

Community Contribution Information Sheet

What is the Community Contribution?

This Information sheet explains in detail how the Community Contribution is calculated and how much you will be expected to contribute towards the cost of non-residential services. For example, home care, day care, direct payments and respite care.

Are any services still provided free of charge?

Individuals who receive the following services will not be required to make a contribution, for as long as they receive them:

- Assessment and Reablement services (whilst awaiting a full assessment to be completed)
- services fully funded by the NHS under the Continuing Health Care (CHC) provisions
- After Care Services provided under Section 117 of the Mental Health Act
- services or a direct payment received following a Carers Assessment
- services received for people who are terminally ill and have under £23,250 in capital or who cannot meet the full cost of their care from their income

You will continue to get small pieces of equipment free, such as toilet seat raisers, grab rails, perching stools, etc.

Who does the Community Contribution apply to?

This policy applies to mostly everyone receiving non-residential services who have capital of less than £23,250 and cannot meet the cost of their care from available income. If you have savings or assets worth more than this, we will expect you to pay the full cost of the services you receive. This means you will be classed as self-funding.

Does everyone have to make a contribution?

If following a care needs assessment you require care in your own home, we will develop a care and support plan to understand what community services are necessary to meet your needs. You will be asked to provide your financial information so we can calculate how much you need to contribute towards your care and support.

Most people have to contribute something towards their care and support and in addition to the services mentioned above, there are some groups of people who, due to specific circumstances, will not be required to contribute.

- Individuals with CJD
- Permanent care home residents accessing non-residential services who are already making a contribution under The Care and Support (Charging and Assessment of Resources) Regulations 2014

The council realises the important contribution that carers make to supporting family and friends. It is with this in mind that where services are provided following a Carers Assessment the council has used its discretion and will not request a financial contribution from the carer.

What is a personal budget?

A personal budget is an amount of money calculated as an annual amount to help support your social care. You can choose how to use your budget allocation to meet your needs and agreed identified outcomes. The allocation can be used for traditional services organised and supplied by the council or as a Direct Payment for individuals to organise their own support.

What is an income maximisation?

We want to ensure that you are receiving all the benefits and allowances that you are entitled to. This will include a wide range of allowances, for example:

- Pension Credit and Universal Credit
- Housing Benefit and Council Tax Support
- Attendance Allowance, Disability Living Allowance and Personal Independence Payments

Everyone will be offered an income maximisation during the care needs/financial assessment process. You can visit www.derbyshire.gov.uk/betteroff for more information and advice, or for assistance to help you claim any appropriate benefits.

What if I do not claim the benefits you think I'm entitled to?

It is expected that you will claim any benefits or allowances that we identify you are entitled to as they will form part of your Community Contribution. Support will be given to help you make the appropriate applications for these benefits or allowances.

If you choose not to claim the benefits or allowances that may affect the level of your Community Contribution, we can still ask you to contribute as though you are receiving those benefits.

How is the contribution worked out?

What people pay towards the cost of their care and support is different for everyone and sometimes there may be no charge.

To work out what you will be asked to contribute we need to know what income and capital you have and details of any housing costs, such as rent, mortgage payments, council tax or service charges that are not already met by benefits. We need this information so that we can accurately apply the rules and make sure you do not pay more than you should.

The financial assessment ensures a person's income is protected at the relevant minimum income guarantee level. We will also further protect people by disregarding 10% of the person's income eligible for charging purposes, after any allowances or deductions in respect of either housing costs or disability related expenditure. A standard weekly £20 disability related expenditure disregard is applied but people can request a higher amount to be considered if they feel their expenses are higher.

You must provide relevant supporting documentation to enable us to verify the contribution, these could be photos or copies of bank statements or income details. The amount you need to pay will be confirmed in writing when your self-assessment information and evidence has been reviewed.

You can visit derbyshire.gov.uk/betteroff where you will find information and be able to obtain an estimate of any charge you may have to contribute using the online calculator.

In accordance with the data sharing agreement (Welfare Reform Act 2012) the council may contact the Department for Work and Pensions (DWP) including Job Centre Plus, Disability Benefits Centres and Pension Services and any other organisations for confirmation of benefits and any occupational pensions in payment.

What is income?

Income covers any regular payments that you receive on a regular basis.

We will convert all the amounts of income you receive into a total weekly figure. This is because we want to make sure you only pay if your income is above the amount where you must contribute.

Examples of income that we include are:

- State Retirement Pension
- Occupational Pensions
- Attendance Allowance
- Disability Living Allowance (Care Component)
- Personal Independence Payment (Daily Living Component)
- all other regular income including some benefits
- Tariff Income

Examples of income that we do not include:

- earnings from paid employment
- Disability Living Allowance (Mobility Component)
- Personal Independence Payment (Mobility Component)
- War Widows Special Payment and War Widows Pension
- Housing Benefit and Council Tax Support
- Working Tax Credit
- Savings Credit Element of Pension Credit
- Charitable Payments
- any dependent children's income
- Child Tax Credit and Child Benefit
- any payment received on behalf of a child e.g. child support
- payments made by us as a Direct Payment.
- some elements of Universal Credit may be disregarded

If your income is more than the cost of your assessed service, you will self-fund your care even if your capital is less than £23,250.

What is capital?

For the purpose of the Community Contribution policy capital is:

- money held as cash or in Banks and Building Societies both in UK and abroad
- current value of Stocks and Shares (with reference to FTSE)
- Premium Bonds
- National Savings Certificates
- other investments including digital holdings

The property that you live in as your main residence is disregarded. However, any other properties or land that you own will be treated as a capital asset. Therefore, if you own any or have a share in any other property that is not your main residence it may mean that you will be liable to meet the full cost of your care and support services.

When we contact you, we will explain what we take into account and what we exclude. Full details are available at derbyshire.gov.uk/betteroff or you can contact Client Financial Services (their contact details are on page 7 of this document).

What is tariff income?

Tariff income is the amount we will charge against any savings you have between £14,250 and £23,250. For every £250 between these two amounts, we will assume an income of £1 per week.

For instance, if you have between £14,250 and £14,500, we will add £1.00 to your weekly income. Tariff income does not represent the interest earning capacity of that capital.

Anyone with capital assets above £23,250 will not usually be eligible to financial assistance (see section headed 'What if I have capital above £23,250?' later in this document).

What happens if I have dependent children living with me?

If you have parental responsibility for a child who lives with you, we may be able to protect more of your weekly income. To make the additional allowances all the following criteria must be met:

- The child is aged 18 or under* and is either:
 - of pre-school age, or
 - in full time non-advanced education (this does not include University education), or
 - approved unwaged training
- The child lives in the same household as the individual
- The person receives Child Benefit and/or Child Tax Credits for the child, or they are not in receipt of Child Benefit and/or Child Tax Credits as they have income above the upper earnings threshold but would be entitled to those benefits were their income to reduce

Where the person requesting a Dependent Child Allowance satisfies the above points but is not the recipient of the relevant qualifying benefits, but is the spouse, civil partner or unmarried partner (as defined for state benefit purposes) of the qualifying benefit recipient, the allowance will be given.

*The council will consider on an individual basis the continuation of a dependent child allowance when the child is over the age of 18 years where all the above points still apply.

What if I have housing costs?

If you have housing costs, we may be able to reduce the amount you have to pay. These “unmet costs” could be rent or mortgage payments not covered by Housing Benefit or interest payments from the Department for Work and Pensions, Council Tax not covered by Council Tax Support or service charges (net of utilities). It does not include non-commercial “sublet” tenancies or “board and lodgings” payments made to the tenant or owner of the property. Board and lodgings payments should be met from the disregarded income in the financial assessment.

When you submit your financial self-assessment, you must provide evidence of income, capital and housing costs if applicable.

How do you treat couples?

The council will apply the national minimum income guarantee where someone is a member of a couple. Each individual of a couple will be deemed to hold equal shares of capital held unless evidence can be provided to the contrary.

Where a couple's income is received jointly, e.g. Employment Support Allowance or Universal Credit, each person will be deemed to have a right to 50% of that income for the purposes of determining the person's assessed contribution.

Retirement pensions, occupational pensions and other income that is paid to one of a couple as individual income will be treated as that person's income. Therefore, where the person receiving care is one of a couple, consideration of their minimum income guarantee is made by looking at the income they receive in their own right plus half of any joint income.

What is the most I will have to pay?

You will never be asked to contribute more than the cost of your package of care. If you cannot afford to meet the full cost of your care, we will carry out a financial assessment to determine how much you will be asked to contribute.

How do I pay my contribution?

After the financial assessment has been completed, we will inform you of your contribution. We would encourage you to pay this by direct debit which we collect every four weeks in arrears. You are fully protected by the Direct Payment guarantee and it is easy to set up payments over the phone. Please call us if you would like to arrange to set up a direct debit.

Do I pay the same contribution even if my services change?

Yes, this is because your personal budget is calculated on an annual basis and your assessed contribution is seen as a payment towards that overall cost. However, as benefits are set at a weekly rate and are usually paid four weekly, we will calculate your contribution as a weekly figure payable every four weeks. There may be certain exceptions to this, for example if you are having a period of respite care and no other non-residential services or you are paying the council for the full cost of your services.

The flexibility of personal budgets and how a person uses them to meet their outcomes also means that in some weeks people will decide to have more services and other weeks less. By having the contribution calculated annually but payable four weekly, the amount you contribute each week is clear even though your care may vary. It should be noted that we will not ask you to contribute more than the cost of your annual personal budget.

You will continue to make payment of your Community Contribution during the first four weeks of any hospital admission.

If you access respite care in a registered care home setting you will continue to pay the same assessed charge as you do towards your other non-residential care. In some cases, if the care home charges more than we would usually pay to meet a person's assessed needs, you would need to find a third party to make a top up payment directly to the home.

What if I receive more than one service?

It doesn't matter if you receive more than one service in the community, your assessed Community Contribution applies irrespective of the number and frequency of services you

receive. In this way it is clear what contribution you will make. If, over time, your service changes your contribution will still be the same.

What happens if I do not receive my expected services?

There will be various reasons why some weeks you do not receive your usual services. This may be your choice, other times it may be that due to bad weather or sickness your service cannot be delivered. On these weeks you will still be asked to make your assessed contribution. This is because the contributions you make are towards your overall annual personal budget as previously explained.

What if I have capital above £23,250?

In most cases if you have capital assets above £23,250 you will not currently be eligible to any financial assistance from the council. There are a small number of circumstances when if you have above £23,250 you may still be eligible to financial assistance from the council. An example may be if you have a Personal Injury compensation award.

Once you have submitted your self-assessment details online, we will check to ensure any capital or income which should be disregarded is removed from your financial assessment.

If you are not eligible for financial assistance you will still be able to access our Universal Offers including a formal assessment of your care needs, help and support to identify appropriate care and support providers as well as access to various information, advice and signposting services. Your care coordinator can discuss all these options with you, or you can contact **Call Derbyshire on 01629 533190** for more information.

What if I feel I cannot afford to pay the contribution?

Before we ask you to make any contribution you will be offered an 'Income Maximisation' check. This will help to make sure that you are receiving all the benefits you are entitled to and give you the advice and assistance to claim these.

Any contribution will be calculated based on the income and capital you declare. When we calculate your contribution, we disregard an amount of money to ensure you have sufficient left over for daily living expenses. This amount of money is called the Minimum Income Guarantee (MIG). However, we realise that there may be circumstances where some people may not be able to make the contribution requested, either in the short or long term, perhaps because of additional costs incurred due to disability or illness.

To help meet these costs, we allow everyone to keep back £20 a week for Disability Related Expenditure and reduce their contribution by this amount automatically. However, if you feel you spend more than £20 per week on items specifically related to your disability then we can review your contribution. For the review to be undertaken will need to provide full details and appropriate evidence of all disability-related expenditure you want us to consider.

Consideration will be given to evidenced disability-related expenditure for services deemed necessary because of your disability. The usual daily living expenses that everyone has to meet, or costs arising simply as a matter of personal choice, will not normally be allowed.

In undertaking a disability-related expenditure review, depending on the level of your income and capital, and the agreed additional disability costs, this may result in a reduction in the amount you are asked to pay. However, it could also result in no change in the amount due

When will my contribution be reviewed?

All contributions will be reviewed at least annually, if, however, you have any changes in your financial circumstances (this could be either an increase or decrease) you should immediately contact Client Financial Services for a reassessment/review as it may directly affect the amount you are asked to contribute.

What happens if I don't pay the contribution?

Debt management is a crucial aspect of the council's financial obligations in relation to the administration of public funds. The collection of contributions is vital to enable the council to maintain and develop services for vulnerable people in Derbyshire.

The council will seek to assist people that find themselves in financial difficulties through a supportive route which will take account of a person's circumstances. However, if you fail to pay your assessed contribution and do not respond to our offers of support, the council could instigate formal debt recovery procedures which may include legal action.

Can I give away my capital?

The council can't and wouldn't want to direct how you deal with your finances. However, we do have an obligation to the council tax payers of Derbyshire to ensure that individuals with assets are not maintained at the public's expense.

Where we believe that capital and/or income has been given away to avoid making or reducing a Community Contribution we will treat you as still retaining that money and calculate your contribution accordingly.

What happens if I do not want to declare my income and capital?

If you do not want to tell us your financial circumstances, then we will ask you to contribute the maximum under the Community Contribution policy which is the full cost of the care and support you receive. If you receive care from an independent care provider, you will be asked to make a private arrangement so that they can bill you directly for the services they provide.

Useful links

BetterOff self-assessment portal: derbyshire.gov.uk/betteroff

Paying for Community Care: derbyshire.gov.uk/paying-for-community-care

Useful contacts

Derbyshire Client Financial Services

To discuss financial assessments contact: Tel: (01629) 532231

Email: financial.assessments@derbyshire.gov.uk

To discuss a disability related expenditure review contact: Tel: (01629) 533937

Email: CST.CFS.DRE@derbyshire.gov.uk

Address: Client Financial Services, Corporate Services and Transformation, County Hall, Matlock, Derbyshire, DE4 3AG

Derbyshire Welfare Rights Team

Tel: (01629) 531531

Email: welfarebenefits@derbyshire.gov.uk

Statutory and Legal Context

The Care and Support (Charging and Assessments of Resources) Regulations 2014.

The National Fraud Initiative

This authority is under a duty to protect the public funds it administers, and to this end may use information you have provided to this authority for the prevention and detection of fraud. This authority may also share this information with other bodies responsible for auditing or administering public funds for these purposes.