



Scottish Borders Council Social Work Services

Charging Policy for
Non-Residential and
Residential Care Services
2016/17

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Related links

Charging Policy 2016-17, Guidance and FAQs and Guidance (Easy-Read) (link to be added once available)

Charging Appeals Procedure

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints/3

Information on Free Personal Care

http://www.scotborders.gov.uk/info/1453/care_at_home/223/care_at_home

Homecare Calculation of Financial Information 2016-17
(link to be added once available)

Charges for 2016-17
(link to be added once available)

Complaints Procedure

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints

Charges for Residential Accommodation Guidance (CRAG).

http://www.sehd.scot.nhs.uk/publications/CC2014_02.pdf

1. DEFINITIONS

Below is a list of terms used within the Charging Policy and their definitions:

Convention of Scottish Local Authorities (COSLA)

The organisation responsible for issuing national guidance on non-residential social care charges in Scotland.

Financial Assessment

The process undertaken which looks at a person's income and capital to determine their contribution towards their care package.

Person

Any individual who meets established eligibility criteria and who is receiving support or services from the Council.

Person's Contribution

The amount of money per week that the person will be asked to pay towards their care following financial assessment.

Support Plan

A record of the agreed outcomes and support to promote the person's independence in the community following the needs assessment.

Scottish Borders Council

The Local Authority responsible for provision of social work services.

Individual Budget

The agreed amount of money which is required to achieve agreed personal outcomes and manage any associated risks.

Self-Directed Support (SDS)

The Self-Directed Support (Scotland) Act 2013 was implemented on 1 April 2014. This legislation places new duties on Local Authorities and aims to ensure that people can decide how their support is planned and provided. All people newly assessed who are eligible for social care and all people at point of review are supported using the SDS approach. One of the duties is to offer implementation through one of four options:

1. The making of a direct payment by the local authority to the supported person for the provision of support.
2. The selection of support by the supported person and the making of arrangements for the provision of it by the local authority on behalf of the supported person.
3. The selection of support and the making of arrangements for the provision of it by the local authority.
4. The selection by the supported person of two or more of the above options.

There are some restrictions to the offer of the 4 options, for example people in long term residential care are not offered a direct payment and people in crisis or requiring short term support may not be offered the options unless they need ongoing support.

Third Party

Any person acting on behalf of someone receiving a service through the Council.

2. POLICY STATEMENT

This is the Charging Policy of Scottish Borders Council, Social Work Services, and explains how we will work out how much people who use our services will have to pay towards the cost of the services they receive. The policy covers non-residential and residential services.

The policy is intended to help staff, service providers, people who use our services and other interested groups to understand how we will calculate the cost of services and charges to be applied.

It is envisaged Self-Directed Support will be fully implemented during 2017. By that date all service users will have a financial assessment to determine their individual contribution to their package of care. After that date the only flat rate charges that will continue to be applied will be for meals, transport, housing with care, extra care housing, housing support for people in sheltered housing and Bordercare Alarms.

However in order to ensure there is continuity of resource leading up to 2017, and to allow time for phasing in the policy and completing updated financial assessments for all service users, consideration has been given to updating the current charging policy.

This is to be applied on an interim until the new charging policy is phased in.

3. PRINCIPLES ON WHICH THE CHARGING POLICY IS BASED

In preparing the charging policy the Council is committed to adhering to a set of underlying principles which are identified below. These are:

- (a) A fair charge – we will not charge more than the cost of providing the service
- (b) A commitment to equity – people who use our services will be treated fairly
- (c) A commitment to transparency – people who use our services will know how and why they are being charged for a particular service
- (d) A commitment to full compliance with national guidance and legislation including:

National Assistance Act 1948
Social Work (Scotland) Act 1968
National Assistance (Assessment of Resources) Regulations 1992
Community Care and Health (Scotland) Act 2002
Mental Health (Care and Treatment) (Scotland) Act 2003
COSLA's Guidance on Charging for Non-Residential Services
COSLA's Guidance on Charging Policies That Enable People to Remain in Their Own Home, issued in 2002 and updated in 2006
National Guidance on Self-Directed Support under Section 5(1) of the Social Work (Scotland) Act 1968

Housing (Scotland) Act 2001 (Housing Support Services Information)
Regulations 2002
Guidance on Free Personal and Nursing Care in Scotland
Social Care (Self-Directed Support) (Scotland) Act 2013

- (e) Ability to Pay - all people who use our services will contribute towards the cost of the service they use on the basis of their income and assets. In the fullness of time flat rate charges will be minimised to reflect this decision.

4. AIMS OF THE CONTRIBUTION POLICY

The policy aims to:

be transparent so people who use our services are clear about how much they are paying for the services they receive
detail which services are subject to a flat rate charge, i.e., payable by all regardless of their income and capital
ensure that people are aware of their rights and responsibilities
have a clear and transparent appeals process
have an easily accessible comments and complaints policy

5. GOOD PRACTICE GUIDANCE

A review of the latest COSLA guidance has been undertaken and has identified that the Council broadly complies with the national guidance.

If any service user is able to demonstrate that they are suffering undue financial hardship due to the contribution they are required to make they will continue to be able to apply to the Council for consideration of a review of their charges.

All applications for a review of charges will be treated individually and will be reviewed by the Appeals Panel. Any discretion applied will be reviewed as part of the annual reassessment process.

Anyone not satisfied with the calculation of their contribution will be encouraged to discuss their concerns with staff involved in the assessment and charging process. People who remain dissatisfied will be entitled to pursue their complaint through the Council's complaints procedures.

This Charging Policy will be formally reviewed on an annual basis.

6. CHARGING FOR NON-RESIDENTIAL CARE

6.1 Services that are free

Provision of care - children's services
Criminal Justice social work services
Information and advice
Needs assessment
Care management
Services to people with a mental illness who are detained in hospital or on a community based treatment order under the Mental Health Care and Treatment (Scotland) Act 2003 provided this is written into the person's care and treatment plan. Services to people who have been assessed by a Mental Health Officer under the Mental Health Care and Treatment (Scotland) Act 2003 as requiring treatment and support in a community setting as an alternative to hospital detention for a period of up to 42 days.
Personal care for people 65 years and over
Homecare Services for 42 days on discharge from hospital
Intermediate Care / Re-ablement for the first 42 days
All services received by people in receipt of Palliative Care (where a DS1500 form has been completed by the person's doctor)
Minor adaptations and equipment
Night support service for the first 42 days
Laundry services for people who have severe incontinence
This policy does not apply to permanent or unplanned short break admissions to a care home where charging is governed by The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2012 with guidance provided by the Scottish Government's Charges for Residential Accommodation Guidance (CRAG).

6.2 Services for which we will charge

Homecare – non personal care
Personal care to people under 65
Night Support Service after first 42 days
Extra Care Housing
Housing with Care
Housing Support and Community Support
Care and Support Services for people with assessed needs
Day Care
Transport
Lunch Clubs
Meals provided at day centres
Meals at Home and the provision of a freezer and/or microwave where required.
Service following assessment of need
Intermediate Care / Re-ablement after first 42 days
Bordercare Alarm
Shopping Service
Adaptations provided through Private Sector Housing Grant (PSHG)
Respite breaks & flexible short breaks
Key safes

7 TYPES OF CARE AND APPLICABLE CHARGES UNTIL SELF-DIRECTED SUPPORT IS PHASED IN:

7.1 Homecare

Homecare will be charged at a weekly rate based on the assessable income the person who uses the service has. This is in line with the COSLA guidance.

The assessment of contribution for charges for Homecare Services is carried out in accordance with Scottish Borders Council's agreed charges for services (which are reviewed and published annually). A financial information form is completed for any chargeable homecare services assessment.

7.1.1 Contribution towards the cost of service – Homecare (including Personal Care, Housing and Community Support)

The financial assessment will calculate a maximum weekly charge for the person receiving services. The person will pay the assessed charge, or the hourly rate, whichever is less in the following way:

The person's contribution towards the cost of homecare is based on their income (including assumed income from capital), less any allowances in line with COSLA guidance and disregards for rent, service charge, mortgage, building insurance, and council tax payable. The resulting balance (after rounding down to the nearest pound) is referred to as a residual resource.

If the person's income including tariff income exceeds these allowances, s/he will be required to contribute 55% of their residual resources towards their care.

7.1.2 Full Charge – Homecare (including Personal Care, Housing and Community Support)

People who do not wish to declare their financial resources will be charged £12.80 per hour for homecare services provided including community and housing support. There is no weekly ceiling on the maximum charge.

7.2 Housing Support and Community Support

People who receive Housing Support and Community Support, including where this is provided by a commissioned service, will be assessed to pay in-line with the charging policy for homecare. They will not be asked to pay more than the cost of providing the service as notified by their service provider.

7.3 Intermediate Care / Re-ablement/Assessment Beds

Provision will be free for all for the first 42 days, but chargeable thereafter regardless of the circumstances. This service will then be charged as per the respite guidelines for residential care or homecare for those in their own homes.

7.4 Flexible Short Break in the person's own home

The hours received as flexible short breaks will be chargeable as per homecare. People already paying an assessed charge will have no additional cost.

7.5 Flexible Short Break out-with the person's own home (excluding respite in a registered residential care provision)

Breaks taken using the short break facilities at Station Court, Duns will be charge at a rate of £15 per household per night towards the cost of the accommodation. The care hours received as flexible short breaks will be chargeable as per homecare. People already paying an assessed charge will have no additional cost for care. People already paying the full hourly charge for homecare will pay an additional amount based on the additional hours they receive on the break.

Flexible short breaks (an annual payment is made in advance) will be charged on a residential respite assessment for the number of weeks detailed in the person's care plan.

7.6 Night Support Service

The night support service will be provided free of charge for the first 42 days. Where the service continues after 42 days, a £10 weekly administration charge will be applicable, to cover transport and administration of the Night Support Service.

7.7 End of Life Care

If the person meets the criteria for End of Life Care as confirmed by the NHS – no charge is made for any service.

7.8 Independent Living Fund (ILF)

Anyone receiving ILF will be financially assessed and will be asked to make a contribution based on their assessable income they receive and any capital held. Any contribution they make to Scottish Borders Council will be deductible from the contribution people are required to make towards their ILF.

7.9 Shopping Service

Service is charged at £3.42 per delivery.

7.10 Day Care

Day Care which is provided in a day centre run by or commissioned by Scottish Borders Council and is registered with the Care Commission is chargeable for

the person's placement at a flat rate charge of £3.00 per day for up to a full day's attendance.

Where possible, this will be payable through the Direct Debit mechanism as payment collected at the day centre will be phased out over time in line with the introduction of Self-Directed Support and contributions based on financial assessment. This charge applies to all groups of people who use our services.

There may be further charges for particular activities and an additional daily charge of £3.20 will apply if a person has lunch at the day centre. These charges will continue to be applied at the Centre after the phasing in of Self-directed Support.

7.11 Key Safes

Key safes will be charged at a one off rate of £20 for the safe and the fitting of it where assessed as being needed.

7.12 Adaptations and equipment

Adaptations are provided free of charge except in the situation where someone qualifies for a Private Sector Housing Grant (PSHG) where there is a charge for administration fee, and if applicable, an assessed contribution towards the adaptation (means tested).

7.13 Discharge from hospital for people over 65

In accordance with COSLA guidance, any new or additional services put in place following discharge from an unplanned admission to hospital will be free for the first 42 days. Chargeable hours already in place prior to admission will be chargeable from day following discharge.

Meals provided which are provided prior to admission will be chargeable after being discharged from hospital.

This free service does not apply in cases where admission to hospital is on a regular basis or a frequent basis as part of regular treatment or ongoing care arrangements.

We will not charge people who are 65 or over on the date of discharge for personal care.

7.14 Temporary or emergency admission to hospital or care home

If a person aged 65 or over was receiving services before a temporary admission to hospital or care home, a charge will not be made for existing services while they are away from home. There may be some types of support for which a charge will still be made e.g. housing with care where the charge will be for up to 42 days from being admitted to hospital .

If the service is a flat rate charge, the charge will be applied for any full week of service provision received. A schedule of all flat rate charges will be made available to people who use our services. The costs for Bordercare Alarm will continue until notice is received to remove the Bordercare Alarm.

8 TYPES OF CARE AND APPLICABLE CHARGES THAT WILL REMAIN IN PLACE ONCE SELF-DIRECTED SUPPORT IS PHASED IN:

8.1 24 Hour Housing Support (including Extra Care Housing)

The arrangements for people who receive 24 hour housing support packages including Extra Care Housing have been reviewed to ensure that there is clarity about charges for these services. This will ensure equity and consistency in charging for similar services.

Includes:

Extra Care Housing for older people
(Extra Care Housing offers an alternative for people who would otherwise need to go into a residential care home. It provides specially adapted individual apartments, with care staff available to provide assistance as needed 24 hours a day).

24 Hour Housing Support
Adults, including those with a learning disability in supported living, who receive a 24 hour support package in the Community i.e. have a sleepover or a share of a sleepover.

For people where 24 hour support is provided in the community a flat rate of £89.40 per week will be applied. This will cover support costs and related accommodation costs which are not classified as free personal care such as housing support. People using such services should be entitled to Attendance Allowance, Disability Living Allowance and Personal Independence Payment.

This flat rate will be updated on an annual basis in line with the following calculation:

Half low rate of Attendance Allowance plus Severe Disability Premium/Addition (SDP) or
Half the middle rate of Disability Living Allowance (care component) plus Severe Disability Premium (SDP)
Half the standard rate of Personal Independence Payment (daily living component) plus Severe Disability Premium (SDP)

People with capital over the capital level of £26,250 (subject to COSLA agreement), will be charged double the flat rate charge of £89.40 per week i.e. £178.80.

This capital level is in line with the current residential capital level under the Charging for Residential Accommodation Guidance which is reviewed on an annual basis. The capital level for Community Based services will be increased in line with this guidance in the future.

8.2 Housing with Care

This is a service for service users who would usually be identified as having a need for ongoing support. It is aimed at supporting people to live as independently as possible in their own tenancies. On-site support and care is provided flexibly, typically over a 15 hour period (7am–10pm), seven days per week.

This service is charged on a flat rate basis of £10.00 per week. This flat rate is supplementary to any existing housing support charges.

Set rate charges will remain for people in housing complexes not yet established as housing with care developments. Flat rate charges are set annually based on the contract value of the housing support.

8.3 Bordercare Alarm and Telecare – standalone service

Bordercare Alarm is charged at £3.00 per week, regardless of tenure.

Telecare technology which requires the use of a Bordercare Alarm will be charged in accordance at the standard rate of the Bordercare Alarm at £3.00 per week.

Telecare technology put in place for a specified short period of time for assessment purposes will not be charged. Telehealth care technology (devices monitoring vital health statistics, e.g. blood pressure, and linking direct to NHS services) will not be charged.

8.4 Meals Delivery Service

Service is charged at a minimum of £2.99 per meal, based on full cost recovery. In addition, if the provision of a freezer and/or microwave is required, a charge of 50p per item per week will be applicable.

8.5 Lunch Clubs

Service is charged at £3.20 per meal.

8.6 Transport

If transport is provided to attend a Social Work facility a flat rate charge of £2.00 per day will payable for internal day centres by the person using this service. Where transport is arranged by Scottish Borders Council to attend a social enterprise opportunity and external day centres, the charge will also be applicable. These charges will be made on a placement rather than attendance basis.

9. SELF-DIRECTED SUPPORT

Government legislation has introduced Self-Directed Support as the method of delivering social care and support which will enable people to have more choice and control over how their support needs are met. The amount of money required to manage the risks of a person's situation and achieve their agreed outcomes in relation to health, wellbeing, social inclusion, independence and responsibility will be referred to as their Individual Budget.

The maximum contribution payable will be the full amount of the Individual Budget or the person's assessed contribution as determined by the financial assessment, whichever is less. This will be based on an annual individual budget paid over 52 weeks. The exception is payments for a week's short break, where this is the only support, where the maximum contribution will be per week of short break.

A financial assessment will be offered to all clients to ensure that they only pay what they can afford. A financial assessment will take into account income, savings, and capital, whilst allowing a predetermined level of income for general living expenses as well as relevant disregards. Where a person has income below this amount, they will not be asked to make a contribution towards the cost of their care. An income maximisation assessment will also be available to ensure that all benefit entitlement has been applied for.

This approach allows Self-Directed Support to continue to be phased in and charges will be applied fairly and transparently, whether they are on the traditional model of service provision or have moved to the Self-Directed Support mechanism.

It is envisaged Self-Directed Support will be fully implemented within 2017 and that the approach to people's contribution to their support will then be in operation across all Social Work Services. After that date as detailed in Section 8 the only flat rate charges that will continue to be applied will be for meals, transport, housing with care, housing support within sheltered housing, extra care housing and Bordercare Alarms.

9.1 The financial assessment process to determine individual contributions for Self-Directed Support

The aim is to ensure that people in receipt of Social Work services are not placed in financial hardship as a consequence of the way in which the services are charged for. This is in line with COSLA and Scottish Government guidance on charging policies. The principles focus on:

- Ability to contribute, providing full financial details have been provided
- Income
- Equity
- Transparency
- Compliance with national guidance

These principles are subject to full financial details being provided by the person. In all cases though, the Council will ensure that the person's contribution is minimised as much as possible.

Everyone in receipt of chargeable community care services undergoes a financial assessment to determine how much they can afford to pay towards the cost of the services they receive.

Everyone is offered an income maximisation assessment to ensure that they are receiving all the benefits to which they are entitled. People who do not want to provide financial information will be required to pay the full cost of their care, with the exception of any free personal care element.

Where a full financial assessment has been completed within the last 12 months, information previously collected will be used to calculate the person's contribution. Contributions will be reviewed in April each year to coincide with increases in pensions and benefits.

Everyone will be advised in writing of their contribution. Contributions will be payable from the date the person first receives support. If the financial assessment is completed after this date, contributions will be backdated to the date the person first received support.

Everyone is treated equally. An individual's ability to pay does not affect the provision of care/support.

9.2 Calculating the person's contribution

In accordance with COSLA's Guidance for Contributions Applying to Non-Residential Social Care Services, the amount a person has to contribute should be set according to their ability to pay. In the first instance this requires an assessment of the person's income and capital. In all cases income and capital is treated in accordance with the guidance.

The thresholds are set by the Government annually and will be updated each year. For 2015/2016 they are as follows:

Income

Weekly Charging Threshold: £132 for those under pension age
£195 for those over pension age

Capital

Capital Threshold: £10,000

Taper Rates

The taper rate is the percentage of residual income that is then used to calculate how much of a client's income above the threshold figure is taken into account in calculating the charge. This is set at 55%, meaning that 45% of a service user's residual income is disregarded when working out the charge, or 55% will be taken into account.

9.3 Income not taken into account

Certain types of income will not be taken into account when assessing a person's ability to make a contribution. These are:

- Disability Living Allowance Mobility Component
- Personal Independence Mobility Component
- The high rate element of Disability Living Allowance Care Component, Personal Independence Payment Daily Living Component, and Attendance Allowance (£82.30). People in receipt of the high rate element will only have the Middle Rate of Disability Living Allowance Care, the standard rate of Personal Independence Payment or Lower Rate of Attendance Allowance taken into account.
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children
- Child Benefit
- Disability payment in respect of a child / children
- First £10 of War Disablement / War Widows Pension
- Winter Fuel payments
- Christmas Bonus paid with benefits
- All income received for a person's partner
- Permitted Work in line with DWP Assessment

Note – If a person is assessed as being entitled to a welfare benefit, but refuses to claim, the financial assessment will include the amount of income equivalent to that benefit entitlement.

9.4 Income Allowances

Certain allowable costs will be deducted from the person's income before calculating what they can afford to pay. These will normally be housing costs such as mortgage (both interest and capital payments), rent, ground rent and council tax. Housing costs taken into consideration in the calculation will be net of any benefits received. A 20% disregard will be applied to any disability related expenses included in the financial assessment to allow for disability related expenditure. Disability related benefits are Attendance Allowance, Disability Living Allowance (care component) and Personal Independence Payment Daily Living Component.

| | Under pensionable age | Over pensionable age |
|--|-----------------------|----------------------|
| COSLA guidance requires that people have a level of income equivalent to income support or pension credit (depending whether under or over pensionable age) plus 25% (rounded up to the next pound) before a contribution is required. The Council will use the single person above working age allowance for everyone. This is determined as follows: | | |
| DWP Basic Allowance | £105.35 | £155.60 |

| | | |
|-----------------------------------|----------------|----------------|
| 25% of DWP Basic Allowance | £26.33 | £38.90 |
| Council Personal Allowance | £132.00 | £195.00 |

It is expected that the Personal Allowance should be used to cover a person's daily living expenses such as, food, gas, electricity, telephone, internet and insurance payments (with exception on building insurance).

9.5 Capital and Savings

Capital includes any savings, investments and property owned other than the person's main residence. Capital invested in bonds with life assurance and the value of the person's main residence will be fully disregarded.

Capital up to £10,000 will be disregarded. A weekly income of £1 per week for every £500 in capital over the threshold limits will be included in the calculation. This means that people will be asked to contribute £1 per week for every £500, or part thereof, they have in savings or assets.

Where someone has been awarded a compensation payment, as a result of personal injury, whether as a result of a court judgment or out of court settlement, which has been awarded in respect of anticipated future care costs, this will be taken into account as capital when calculating their contribution. This will include compensation payments held in trust. Where someone has a trust fund that is not due to an award made as a result of personal injury then the CRAG (Charges for Residential Accommodation Guidance guidelines) apply for residential and non-residential care services.

Cases where capital has been 'gifted', moved into bonds or otherwise transferred will be assessed on an individual basis to determine whether or not the value of the capital should be taken into account in the financial assessment. Please see section 10.7 – Deprivation of capital.

9.6 Incorrect financial assessment

If it is discovered that an incorrect financial assessment has led to someone being charged too much or too little, a new financial assessment will be undertaken and the correct charge will be applied from date of the revised assessment.

If there are changes in an individual's circumstances that may affect the current financial assessment, increases or reductions in income or expenditure e.g. award of Attendance Allowance, Disability Allowance, Personal Independence Payment, Employment Support Allowance, Pension Credit or Income Support, it is essential to notify the Social Work Service and request a reassessment. Failure to do this may result in an individual being liable to pay a backdated charge.

10. ADDITIONAL INFORMATION

10.1 Appeals against charges

The Council is committed to review and reconsider changes in circumstances where the person does not have the means to pay or has special circumstances which the service has not been aware of. The appeals process is available for a person to have any of their charges reviewed including a waiver of charges and takes account of the risk to the client of not receiving that support. The Appeals Panel will consider appeals for all services including flat rate and assessable charges. The appeals procedure can be found at the following link: http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints/3

Anyone who remains dissatisfied with the outcome of their appeal will be entitled to pursue their complaint through the Council's normal complaints procedure. The procedure and related information can be found at the following link:

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints

10.2 Debt Recovery

Scottish Borders Council will have the right to pursue all charges not paid, by people assessed as being able to pay, through the Council Corporate Debt Recovery procedure.

10.3 Up-rating of charges

All charges will be reviewed on an annual basis in line with any Department of Works and Pensions up-rating and policy or legislative changes.

10.4 Charging for Residential Services

The legal basis for charging for residential services is the National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992.

Council will continue to follow the Charges for Residential Accommodation Guidance (CRAG). The detailed guidance can be found at the following link: http://www.sehd.scot.nhs.uk/publications/CC2014_02.pdf

Parents or guardians of Children under 18 who are accommodated will not be required to make a contribution towards their child's care.

10.5 Information for people using our services about charging

People who use our services will be given information about charges at the time of assessment and a Financial Information Form will be completed where a financial assessment is required.

The person will be advised in writing of their assessed charge and they will be asked to check that the information used in the calculation is correct. Charges will be applied from the first date the service is received.

10.6 Financial assessment – treatment of income and capital

Financial assessments will be carried out in terms of the above legislation for respite, temporary and permanent residential care.

The assessment is based solely on the individual's own financial resources including their share of any resources they jointly hold with their partner, spouse or other party (this will normally be regarded as 50% unless there is documentary evidence to the contrary).

10.7 Deprivation of capital

If a local authority has evidence that a person has deprived themselves of a capital asset in order to avoid or reduce accommodation charges then it may treat the person as still possessing that asset when assessing ability to pay. In some circumstances, the Council may be able to recover the cost of care from the person who received the capital asset or the person may be assessed as though they still own it.

If anyone has any doubts about this advice they are requested to discuss this in advance of taking any actions which may be considered deprivation of capital.

10.8 Hospital absence

When a person living in a care home is admitted to hospital they will be expected to pay 100% of their assessed contribution for 42 days as long as it appears likely that the person will be returning to the care home. The situation will be reviewed at this stage. If the person is able to return to the care home they will continue to pay for their bed during their absence.

Where the Council is paying Free Personal Care and/or Free Nursing Care, entitlement ceases after 14 days of absence from the care home and consequently the Council will cease to make such payments to the provider from the 15th day of absence in line with The Community Care and Health (Scotland) Act 2002. Individuals will therefore be responsible for the full amount should their stay in hospital last longer than 14 days.

10.9 Planned absence

Where a person living in a care home is absent temporarily, on holiday or similar circumstances, the Council will continue to pay 100% of our contracted contribution for up to 42 days. Where a planned absence is for more than 14 days the Council will cease to make Free Personal Care and/or Free Nursing Care payment to the provider from the 15th day of planned absence in line with The Community Care and Health (Scotland) Act 2002.

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