

Version: V6 FOI Status: Public	Disputed Financial Assessment Procedure	Issued: Dec 2018 Review Due: Dec 2020
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## Derbyshire County Council Adult Care Disputed Financial Assessments Procedure (Residential and Nursing Home Accommodation Charges and Non Residential Care Co-Funding Contributions)

### Approval and Authorisation

Name	Job Title	Date
Authored by Dave Brown	Head of Quality Assurance	July 2007
Approved by Mary McElvaney	Assistant Director Performance and Business Support	July 2007
Amendments Approved by P&P Group	Policy and Procedures Group	May 2011
Authored by Andy Bartle	Planning & Project Manager (Finance)	July 2016
Amendments Approved Group	Quality Assurance Group	July 2016

### Change History

Version	Date	Name	Reason
V1	July 2007	Dave Brown	
V2	September 2008	Dave Brown	
V3	May 2011	Dave Brown	
V4	January 2013	Andy Bartle	Reduced points in level one & level three to 21 days increased to 28 days for the Assistant Director to write out
V5	July 2016	Andy Bartle	Review and update
V6	December 2018	Mandy Brown	Review and update

This document will be reviewed on a regular basis – if you would like to make any comments, amendments, additions etc please email Phil Robson– Policies and Procedures, [phil.robson@derbyshire.gov.uk](mailto:phil.robson@derbyshire.gov.uk)

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## **Disputed Financial Assessment Procedure**

After all opportunities have been taken to resolve the issue via the relevant team, team leader and finance officer then a Level One Review should be instigated if the client or representative remains in dispute with Adult Care.

### **Level One**

- (1) In all cases, the client and/or their representative will be sent an explanation of how the financial assessment has been determined.
- (2) Any disputes about financial assessments must be registered with Adult Care within 3 months of finance staff informing the client or representative of the financial assessment determination.
- (3) For clients entering a long term care home placement, in some cases where there is a pre-placement dispute, it may be appropriate to consider commissioning an initial contract for up to 6 weeks to resolve that dispute and facilitate appropriate placement/discharge from hospital etc.
- (4) If initial investigations by either the Financial Assessment and Charging Teams (FACT) or Direct Payment Team are unable to resolve issues, then clients/representatives questioning the financial assessment will have the opportunity to have their case reviewed by the senior finance officer or his/her representative.
- (5) The senior finance officer will examine all aspects of the case and will consider a discussion by telephone with the person questioning the decision. The senior finance officer will respond within 10 working days of receipt of the dispute.
- (6) The senior finance officer may also take a range of steps including negotiating a re-payment plan and or alternative means of payment.

Where there is a need to contact the client, this will normally be done by letter or telephone, unless otherwise stated. However, appropriate consideration must be given to any accessibility or risk issues associated with the method of contact used.

### **Level Two**

- (1) If the person challenging the decision about funding remains dissatisfied with the senior finance officer's judgement they may request a review panel within 15 working days of receipt of the decision.
- (2) The client, or their representative, must submit in writing their reasons why they believe the Level One Review outcome is incorrect. This submission must be made to the group manager (Performance) or their representative.

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- (3) 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 1 review.
- (4) Should the group manager (Performance) consider that there are insufficient grounds to warrant a panel review, he/she will notify the client in writing within 10 working days. Should the client wish to challenge the decision not to hold a panel they must do so within 10 working days by contacting the service director (Commissioning and Performance).
- (5) 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 challenge being registered.
- (6) The panel will usually consist of the Adult Care head of finance (or his/her deputy), a senior manager from within the department, and an independent person. The group manager (Performance) (or his/her deputy) will be available for advice and minutes will be taken by the panel administrator.
- (7) Relevant papers will be circulated prior to the panel and the complainant 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.
- (8) At the panel the complainant will have the opportunity to state their case and the Adult Care position will be represented by the senior finance officer. Prior to hearing the case the panel may receive advice from the council's legal department. The area worker or service manager may also be asked to comment prior to the panel.
- (9) Following the panel, the chair will ensure that the person challenging the department's original decision receives a written reply within 5 working days of the panel.

Where there is a need to contact the client, this will normally be done by letter or telephone unless otherwise stated. However, appropriate consideration must be given to any accessibility or risk issues associated with the method of contact used.

### **Level Three**

- (1) If the complainant is still dissatisfied with the panel's written findings, the complainant will need to write to the service director for Commissioning and Performance with reasons why they are still dissatisfied within 10 working days or receipt of the panel's findings.
- (2) Under any circumstance the case will be adjudicated by the service director for Commissioning and Performance who may or may not uphold the panel's recommendations, agree alternative dispute resolution, or initiate legal recovery.

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- (3) The service director will write to the person within 28 working days of the panel. The service director will make all decisions about legal recovery of charges in relation to financial assessments.

Where there is a need to contact the client, this will normally be done by letter or telephone unless otherwise stated. However, appropriate consideration must be given to any accessibility or risk issues associated with the method of contact used.