

Oxfordshire County Council Policy for Contributions in Adult Social Care

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 to 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 for them to pay for the service.
7. Income from charging for services where it is appropriate to do so and in keeping with legislation 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. For non-residential care services, the government considers that it is inconsistent with promoting independent living to assume, without further consideration, that all of a person's income above basic levels of Income Support or the Guarantee Credit element of Pension Credit, plus 25% is available to be taken in charges. In addition, service users will be asked to contribute only after any disability related expenditure is taken into account.
11. A list of the services that the council currently charges for is attached as Appendix A.

Policy Principles

12. 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

13. 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.
14. The council will publish its contributions policy and accompanying guidance on the council website (www.oxfordshire.gov.uk) and provide clear information to service users, carers and the general public in a variety of formats.
15. The council also helps to 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.

Personal Budgets

16. 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.
17. 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 the maximum they are financially assessed as able to contribute. If their assessed contribution is less than the full cost of the care required to meet their needs, the council will fund the difference. Service users may also purchase additional or more expensive care at their own expense, for example if they choose a more expensive care home placement than the council considers necessary to meet their care needs.

Choice and Control

18. 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 needs, using either their Personal Budget or their own financial means.

Fairness and Equity

19. 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.
20. Contributions to a Personal Budget for social care are determined by financial assessment of an individual's means.

Protecting people on low incomes

21. 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

22. 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.
23. 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

24. 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.
25. 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
26. Eligibility to receive services from Adult Social Care is determined through a care needs assessment. The level of funding an individual is required to pay towards their care and support needs will be determined following a financial assessment in line with the principles outlined in this policy.
27. 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.
28. 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.
29. 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.
30. The same principles of fairness apply to those who hold Personal Budgets as those who do not.
31. 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

32. 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.

- People receiving funding from the Independent Living Fund which is subject to separate arrangements until 30 June 2015. After this date, people in receipt of ILF will become subject to the terms of this policy.

33. 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

34. 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

35. 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.

36. 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.

37. 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 (eg someone who has been given appointee-ship by the Department for Work and Pensions for the purpose of benefits payments

38. 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

39. 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.

Charges for Residential Services

40. The Care Act 2014 covers charges for registered residential homes, including:

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

41. The Care Act 2014 allows councils to take into account the value of people's property, and Oxfordshire County Council will 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.

42. The council may also use its discretion in appropriate cases to disregard from financial assessments the value of the property in which a third party lives. 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).

43. 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.

Respite Care

44. The Care Act 2014 allows the council discretion about how to charge for respite care, including temporary stays less than 8 weeks.

45. The council will undertake a financial assessment as if the individual is living in their own home (i.e. as for non-residential services) to determine how much an individual will contribute towards the costs of respite and temporary residential respite care. This supports our aims of helping people to live independently at home, personalisation and offering individuals greater choice and control through a Personal Budget.

Charges for Non-residential Services

46. 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.

47. The Care Act 2014 covers all home care and other non-residential services. The Act states that service users should 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.

48. This 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.

49. 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 client 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.

50. There is a presumption that any new services not referred to in this policy will be chargeable unless:

- 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 full costs would result in no uptake of a service
- e. Charging for a service would act as a deterrent to taking up an essential service.

51. 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.

52. 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.
53. 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.
54. 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

55. 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 information to complete this and failure to satisfy the council will result in the maximum contribution being applied.

When Contributions Will Start

56. 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.
57. 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.
58. After they have been financially assessed, clients 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.
59. The exception to this obligation is intermediate care services (including reablement), which will be provided free of charge for clients for up to six weeks. For these service users, the council will endeavour to complete the financial assessment process during this period so that clients can understand how much they will need to contribute if they still have care needs when the intermediate care ends.

Income, Capital and Investments

60. 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.

61. The value and treatment of income will be based on the definitions within the Care Act 2014.
62. The council sets 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. Individuals assessed with no available income for contributions will not have to contribute towards the costs of their care and support, although anyone living in a care home who is receiving the state retirement pension will be required to pay a contribution. For those assessed as needing to make a contribution, the minimum weekly contribution level will be £2.00 per week.

Living Expenses

68. The Care Act states that contributions to non-residential care costs should not reduce a services users' net income below levels of income equal to basic levels of Income Support or the Guarantee Credit element of Pension Credit plus 25%. The council will not set an individual's contribution at a level that reduces their net income below this level.
69. For people living in residential care, the council will make allowance for reasonable personal expenses in the financial assessment to ensure the service users net income is sufficient to live on.

70. The council will usually disregard at least 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 from the income of service users who are permanent residents in a care home and have continuing commitments for dependants not resident in a care home. However this is unusual and will only apply in exceptional cases.
71. The council will offer advice on benefits entitlement and assistance with claiming benefits, including referring on to the most appropriate agency to support completion of benefits checks.

Disability Related Expenses

72. Disability Related Expenditure is considered to be a reasonable additional expense that an individual receiving non-residential care incurs due to a disability or condition, 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 for which an allowance has already been made.
73. 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.

Personal Budgets

74. 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 .
75. 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.
76. The assessed contribution will be calculated, and the person notified before their Personal Budget is agreed and put in place. This may mean in some circumstances, that two assessments will need to be made (for example where either residential/nursing care or care and support at home is a possibility an assessment taking into account the value of a person's property, as well as an assessment that disregards it may be required).
77. People with Personal Budgets 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.

Direct Payments

78. 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.
79. Direct Payments will be paid gross to the client 4-weekly in advance, and the council will then invoice the client for their contribution based on their assessed contribution.
80. Reconciliation of expenditure against contributions will normally happen at least six-monthly, based on returns from the service user.

Deferred Interest Loans

81. In some circumstances, the council may offer deferred interest loans to support clients 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 client is unable to fund the work themselves and the council would be a lender of last resort.
82. 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.
83. Where the service user(s) no longer live permanently at the property the interest on the loan becomes payable.
84. 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

85. Financial assessments will normally be undertaken as a single person. However, clients 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.
86. 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

87. When calculating the financial assessment, costs related to housing (eg 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

88. 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.
89. Prisoners will be allocated a Personal Budget but will not be eligible for a direct payment.

Deprivation of capital

90. 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 had the capital or asset.

Personal Injury Awards

91. 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.
92. 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

93. 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

94. Service users will be required to pay the full cost of the service if they refuse to disclose their financial means. The council cannot 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 the council will pursue any debt accrued.

Admission to hospital

95. Where people who have Personal Budgets are admitted to hospital for a short period of time, their Personal Budget and their assessed contribution to it will remain in place unchanged. However if their stay exceeds four weeks, this may be subject to review.
96. 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.

Carers

97. The Care Act requires councils to assess carers' needs to support their wellbeing and the caring relationship where they are providing care. Carers benefit from services provided as carers services as well as certain services provided to the

cared for person. The council gives consideration to meeting the needs of carers through provision:

- (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.

98. 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

99. 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.

100. 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.

101. The council will at all times ensure that Personal Budgets are sufficient to meet individuals’ 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’.

102. However, if this additional funding ceases the council is under no obligation to increase its contribution to cover the difference, if the persons assessed needs can be met within their assessed contribution without continuing the additional service or by another provider whilst still ensuring quality of service and offering the service user reasonable freedom of choice. 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 needs can only be met in the current accommodation.

12 Week Property Disregard

103. Where a social care client is selling a property and moving home, the council may disregard the value of the property they are vacating for a period of up to 12 weeks before undertaking a new financial assessment.

104. 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.
105. If the client 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.
106. Clients moving 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

107. 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.
108. 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.
109. 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.
110. 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.
111. 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.
112. 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

113. A client receiving residential services who owns a second or additional property that is not their main residence will be assessed to pay the full cost of their care. This is because the property(ies) is considered an asset that at some point could be sold to pay for their care home fees, or will be generating income (from renting out for example) that can be used to contribute to the cost of the care home.
114. A client receiving non-residential services who owns a second or additional property that is not their main residence will also be assessed to pay the full cost of the care they require to meet their needs. Although the value of the property the client lives in will be disregarded, the value of the second or additional property will be included in the financial assessment.

Requesting support to meet eligible needs

115. People with eligible needs and financial assets above the upper capital threshold of £23,250 may ask the council to meet these needs (see Support Planning Policy).
116. Where the council agrees to do this for someone receiving non-residential care and support, the person will be required to pay the council the cost of arranging the care and support to meet these eligible needs.

Joint arrangements with Children's Services

117. 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

118. 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

119. 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 the council's eligibility criteria for adult social care. They will be required to make a contribution to their Personal Budget for adult social care services, based upon a financial assessment.

Waivers

120. Waivers apply only to non-residential care services and related financial assessments and will only be issued in exceptional circumstances where to incur 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.
121. Waivers will be considered and approved by operational adult social care staff up to their approval limit for expenditure as set out in the council's Scheme of Delegation. All waivers will be documented and reviewed at an agreed frequency.

Non-payment of contribution

122. Where an individual fails to make payment of invoices for care services provided by the council or contribute in accordance with the terms of a Personal Budget, Direct Payment Agreement, Deferred Interest Loan, Deferred Payment Agreement or other financial agreement with 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

123. Individuals must notify 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 change.
124. 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.
125. 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.
126. Where appropriate we may automatically reassess client 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.

Advice on benefits

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

Disagreements or complaints

128. 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

129. The council will have procedures in place for monitoring contributions processes, to ensure they are consistent with this policy and associated guidance.

130. 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.

Service Type	Definition of Service	Contribution Policy
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	Free People with eligible needs that can only be met through a residential care placement and financial assets above the upper capital limit may ask the council to arrange their care, in which case they will be charged any costs incurred by the council in making these arrangements (eg cost of managing / negotiating contract with a provider, administration costs)

Service Type	Definition of Service	Contribution Policy
Arranging Residential Care	Arranging residential care placements for people with eligible needs	Free People with eligible needs that can only be met through a residential care placement and financial assets above the upper capital limit may ask the council to arrange their care
Brokerage	This service helps service users produce a Support Plan to buy or arrange services, thus enabling them to have a greater choice and control over the support they require to go about their daily life	Free
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 – this could come from an individual's Personal Budget or other means available to them
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

Service Type	Definition of Service	Contribution Policy
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 Prevention Services	Various services to support people with a diagnosis of dementia. Services include: dementia advisors, one to one support, information giving, day centres	Free
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
Falls Service	The service is provided by specialist nurses who offer a detailed assessment and make recommendations about medication, physiotherapy and home adaptations.	Free
Flexible care	A befriending service which supports older people with	Free, although service users are expected to pay for own activity

Service Type	Definition of Service	Contribution Policy
	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.	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 of frailty and disability, are unable to reach or see to cut their own nails safely.	Subsidised by the council, provider charges – this could come from an individual's Personal Budget or other 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

Service Type	Definition of Service	Contribution Policy
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 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 and charged by the provider – this could come from an individual's Personal Budget or other means available to them
Shopping Service	A weekly shopping collection and delivery service, if required will put the shopping away with a care check by the driver at the time of delivery	The council will charge for delivery – this could come from an individual's Personal Budget or other means available to them The cost of the shopping is payable by the individual to the provider.
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 and charged by the provider – 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	Subsidised by the council. Provider charges a fee for

Service Type	Definition of Service	Contribution Policy
	<p>higher level services. The Service enables older people to live in the community for as long as possible.</p> <p>There are two elements to this service:</p> <ol style="list-style-type: none"> 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 	<p>attendance, meals, and activities.</p> <p>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</p>
Tier 3 Day Services	<p>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>	<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	<p>Transport provided by the council to access services</p>	<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>