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Title: Calculating contributions towards a personal budget

Aim / Summary: To set out the Council's position in respect of the way the Council determines what a person can afford to contribute towards the costs of their care and support needs

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Policy <input checked="" type="checkbox"/>	Guidance <input type="checkbox"/>
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Please Include Any Supporting Documentation:

1. Care and support statutory guidance

2. The Care and Support (Charging and Assessment of Resources) Regulations 2014

3. Social care charging for local authorities: 2023 to 2024 - GOV.UK (www.gov.uk)

Calculation of Individual Contributions Towards the Cost of Adult Social Care and Support Policy

4. [Decision Details: Charges for Adult Social Care Services 2023-24](#)
(nottinghamshire.gov.uk)

5. [Cabinet Report 09_03_2023.pdf](#) (agenda item 5)



Calculating contributions towards a personal budget

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Context

1. The rules governing charging for social care and support are set out in Care and Support (Charging and Assessment of Resources) Regulations 2014. An annual circular, Social Care – Charging for Care and Support, from the Department of Health and Social Care provides a notification of any update to the regulations. Councils have some discretion within the regulations to agree their approach to assessing the contribution that people can afford to pay towards their adult social care and support costs.
2. This policy sets out the approach used by Nottinghamshire County Council to assess the contribution that a person can afford to pay towards their adult social care and support costs.
3. The Council will review the policy annually.

Contributing towards care costs

4. The Council sets out in a [Paying for Support](#) factsheet. the financial thresholds at which a person may be asked to contribute towards the cost of their care and support. The Council's Adult Care Financial Services (ACFS) Team undertake financial assessments to calculate the actual contribution that people are asked to pay.

Savings and assets

5. The County Council believes that individuals in receipt of homecare and residential care should be treated equitably regarding how capital and assets are treated. Therefore, people 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 £14,250) will be disregarded. For more information about paying for care visit Nottinghamshire County Council's website at:

[Paying for care and support | Nottinghamshire County Council](#)

6. 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 must be disregarded. However, income and/or interest payments derived from the compensation award will be included in the financial assessment.
7. Cases where capital has been 'gifted' or moved into bonds with a life interest will be assessed on an individual basis to determine whether the value of the capital should be taken into account in the financial assessment.

Contribution exemptions

8. By law people 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.
9. 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.
 - Situations where the person has 100% continuing Healthcare Funding.

When contributions may not be payable

10. Contributions will only be payable from the start of the service unless there is undue delay in notifying a person of their contribution
11. 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.
12. No contribution is payable **up** to 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. A reablement service may be provided free of charge beyond 6 weeks, at the discretion of the Council, for those people whom the reablement service deem would benefit from further reablement. However, this exemption does not include people who are deemed by the Council as having completed a package of reablement before the expiry of the 6-week period and who then receive domiciliary care from the Short Term Assessment and Reablement Team (START) service, as an appropriate intermediate home care service provider rather than as a reablement service, whilst awaiting a longer term package of care. People who have completed their reablement package of care but are in receipt of domiciliary care from the START service **will be charged**.
13. A group manager may approve a partial or full waiver of contributions for a period not exceeding 6 months, if there are exceptional circumstances. This may arise where a person 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. Depending on the amount of the waiver, Service Director approval may also be required.
14. 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 made.
15. 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 because of a complaint.

Calculating the Contribution

16. The amount a person must contribute is set according to their ability to pay. In the first instance this requires an assessment of the person's income and capital.

Minimum Income Guarantee levels

17. The Minimum Income Guarantee levels applied in Nottinghamshire from 10 April 2023 are as follows:

- 18 years to under pension credit age £171.75 a week
- Pension credit age and over £214.35 a week

18. The Council will ensure that the contribution an individual is asked to make towards their care costs does not reduce the amount of income they retain each week below the relevant Minimum Income Guarantee level for their age group.

Income taken into account

19. The Council takes into account all sources of income unless it is specifically disregarded in the Department of Health Guidance Care and Support Statutory Guidance. This includes pensions, means tested benefits and the full amount of any disability benefits. Contributions will be based on 100% of a person's disposable income.

Disability related expenditure

20. A person's additional disability related expenditure is determined using the Department of Health guidance. In Nottinghamshire a standard disability allowance of £20 is assumed for every person in receipt of disability benefits who is receiving support at home. If a person does not think this is sufficient to cover costs incurred due to their disability, they can request an assessment from the care assessor. ACFS must be notified of any person whose allowance is more than the standard £20, and evidence of 3 months expenditure is required. (see separate guidance, 'What is a Disability Related Expenditure (DRE)?')

Income not taken into account

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

- Earnings and bonuses
- Mobility allowances
- Elements of war pensions

22. If a person 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.

Calculation for Couples

23. 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.

24. Only income and capital held in the name of the person receiving services, and half of any income or capital held in joint names, will be taken into account.

Maximum contribution

25. The maximum contribution payable will be the full cost of the personal budget or the assessed contribution as determined by the financial assessment, whichever is the lesser. The minimum weekly contribution is £2.00.

Other Charges

26. Fixed rate charges are payable in addition to a contribution towards the Personal Budget for meals at day services, transport, telecare, night response service and brokerage.

Service	Rate
Brokerage	£11.81 every four weeks for self-funders with a care costing £84.40 every four weeks
Meals at day services	£5.40
Transport	£10.85 per return journey
Telecare	£2.21 per week (additional £1.64 per week for mobile devices)
24hr Home Care Response Service	£10.57 per week

Reviews and complaints

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

28. The Council operates a complaints procedure in line with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009. Where a person using services, or their representative, wishes to make a complaint about their service, the [Complaints process | Nottinghamshire County Council](#)

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should be used, but every effort should be made to resolve issues at the earliest stage.

Advice on charging and benefits

29. Advice on the calculation of charges and financial procedures is available from ACFS on 0115 9775760 (Option 2) or by emailing: acfs.community-assessments@nottscc.gov.uk .
30. The Benefits Team offers information and advice to staff on welfare benefit entitlements. [Benefits advice and information | Nottinghamshire County Council](#)
31. The Council will review the policy annually.