

Policy Library Pro Forma

This information will be used to add a policy, procedure, guidance or strategy to the Policy Library.

Title: Contributions towards a Personal Budget Guidance

Aim / Summary: To set out guidance for staff with regards to charging in relation to personal budgets.

Document type (please choose one)

Policy		Guidance	x
Strategy		Procedure	

Approved by: Team Manager - ACFS **Version number:** 5

Date approved: 8/7/2015 **Proposed review date:**

Subject Areas (choose all relevant)

About the Council		Older people	x
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	x
Jobs		Staff	
Leisure		Travel and Transport	
libraries			

Author: Team Manager (Communication) ACFS **Responsible team:** ACFS

Contact number: **Contact email:**

Please include any supporting documents

1. [Financial Assessment Form](#)

Review date	Amendments
28/07/16	Updated due to transport charge increase
8/7/2015	Updated in line with the Care Act 2014
18/11/2013	New layout, links checked, information updated.
16/8/2011	Change to section 3 – service users assessed

	for sitting services after 1.4.2011 are liable to fairer contributions.
April 2011	Change to department name and job titles
Feb 2011	Maximum contribution cap removed and hourly rate increased



Contributions towards a Personal Budget Guidance

Contents:

1	Introduction	2
2	Referral for Financial Assessment.....	2
2.1	Steps in the Financial Assessment Process.....	3
3	Contribution Exemptions	3
3.1	When contributions may not be payable	3
4	Calculating the Contribution	4
4.1	Disability related expenditure	4
4.2	Income not taken into account.....	4
4.3	Capital and Savings	5
4.4	Calculation for Couples	5
5	Maximum contribution	5
6	Transport.....	5
7	Meals.....	6
8	Reviews and complaints.....	6
9	Advice on charging and benefits	6

1 Introduction

Personal budgets enable people to have more choice and control over how their care needs are met. There are three ways of having a personal budget:

- As a managed service
- As a direct payment
- As a combination of the two – a mixed package

2 Referral for Financial Assessment

In all cases a referral for a financial assessment should be sent to Adult Care Financial Service (ACFS) via Framework.

Social care workers should confirm if the service user has savings/assets above the upper capital threshold level or does not want to provide financial information. If

financial information is not provided, the service user will be charged the full cost of their support

2.1 Steps in the Financial Assessment Process

- **Step 1** - A [Financial Assessment Form](#) (FAF 1) will be sent out to obtain financial information where required, i.e. if ACFS does not already have current financial information
- **Step 2**- Service users who have capital above the upper savings threshold level will be required to sign a section of the Financial Assessment Form declaring that they have above the threshold and confirming that they are willing to pay the full cost of their support.
- **Step 3** - Information on welfare benefits, will be requested from the (Department for Work & Pensions) DWP If forms are returned to ACFS incomplete
- **Step 4** - Written confirmation of the financial assessment will then be issued to the service user.
- **Step 5** - If the form is not received within 21 days, the service user will be charged the full cost of the support provided.

A visit to complete the FAF1 will only be undertaken if the service user lacks capacity and there are no relatives/representatives to support the service user to complete the form.

3 Contribution Exemptions

By law service users are not liable to pay a contribution if they are:

- Suffering from any form of Creutzfeldt Jacob Disease (CJD).
- Receiving after-care services provided under section 117 of the Mental Health Act 1983.

In addition, no contribution is payable for:

- Providing advice about the availability of services or for the assessment, including the assessment of community care needs.
- The first 6 weeks if the service provided is part of a package of reablement or [Intermediate Care](#) - see paragraph 2.59 of the Care and Support Statutory Guidance for more information.
- Situations where the person has 100% Continuing Healthcare Funding.

3.1 When contributions may not be payable

- Contributions will only be payable from the start of the service unless there is undue delay in notifying the service user of their contribution

- No contribution will be payable for one-off direct payments made to cover start up costs or for community equipment. One-off payments for any other purpose will be divided by 52 and contributed to as part of the weekly personal budget.
- A group manager may approve partial or full exemption from contributions for a period not exceeding 6 months if there are exceptional circumstances. This may arise where a service user refuses to accept a service because he/she is required to make a contribution, but the Council considers that withdrawing the service poses a significant risk to his/her health, safety or wellbeing.

Before any reduction in contributions is implemented, the group manager should ensure the following:

- Attempts have been made to maximise income through welfare benefits advice.
- Attempts have been made to minimise outgoings through money or debt management advice.
- A plan to resolve the situation is in place with a fixed end date.
- Arrangements to regularly review the situation have been arranged.

A group manager may also approve the waiving of all or part of the contribution if care provided through a commissioned service has not been delivered to a reasonable standard. This discretion should only be applied after an investigation has been carried out as a result of a complaint.

4 Calculating the Contribution

The amount a person has to contribute is set according to their ability to pay. In the first instance this requires an assessment of the service user's income and capital. In all cases income and capital is treated in accordance with The Care Act with the following exceptions:

4.1 Disability related expenditure

A service user's additional disability related expenditure is determined using the Department of Health's practice guidance, except that in Nottinghamshire a standard disability cost of £20 is assumed for every service user in receipt of disability benefits. The care assessor should alert ACFS if the service user's additional disability costs exceed £20.

4.2 Income not taken into account

By law certain types of income **cannot** be taken into account when assessing a person's ability to make a contribution. These are:

- Earnings of the service user and/or partner.
- Certain welfare benefits.

If a service user is advised to apply for a welfare benefit that they might be entitled to, but refuses to claim, the financial assessment will assume an amount of income equivalent to that if the benefit was being paid.

4.3 Capital and Savings

The County Council believes that individuals in receipt of homecare and residential care should be treated equitably with regard to how capital and assets are treated. Therefore, service users who have savings over the upper capital threshold limit (currently £23,250) will be classed as self-funders. Capital up to the lower threshold limit (currently £14,500) will be disregarded. For more information see the fact sheets:

[Paying for your own support](#)

[If you need help to pay for your support](#)

Capital derived from an award of damages for personal injury, which is administered by a court, or which can only be disposed of by a court order and is specifically identified as being a payment to cover the cost of providing care, can be taken into account in the financial assessment after 52 weeks of receipt. If the capital is placed in a personal injury trust or administered by a court it has to be disregarded. However, income and/or interest payments derived from the compensation award will be included in the financial assessment.

Cases where capital has been 'gifted' or moved into bonds with a life interest 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.

4.4 Calculation for Couples

A couple is defined by the DWP as:

- Married couples
- A man and woman living together as husband and wife
- Same sex-partners whether registered as civil partners, or not.

Only income and capital held in the service user's name, and half of any income or capital held in joint names, will be taken into account. However, if it would leave the person better off, ACFS can assess the couple.

5 Maximum contribution

The maximum contribution payable will be the full cost of the personal budget or the income available for a contribution as determined by the financial assessment, whichever is the lesser. ACFS staff will not carry out a financial assessment if the personal budget amount is £2.50 per week or less. The minimum weekly contribution is £2.00.

6 Transport

A personal budget allocation for transport is outside the Resource Allocation System (RAS). Once a service user has decided how they wish to meet their needs through their support plan, they will be assessed against the [Criteria for transport assistance](#).

A service user may then receive transport as a managed service, contributing £8 per return journey, or take the addition to their personal budget as a direct payment and make their own transport arrangements.

See the staff guidance on [Criteria for transport assistance](#) more information.

7 Meals

County Enterprise Foods can deliver meals to service users in need of them. Further details about meals and charges can be found [here](#). Service users can afford to meet the meals charge from their own resources, so this will not form part of their personal budget. Service users may arrange to meet their needs for meals without using County Enterprise Foods, if they prefer.

8 Reviews and complaints

Financial assessments will be reviewed annually by ACFS in April each financial year to coincide with increases in welfare benefits.

The Council operates a complaints procedure in line with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009. Where an individual service user or their representative wishes to make a complaint about their service, the [Complaints Procedure](#) should be used, but every effort should be made to resolve issues at the earliest stage.

9 Advice on charging and benefits

Advice on the calculation of charges and financial procedures is available from ACFS on 0115 977 5760 (Option 3) or acfs.community-assessments@nottscc.gov.uk.

The [Benefits Training and Advice Service](#) offers information and advice to staff on welfare benefits.