

Version: 2 FOI Status: Public	Financial Contribution Review Procedure	Issued: November 2016 Review Due: November 2018
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Derbyshire County Council Adult Care Financial Contribution Review Procedure

Approval and Authorisation

Name	Job Title	Date
Authored by: Andrew Bartle	Finance Manager	October 2015
Approved by: Graham Woodhouse	Head of Finance	October 2015
Authorised by: QA Group	Quality Assurance Group	November 2016

Change History

Version	Date	Name	Reason
V 1	October 2015	Andrew Bartle	New Procedures
V 2	November 2016	Andrew Bartle	Review and update in line with introduction of Care Act

This document will be reviewed on a regular basis – if you would like to make any comments, amendments, additions etc please email Dawn Nash – Policies and Procedures, dawn.nash@derbyshire.gov.uk

Please note the following procedures are linked to this procedures document:

[Co-Funding for Non Residential Care Services](#)

[Disputed Financial Assessment Procedure](#)

[Debt Management Procedure](#)

Policy

Where a client feels that either a mistake has been made in the determination of their contribution, or making payment of their financial contribution would not be reasonably practicable, they are entitled to request a review of their assessment under this “Financial Contribution Review Procedure” (FCRP).

This policy will consistently apply to all client groups and to all geographical areas of the county.

NB This policy does not apply to care in registered accommodation e.g. residential care home setting, as this is provided under different legislation, charging regimes and review procedures which are specifically for these services. ([See Disputed Financial Assessment Procedure](#)).

Procedure

No request in respect of a waiver can be made until:

- The client has confirmed their financial status via the relevant financial declaration.
- The client has been formally notified in writing of the contribution.
- The client has had an income maximisation check within the previous 6 months to ensure all benefits and allowances are in payment.

NB Refusal to have an income maximisation undertaken either by Derbyshire County Council’s Welfare Rights Service (WRS) or another appropriate agency, may result in any benefits identified as possibly being due, are included in the client’s eligible income calculation, as though they are in payment. Appropriate support and advice will be offered to enable the relevant claims to be made.

Clients who wish to request a review under FCRP must do so to the Financial Assessment and Charging Team (FACT) within 10 working days of the formal notification of their contribution. Any request made after this timeframe, that results in the application of a waiver, will usually only be applied from the date that the complete documentation and evidence submitted was received by FACT.

The initial informal stage of the FCRP will result in the FACT reviewing the information declared to ensure the accuracy of the contribution raised.

It is anticipated that much of the conveying of information, under this initial stage, can be undertaken either by telephone and/or letter. Should there be a need or request for a personal visit to the client/representative this will be undertaken.

Level 1

If the initial investigation by the FACT results in no change in the contribution, the client has the opportunity of having their case reviewed by a Finance Section Manager or their representative.

In order for the stage 1 review to be undertaken the client will be required to submit full details why they feel the contribution is incorrect and where appropriate provide evidence why they feel that payment of all, or part of the contribution would not be reasonably practicable. Clients will submit details of their income and expenditure on a "Disability Expenditure Review Form" which will be sent to them by the FACT. The client must provide the relevant information and evidence within 10 working days.

It is anticipated that much of the conveying of information, under Level 1, can be undertaken either by telephone and/or letter. Should there be a need or request for a personal visit to the client/representative this will be undertaken.

Disability Related Expenditure

Where a client feels that the cost of their disability is greater than the amount already allowed, evidence of expenditure will be requested detailed for each item and there will be a requirement for the evidence to be kept for future reference.

Allowable disability related expenditure will be for services deemed necessary as a result of disability or for health and safety reasons. Costs arising simply as a matter of personal choice, or where a reasonable alternative is available at a lesser charge, will not normally be allowed.

It is not possible to provide a complete comprehensive list of disability related expenditure items which may be able to be taken into account in the assessment, as these are unique to each client's particular circumstances and disability. However, Appendix 1 provides guidance on specific disability expenses in relation to heating costs.

Appendix 1 is provided annually by the National Association of Financial Assessment Officers (NAFAO). The standard costs set out in Appendix DRE 1 are the average/standard costs used in this policy. Where the actual costs exceed the standard costs because of the disability of the client, only the excess cost will be used to calculate the individual disability related expenditure.

Derbyshire County Council reserves the right to verify that items claimed for, have been purchased, particularly for unusual items or large expenditure. In some cases only 50% of expenditure may be allowed if it is deemed to be joint expenditure.

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Treatment of Capital

Where a client's income does not meet the minimum income level, their declared capital on the disability expenditure review form will be used to recalculate the level of an individual's weekly available resources.

Assumed income from capital will be determined in accordance with the starting lower threshold used for individuals entering residential and nursing care (£14,250 in 2015/16), i.e. the Care and Support (Charging and Assessment of Resources) Regulations 2014, however the County Council has decided to use its discretion to increase the capital bands from £250 to £500. For each part or whole £500 above the Care and Support (Charging and Assessment of Resources) Regulations 2014 threshold an assumed income of £1.00 per week will be deemed.

Other Financial Constraints

Where a client considers that they have other financial constraints, full details and evidence if appropriate, will be required to be submitted in order for a Finance Section Manager to make a fully considered decision.

The information provided will result in an individual contribution assessment in line with the basic principles of the Care and Support (Charging and Assessment of Resources) Regulations 2014. This will include the calculation of assumed income on capital in accordance with that detailed in the current Co-funding Policy for Non Residential Services.

Possible Review Outcomes

Original Contribution to Continue

The original contribution will continue to be due where all requested evidence is not supplied, or where the calculation undertaken confirms the original decision.

Partial Waiver

Where the evidence submitted warrants a partial waiver, a Finance Section Manager has discretion to waive a proportion of the contribution for a period of between 1 and 12 months.

Full Waiver

Where it is evidenced and agreed that the payment of an assessed contribution would not be reasonably practicable a Finance Section Manager has the discretion to waive the full contribution for a maximum period of between 1 and 12 months.

The client will be notified in writing within 10 working days, following submission of the completed disability related expenditure form and supporting evidence, of the amount and period that any waiver is to be applied.

Change in financial circumstances during waiver period

During the period that the waiver is applied the client must notify the FACT immediately if they have a change in financial circumstances. The change in circumstances may result in a Finance Section Manger reviewing the waiver amount applied. This review could result in the waiver being adjusted, either up or down, or being withdrawn.

End of Waiver Period

At the end of the initial partial or full waiver period should the client wish for the waiver to continue, they will be required to resubmit a new disability related expenditure review form along with up to date evidence of costs the client wishes to be considered.

Clients will be issued with a reminder letter no less than 4 weeks before the due date their contribution waiver period is due to expire. This letter will confirm the actions required should the client wish to reapply for a review or extension to the waiver.

This review will be under Level 1 of the FCRP. Failure to make such representation by the date notified will result in the full contribution being re-instated from the due date.

There will be no automatic continuation of any particular allowance(s) at this review where the Finance Section Manager considers that a particular allowance is no longer applicable or that in hindsight it should not have been allowed in the original decision.

Level 2

If the client is still dissatisfied after the Level 1 review, they will have the opportunity of having their case reviewed by the Senior Finance Officer or their representative.

In order to access a Level 2 review, clients must make this representation within 10 working days of formal notification of the outcome of the Stage 1 review.

In all cases the Senior Finance Officer, or their representative, may request additional information or documentation in order to allow the Level 2 review to be fully undertaken.

Clients making application under Level 2 will also have the opportunity to submit any additional information or evidence they feel is relevant in their case.

The Senior Finance Officer has discretion to apply a full or partial waiver for between 1 and 12 months.

If all information and documents requested are supplied, the Senior Finance Officer's decision will be notified to the client within 10 working days of receiving the request.

It is anticipated that much of the conveying of information, under Level 2, can be undertaken either by telephone and/or letter. Should there be a need or request for a personal visit to the client/representative this will be undertaken.

Level 3

If the client challenging the decision regarding the waiver remains dissatisfied with the judgement of the Senior Finance Officer, they may request a review panel within 15 working days of receipt of the Senior Finance Officer's judgement.

The client, or their representative, must submit in writing their reasons why they believe the Level 2 review outcome is incorrect. This submission must be made to the Group Manager (Performance) or their representative.

Upon receipt of the written submission, the Group Manager (Performance) will consider the reasons stated for the request to make representation to a panel regarding the Level 2 review.

Should the Group Manager (Performance) consider that there are insufficient grounds to warrant a panel review, they will notify the client in writing within 10 working days. Should the client wish to challenge this decision not to hold a panel they must do so within 10 working days to the Assistant Director (Strategy and Commissioning).

Where the Group Manager (Performance) considers there are sufficient grounds to hold a review panel this will be arranged by the panel administrator and will usually sit within 4 weeks of the registration of the desire to challenge the Senior Finance Officer's decision.

The panel will usually consist of the Adult Care Head of Finance (or their representative), a Senior Manager from within the Department, an Independent Person or an Elected Member. The Head of Quality Assurance (or their deputy) will be available for advice and minutes will be taken by the Panel Administrator.

Relevant papers will be circulated prior to the panel and the client will have an opportunity to submit their own evidence. All paper submissions must be with the panel administrator no less than 10 working days prior to the panel in order that panel members have adequate opportunity to read relevant papers.

At the panel the client (or their representative) will have the opportunity to state their case and the Local Authority position will be represented by the Senior Finance Officer. Prior to hearing the case the panel may receive advice from the County Council's Legal Department. A representative from Prevention and Personalisation or Service Manager may also be asked to comment prior to the panel.

Following the panel the Chair will ensure that the person challenging the Department's original decision receives a written reply within 10 working days of the panel.

Level 4

If the client is still dissatisfied with the Panel's written findings, the client will be required to write to the Adult Care Strategic Director with reasons why they are still dissatisfied within 10 working days of receipt of the Panel's findings.

Under any circumstance the case will be adjudicated by an Assistant Director, who may or may not uphold the Panel's recommendations, agree alternative dispute resolution, or initiate legal recovery for any outstanding contributions.

The Assistant Director will write to the client within 20 working days of the panel. The Assistant Director will make all decisions about legal recovery of finance in relation to these financial contributions.

Appendix 1 NAFAO Guide to Disability Related Expenditure 2016/2017**Heating Allowances**

Annual inflationary update based on RPI Fuel index at November 2015. At this date fuel prices had decreased by 5.0% in the last 12 months. A decrease to the allowances has been applied.

The figures are obtained from www.statistics.gov.uk from the download "Consumer Price Inflation Detailed Briefing note November 2015'. The figures are found in Table 41 detailed reference tables - % change over 12 months. The general RPI increase is for "All Items" while the fuel increase comes from a weighted average of fuel and light increases (line 97).

Figures for 2016/17	Standard	N East / E Midlands	N West / W Midlands
Single person - Flat/Terrace	£1,143	£1,239	£1,384
Couple – Flat/Terrace	£1,508	£1,633	£1,824
Single person – Semi Detached	£1,214	£1,316	£1,470
Couples – Semi Detached	£1,600	£1,733	£1,936
Single – Detached	£1,477	£1,600	£1,790
Couples – Detached	£1,947	£2,109	£2,357

Figures for 2015/16	Standard	N East / E Midlands	N West / W Midlands
Single person - Flat/Terrace	£1,203	£1,304	£1,457
Couple – Flat/Terrace	£1,587	£1,719	£1,920
Single person – Semi Detached	£1,278	£1,385	£1,547
Couples – Semi Detached	£1,684	£1,824	£2,038
Single – Detached	£1,555	£1,684	£1,884
Couples – Detached	£2,049	£2,220	£2,481

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Income / Disregards

Mandatory minimum income disregards for non-residential care and support are published in the Care and Support (Charging and Assessment of Resources) Regulations 2014. These replace the Fairer Charging Allowance.

Single Adults

Under Pension Age Employment and Support Allowance	2016
Basic >25 + support element + enhanced disability premium	£125.05
Plus 25%	£31.26
Total	£156.31
If entitled to carer's premium + 25%	£43.25
Total	£199.56

Over Pension Age Pension Credit	2016
Single	£155.60
Plus 25%	£38.90
TOTAL	£194.50
If entitled to carer's premium + 25%	£43.25
TOTAL	£237.75

Children

For each child the adult is responsible for, that is a member of the same household there is an additional allowance of £83.63.

Attendance Allowance	-	High £82.30	Lower £55.10
DLA Care	-	High £82.30	Middle £55.10
		Lower £21.80	
PiP (Daily Living Costs)	-	Enhanced £82.30	Standard £55.10

If on higher rate DLA Care: disregard difference between higher and lower rate £27.20, unless in receipt of both day and night care.

DLA or PiP Mobility Components	-	Disregard fully
War Disability and War Widows Pension	-	Disregard the first £10 per week
War Widows Supplementary Pension	-	Disregard fully

Assets

Capital below £14,250 fully disregarded.

Tariff Income of: £1 per week for every £500 (or part of £500) above £14,250 and up to £49,999.

Expenses

- Mortgage payments - allow full amount less any payments made by DWP
- Rent payments - allow full amount less Housing Benefit payments
- Council Tax - allow full amount less Council Tax support.