.</p> <p>Provider will charge – this could come from an individual's Personal Budget or other means available to them</p>