

Charging for Care and Support

How much will I pay?

Effective from 6 April 2024

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Introduction

This booklet is for those people who are eligible for social care and support services from Westmorland and Furness Council's Adult Social Care Service.

Your personal budget is the actual amount of money allocated by Adult Social Care to pay for services to meet your social care needs identified in your Adult Social Care Assessment.

You can use your personal budget to buy your own support independently, as a direct payment or Individual Service Funds (ISFs), or you can ask Adult Social Care to arrange services on your behalf. More information on how your personal budget is calculated is available on the Council's website.

The Statutory Guidance and Council's Charging Policy says that anyone receiving such services should be financially assessed to decide how much they should pay towards the cost of their service.

This booklet tells you how your charge for your care and support is worked out.

You will only be eligible to receive some financial help from Westmorland and Furness Council towards your care and support if you have been assessed as having eligible care needs under the Care Act 2014.

You can choose not to receive financial help from Westmorland and Furness Council and pay the full cost of your care from your own resources. In this case you may make your own contractual arrangements with the care and support Provider.

There are some differences in how your charge is calculated depending on whether you are assessed as needing Long Term Residential Services, Short Term Residential Services or Non-residential services such as home care or day care, your assessment will be based on the type of care that you will be receiving.

If you have any further questions after reading this booklet, the Community Finance Team can help. The contact details are listed at the end of this booklet. The council has Community Finance Officers (CFO) who carry out financial assessments.

Throughout this booklet:

- when we say 'you' we mean the person receiving services from the council; and
- when we say 'we', we mean a Community Finance Officer from the council.

You can request this booklet in a different format (such as large print, audio or Braille) or another language. To do this, see the details on the back cover of this booklet.

Your comments about any aspect of this booklet would be very helpful to us.

Under what authority does Westmorland and Furness Council charge for care and support?

Local Authorities like Westmorland and Furness Council can only do things where the law allows them to do so.

The Care Act 2014 gives councils discretionary power to charge for care and support services. The Act also provides that councils may recover such charges as they consider reasonable where they are entitled to charge.

How Westmorland and Furness Council do this is set out in this booklet.

Westmorland and Furness Council's charging policy incorporates the government guidance in The Care Act 2014 and can be found on the Council's website.

Any person in receipt of care and support services provided through the Council will be charged the full cost of their care and support, except for where a financial assessment has been undertaken and the outcome is that the person receiving the care and support is unable to afford to pay the full cost.

Please refer to the current schedule of fees and charges for services and support that the Council has agreed it will charge, available on the Council's website.

When someone is unable to pay the full cost of their care, the Local Authority must carry out a financial assessment and charge an amount that is affordable to the person in accordance with The Care and Support (Charging and Assessment of Resources) Regulations 2014 and in the amendments to these regulations which are made every year. The regulations describe how the assessment of someone's ability to pay is carried out. This booklet describes how Westmorland and Furness Council applies these rules.

We:

- collect information about your finances
- complete a benefit check to make sure you have maximised your income from benefits
- calculate a financial assessment by looking at your capital, your income and any allowances which can be made
- inform you of the outcome and detail of how that was calculated
- pay the care provider the full cost of your care or pay our contribution to you as a direct payment
- arrange with you how you will pay your charge (usually by direct debit for care managed services)
- send you a statement of your payment account every four weeks (for care managed services)

- help you to set up the necessary arrangements where you need help with your finances from someone else

All information about your personal financial affairs is treated with the strictest confidence. It is not discussed with anyone else without your prior knowledge and permission. However, the data held by the Council in respect of information supplied may be used for cross-system and cross-organisation comparison purposes for the prevention and detection of fraud and for Safeguarding purposes.

Collecting information

If it is decided, following your care needs assessment with a Practitioner, that a chargeable service is likely to be required to meet your needs, your Practitioner will request a financial assessment for you. If you are not sure what type of care you will have to meet your needs, you can ask to know what your contribution would be for residential or non-residential services.

We will contact you to make an appointment with you. We may decide that a visit is required, or we may be able to gather the necessary information about your financial circumstances over the telephone. We will then carry out a fair and equitable assessment and calculate what your charge for care and support will be. We will try to do this before you finalise your support plan with your practitioner so that you can make a fully informed decision about how best to meet your needs.

If you wish, you may ask someone else to be present when we arrange to telephone you or visit. Who you ask is up to you, but please make sure you will be comfortable with this person's presence during a discussion of your personal finances.

You may already have someone who helps you to manage your finances; it is helpful if they are available during our conversation. This might be:

- an Appointee who helps you with your benefits from Department for Work and Pensions (DWP), or
- someone to whom you have given Power of Attorney (POA or LPOA) over your finances, or
- someone who acts as your Deputy for Property and Affairs appointed by the Court of Protection.

During the call or visit we will ask you a number of questions about your income and capital (both property and money) and your household expenditure.

Either at the time of the visit or shortly afterwards, we will need to see all the documents which relate to your financial details and confirm that the information provided is correct. Your financial assessment cannot be finalised until we have all the necessary documents, failure to provide all the required information will result in full cost being charged for your care and support.

Please have all the relevant documents ready for your interview with the Community Finance Officer.

Such documents might include but not limited to:

- Correspondence from the Department for Work and Pensions (DWP) Details of benefits if paid directly into your bank account Occupational/works/personal pensions notifications
- Bank, Building Society, Post Office Savings account passbooks (with up-to-date balances) or recent bank statements Documents relating to property ownership
- National Savings Certificates
- Documents showing the shares or other financial assets you own Rent books
- Water rates and Council Tax payment details
- Any documents relating to Power of Attorney or Court of Protection

Benefit checking

We can help put you in contact with the Department for Work and Pensions agencies. We will check that the amount of benefit that you are receiving is correct. If the payment is not correct, we can ask the DWP on your behalf to pay what you are entitled to receive.

We can also help you to apply for any other benefits that you may be entitled to which you are not currently receiving. We can ask other agencies to help you with your claim. Claims to the Department for Work and Pensions for other benefits must be made within quite a strict timescale otherwise you can lose money.

For people going into short-term residential accommodation, the DWP rules about capital are different from the assessment rules which Westmorland and Furness Council must apply, your Community Finance Officer will explain this in more detail to you if it affects you.

How is the financial assessment calculated?

Three things are looked at when calculating your charge for care and support services: your INCOME, your CAPITAL and any ALLOWANCES that we are entitled to make.

The following sections provide more information on each of these three things. Then there are some examples to show how the calculation is made.

Income

Income includes all money you receive on a regular basis or a payment you receive which relates to a particular length of time.

Income includes

- pensions such as state pensions, occupational/works pensions, or personal pensions
- benefits
- annuities
- money you have earned (wages)
- drawings
- rent from a property you own
- trust fund payments, etc.

To carry out a financial assessment, full details of your income are needed. We only take into account your own income and not the income of your spouse or partner in determining how much you will pay.

However, sometimes information about income and capital of other members of your household is necessary to establish your entitlement to benefit and income and also to carry out affordability checks.

Your spouse or partner does not have to provide any financial information about themselves, but the Community Finance Officer will not be able to provide them with help to claim benefits if they have no knowledge of your partners financial situation it may also affect their ability to calculate some household expenses/allowances.

We will ask to see payment books or bank account statements with details of your income to confirm the details.

We will treat your income in one of three different ways:

1. Examples of types of income which are taken fully into account are:

- Most DWP benefits (e.g. Income Support/Pension Credit)
- Retirement and/or Personal Pensions
- Occupational/Works Pensions
- Annuity income
- Income from Insurance policies
- Income from rent

2. Examples of types of income which are partly taken into account and partly disregarded are:

- War Disablement Pension
- War Widow's Pension
- Armed Forces Compensation Scheme

3. Examples of types of income which are fully disregarded are:

- Disability Living Allowance Mobility Component
- Christmas Bonus

- War Disablement Pension Mobility component
- Social Fund Payments
- War Widow's Special Payments
- Winter Fuel Payment
- ILF payments
- Child Benefit

All income is converted into weekly amounts, and the total weekly amount to be taken into account for assessment purposes is calculated.

Income covers a wide range of payments to you and the regulations are quite complicated. If you have any specific queries, or require further help or information, please do not hesitate to ask.

Capital

Capital refers to assets such as savings, stocks and shares and property.

You will be asked to provide full details of all your capital. Again, we will need to verify all the information by looking at recent documentation relating to the capital.

Savings held in bank accounts (deposit accounts and current accounts), building society accounts and post office accounts should be included as well as any capital held by a third party (such as a relative). It is helpful, if you do have passbooks, that they show the up-to-date balances for each of your accounts.

The market value of **other investments**, stocks and shares, premium bonds or other assets you own should also be recorded.

Treatment of Property

The value of your home will not be included in the capital assets available to you to pay for your stay in respite residential accommodation or for non-residential services.

The value of your home may be taken into account by the Council when calculating how much you should pay towards care home fees after the first 12 weeks of your stay if you are a permanent resident.

Sometimes the value of a person's home is not taken into account, for example when a partner continues to live there. We will advise you of the situations where property is not included.

Where the value of your home is taken into account, and you do not have sufficient income or other assets/savings to meet the charge you have been assessed to pay, you may be eligible for a Deferred Payment Agreement (DPA). A DPA allows you to have your charges

paid by the council by way of loan. The loan is secured against your property in a similar way to a mortgage. You will not be required to pay off the 'loan' in your lifetime unless you sell your house when the loan will become due for payment.

If you do not enter into a Deferred Payment Agreement, then the Council will expect full payment once any property disregard has come to an end

Your Community Finance Officer will explain the Deferred Payment Agreement with you. More information is available on the Council's website.

Other property or land which you own, apart from your home, cannot be disregarded. Its capital value, or your interest in it if it is jointly owned, will also be included as a capital asset.

Once all the information has been supplied about your capital assets, we will calculate the full value of all your capital assets by adding together the value held in property, land, savings, investments, etc. If the **total of your capital assets is more than £23,250** you will be assessed to pay the standard rate,

i.e. the full cost of your care and support to Westmorland and Furness Council.

If your capital assets total between £14,250 and £23,250, you will be expected to pay a charge from your capital. This is called a tariff. It is calculated from the amount of your capital and included as income. You are expected to contribute an additional £1 for every complete £250 or part of £250 above £14,250.

For example, if you have £15,900 capital available to you, a tariff income of £7 will be included in your assessable weekly income.

Capital £15,900

Less Capital Disregarded £14,250

Equals £1,650

£1,650 divided by £250 (or part of £250) equals 7

Tariff charge £7.00

If your capital assets total less than £14,250 they will have no effect on your assessment. Capital of £14,250 or less is fully disregarded. You will be assessed only on your weekly income.

The Charging and Assessment Regulations and the Statutory Guidance concerning financial assessment and the treatment of property is complex. If you are anxious about knowing how your property will be treated, how people living in your property will be affected or have any other questions, please ask us.

A WORD OF CAUTION

You should not give away or part with any capital, including property, with the intention of paying a lower charge for your care and support services now or in the future. Neither should you make regular generous gifts from your income with a view to reducing the amount you may have to pay towards your adult social care services.

In cases where the council considers there was an intent to deprive to avoid charges, we may charge the person as if they still own the asset or if the asset has been transferred to another person, we are entitled to seek to recover the lost income from the person who received the asset.

Being able to spend income and assets as a person sees fit is important for promoting wellbeing and enabling a fulfilling and independent life.

However, it is also important that people pay their fair contribution towards their care and support costs.

Allowances

If your capital assets total less than £23,250 you will not be asked to pay the full cost of your care. Further allowances may also be made against your total assessed income.

The Personal Expenses Allowance is set by legislation each year by Government. This money is for your own personal use whilst living in residential/nursing care.

If you have made private provision for your retirement, you may be eligible for additional allowances which could reduce your assessed charge.

Household Expenses Allowance may also be made for unavoidable expenses you may have. The amount of allowance is calculated using information about your household expenses provided to us.

Disability Related Expenditure will be taken into consideration. We can make allowances for the extra costs you have to pay because of your disability or long-term condition. Evidence of purchases and costs will be required.

Types of disability expenses you may have may be (but not exclusive to):

- Help with cleaning
- Special diet
- Extra laundry
- Extra bedding
- Special clothing
- Transport
- Extra heating costs
- Special equipment
- Care Call

When your assessment is calculated, the financial circumstances of your spouse or partner can be considered in order to ensure that the person remaining at home has enough money to live on.

The amount of allowance for a spouse or partner at home varies depending on the individual circumstances.

Once any allowances have been deducted from your assessed weekly income, the amount remaining will be your charge for your care and support. We will send you a bill for this amount. Statements are sent every four weeks in arrears for payment and Westmorland and Furness Council's preferred method of payment is Direct Debit. Please ask a Community Finance Officer for a Direct Debit mandate so that this can be set up.

If you choose to take a personal budget as an ISF the amount of your assessed charge will be deducted from the payments received from the Council, you will need to pay your charge in to the account in order to purchase the care and support that you have been assessed as needing. It is important that you pay your charge into the account so that the provider can deduct their charges from the account as necessary, the provider may refuse to provide services if payment of their charge is an issue. If you don't purchase the care you have been assessed as needing the practitioner is entitled to re-assess your needs and this may result in your services being reduced and our contribution being reduced accordingly.

When will I know what I have to pay?

Unless your care and support starts as an emergency or under a crisis situation, every attempt will be made to notify you of your charge before your care and support package starts or before you go into the home.

We will use the information collected from you to work out how much you have to pay. We will try to tell you how much you will have to pay during our visit. We will send you a letter showing how the assessment has been calculated as soon as possible after our visit. This is not always possible as we may need to obtain further information, or you may not have everything available. Sometimes it is difficult to gather all the information necessary to carry out a financial assessment, especially if your financial affairs are quite involved. If this is the case, we will visit you again or contact you by telephone. If information is difficult for you to obtain, you can give authority for us to try to collect it directly.

We include the benefits that you are entitled to from the DWP in calculating how much you must pay. We can confirm the benefits paid to you by the DWP. This can take some time, so the initial financial assessment done may be a provisional assessment, confirmed when information is supplied by the DWP.

How do I pay my charge?

You will be sent a statement for your assessed charge, usually at the end of your short stay or every four weeks (in arrears) for long term residential/nursing care, non-residential services and Direct Payments. Your statement says which period the payment is for and statements are sent four- weekly until the account is cleared.

Westmorland and Furness Council work to a very strict timetable in order to produce accurate and timely statements and to record payments made in each period. If you make a payment more than two weeks after you receive your statement it is unlikely to be in time to be shown on the next statement, but will show on the following one.

Making Payment

- If you receive regular care and support, the council's preferred method of payment is by **Direct Debit**. We will provide a Direct Debit mandate to arrange this type of payment. A Direct Debit takes the payment directly from your bank account to Westmorland and Furness Council. The Council has to work to very strict guidelines to use this payment type, and all payments made are fully guaranteed. Direct debits allow the Council to keep costs as low as possible and are the fastest and most secure way to have your payment recorded. It is also more convenient way to pay for most people.

Alternatively

- If you choose to pay by cash or cheque you can pay your bill by **Bank Giro** at any Post Office or Bank. You will need to use the detachable Bank Giro payment slip at the bottom of the statement to make sure that the money reaches your residential care account. The Council will pay any transaction charge this incurs.
- If you have **internet banking** you can pay electronically by paying to the Council bank account shown on the tear off slip. Please make sure the reference number is correctly quoted so that the payment can be identified as a care and support payment and applied to your account promptly.

If someone helps you to manage your financial affairs and you would like your bills to be sent to them, you should discuss this with us when we visit you.

You must also make sure that the person is willing to do this and they have the proper authority to help you

What happens when someone is unable to manage their own financial affairs?

If someone going into residential accommodation is not able to understand and manage their own financial affairs, someone should be appointed with the proper authority to do it for them.

If the person's only source of income is benefit, the DWP can be approached to appoint a relative or friend as **Appointee** in order to make benefit claims and receive benefit on behalf of the person.

In other cases, a **Lasting Power of Attorney** (or if arranged before October 2007, Enduring Power of Attorney), or an Order from the Court of Protection making a representative a **Deputy for Property and Affairs** should be in place. We can advise you on this or you can ask a solicitor.

If you have appointed an Attorney using a Lasting Power of Attorney the document needs to be registered with the Office of the Public Guardian to be valid if you lose capacity to manage your own financial affairs.

If you have lost capacity and the document isn't registered the attorney has no legal authority. We recommend that you get the document registered early to avoid any legal complexities later.

What do I do if I have problems paying my bill?

Sometimes you can run into difficulties when paying your bills. Please tell us as soon as possible if this happens to you. We may be able to advise a course of action which will prevent you getting into debt.

Collecting a customer's charge is an important role the Council undertakes as the money is used to protect services, extend access and promote the independence and wellbeing of all our customers. Where a customer fails to pay their charge the Council will ultimately pursue enforcement options to collect the amount owing.

When does the amount I pay change?

If at any time your financial circumstances change, please contact us and we will carry out a financial assessment based on your new circumstances and inform you of your new charge. If you don't inform us promptly you may be subject to back-dated charges.

Every year, effective from April, we must uprate everyone's charges to take account of annual changes in circumstances such as increased benefit payments, and changes in regulations such as increased Personal Expenses Allowance.

In addition to this, annually, on the anniversary of your first assessment, we will contact you in order to obtain the necessary information to reassess fully your contribution based on your individual circumstances.

If you have a number of short stays in residential accommodation in one year, and your financial circumstances remain the same, you will only be assessed once and that assessed contribution will apply to all your stays.

Who pays the Provider?

You need never worry about making payments to the provider of your care and support or care home. Westmorland and Furness Council begins a contractual agreement with the provider and pays the full cost of your care and support service.

You are strongly advised not to make any additional payments if asked to do so by the home without first checking with Council staff to see if these costs are already covered by the payments made by the Council.

As with any contract we are required to give notice of any changes or, if we wish to cease the service. If you do not use the service which has been booked for you, and do not give enough notice, Westmorland and Furness Council may still have to pay for your place. In these circumstances you may still be asked to pay your charge if you failed to give adequate notice.

Should you need to go into hospital whilst in permanent residential care, you will still have to pay your assessed charge as the council will still be paying the fees to the residential care home.

What is funded nursing care?

You are only assessed to make a contribution towards the cost of your social care and accommodation in a nursing home.

If you are going into a nursing home, then the Health Authority pays for the proportion of your care that is deemed to be nursing care. This is known as Funded Nursing Care (FNC). The Department of Health for the NHS set a standard rate for this contribution and it is paid direct to the Provider, or you may be assessed to receive fully funded nursing care (Continuing Health Care).

Why are third party top-ups needed?

If you have chosen to go to an independent home, the cost of a place may be higher than the “usual price” that Westmorland and Furness Council will normally contract to pay a residential/nursing home. “Usual price” is the price for which the Council can purchase the type of care provided for you. It is set by the Council each year.

The Council can pay a home more than the usual price in certain situations, (usually where you choose to go into a more expensive home and there are other homes available that can meet your need at the usual price) provided that a Third Party signs an agreement with the Council to pay the difference between the home's price and the usual price. You cannot be your own Third Party and top-up this difference unless you are paying the full cost of your accommodation yourself.

This arrangement is called "topping up", and the Third Party will be invoiced four-weekly for the amount of top-up to which they have agreed. The Third Party should also be aware that the amount that they must pay can also change (increase) each year in line with reasonable annual adjustments.

If the Third Party ceases to pay the top-up, Westmorland and Furness Council cannot guarantee to continue paying for your place at the higher price, and you may have to move to a home where the cost is within the amount that the Council will normally pay.

When Westmorland and Furness Council cannot purchase care for you at the usual price because there are no places available, the Council will pay the higher price and you will not be asked to find a Third Party to pay a top-up, unless you wish to go into a more expensive home than the one found by the Council.

Third Party top-ups are not charged where care is provided in Local Authority homes.

More information is available on Third Party Top-ups on the Council's website.

Seeking Independent Advice

You are strongly advised to seek independent advice if your financial or legal affairs are quite complex, especially if you own a property or have capital in a Trust. You may already have a Solicitor who can advise you. Alternatively, help and advice is available from some voluntary organisations; contact your local Age Concern (Age UK), Citizens Advice Bureau, disability organisation, carers organisation, DeafVision, blind society, Mencap or MIND for more information.

Compliments, comments and complaints

Westmorland and Furness Council has a Compliments, Comments, Concerns and Complaints Procedure which enables you to say what you think about our work. The Council would like to hear your views.

If you would like to make a comment, suggestion or complaint about the way your contribution to the cost of your residential care has been worked out, or about any aspect of our work, please contact us. The addresses and telephone numbers are listed at the end of this booklet.

Do you need someone to help or represent you?

Advocacy services offer someone to help you and to act on your behalf if you need help in your dealings with the Council, such as when making a complaint.

Westmorland and Furness Council supports a free, independent and confidential advocacy service which can be used in these circumstances. Advocacy services may also be available from some voluntary organisations. Please contact the Council if you would like to know more.

How to get this information in another format of language

You can get a copy of this booklet in different formats such as large print, braille, audio, or in a different language by calling your local Westmorland and Furness Adult Social Care office. You will find addresses and telephone numbers for our offices at the end of this booklet.

Community Finance Officers can be contacted on:

If you live in the Eden district area, call: Eden

01768 812244

Or you can email eden.cfo@westmorlandandfurness.gov.uk

If you live in the Barrow and Ulverston area, call: Furness

01229 407486

Or you can email fco.Mailbox@westmorlandandfurness.gov.uk

If you live in the South Lakeland district area, call: South Lakes

01539 713287

Or you can email southlakes.cfo@westmorlandandfurness.gov.uk

If you have an emergency during office hours, please contact your practitioner or your local Adult Social Care office. We are open 9.00am to 5.00pm Monday to Thursday and 9.00am to 4.30pm on Friday.

If you have an emergency when our offices are closed, ring our Emergency Duty Team on 01228 526690. They cover the whole of Cumbria and work overnight, at weekends and bank holidays.