

Oxfordshire County Council Policy for Contributions in Adult Social Care

Purpose

1. This policy outlines how the Council ensures a fair approach to contributions from individuals towards the social care services they receive. It covers residential and non-residential care services following an assessment, and direct access services such as day care. This policy is based on appropriate legislation and Government guidance, including:
 - The National Assistance Act 1948
 - The Health Services and Public Health Act 1968
 - The Chronically Sick and Disabled Act 1970
 - The NHS Act 2006
 - The Carers and Disabled Children Act 2000
 - The Health and Social Care Act 2001
 - Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulation 2009 Pursuant to Health and Social Care Act 2001
 - Department of Health Charging for Residential Accommodation Guide June 2013
 - Department of Health Fairer Charging Policies for Home Care and other non-residential Social Services – Guidance for Councils with Social Services Responsibilities – June 2013
 - Department of Health Fairer contributions guidance 2010: calculating an individual's contribution to their personal budget : Department of Health - Publications
 - Department of Health Fairer Contributions Guidance 2009 Easy Read Version
 - Health and Social Services and Social Security Adjudications Act 1983 – Section 17
 - Mental Health Act 1983 section 117 – the duty on health and social care services to provide free aftercare to patients previously detained under certain sections of the act
2. This policy should also be read in conjunction with the County Council policies on Self Directed Support, Personal Budgets and Direct Payments, and associated operational procedures and guidance.
(see <http://www.oxfordshire.gov.uk/cms/public-site/legal-and-money-issues>)

Context

3. Oxfordshire County Council aims to support and promote strong communities so that people live their lives as successfully, independently and safely as possible. The Council aims to promote independence and choice, be fair and equitable and give service users more power and control over their lives.

4. Social care is not a free service and national funding arrangements make it clear councils need to collect income locally to contribute to the cost of services.
5. Legislation permits an Authority to recover a reasonable charge for social care from service users who satisfy the Authority that they have insufficient means for them to pay for the service.
6. Income from charging for services where it is appropriate to do so and in keeping with legislation is therefore an essential part of Oxfordshire County Council's financial strategy.
7. In setting its contributions policy and determining the contribution to be paid by an individual the Council cannot be less generous in the treatment of capital than the provisions set out in the national Charging for Residential Accommodation Guide.
8. Under Fairer Charging guidelines, Council's should take account of no more than the full cost of providing the service. The Council calculates this based on the average cost of providing this service across the county, and this is reviewed on an annual basis.
9. For non-residential care services, charges made by the Council cannot reduce an individual's net income below defined basic levels of Income Support or the Guarantee of Pension Credit, plus 25%. Service users will only be asked to contribute after any disability related expenditure is taken into account.
10. A list of the services that the Council currently charges for is attached as Appendix B.

Policy Aims

11. Where the Council requires contributions towards services for adult social care, the following principles will be applied:
Provide people with timely, clear and concise information about the costs of their care
12. The way in which the Council sets the contributions people are expected to make towards their own care, and the process by which these contributions are made, will be as simple and straightforward as possible.
13. The Council will publish its Contributions policy and accompanying guidance on the Council website (www.oxfordshire.gov.uk) and provide clear information to service users, carers and the general public in a variety of formats.
14. The Council also helps to signpost service users, carers and the general public to wider information about the cost of care, including support available through a range of information and advice services and centres provided and commissioned by the council.

Personal Budgets

15. Anyone eligible for care and support from the Council will have a Personal Budget. A Personal Budget is the amount of money allocated to an individual to

provide the support they require, based on an assessment of needs. Service users will make a single contribution towards the cost of their care based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care required to meet their needs, the Council will fund the difference. Service users may also purchase additional care at their own expense.

16. This personal budget is used to purchase services to meet the individual's eligible needs. Service users may take this money in the form of a Direct Payment, or ask the Council to arrange services on their behalf, or use a combination of both.
17. People who do not have a personal budget will have their level of contribution set against their costed support plan, which sets out their care needs. This contribution will be based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care required to meet their needs, the Council will fund the difference. Service users may also purchase additional care at their own expense.

Choice and Control

18. This policy supports the Council's wider aims to offer individuals greater choice and control over services that meet their eligible social care needs. An individual is able to decide where and from whom they purchase the services that meet their needs, using either their personal budget or their own financial means.

Fairness and Equity

19. A single policy for all services for which the Council is permitted to charge ensures people are treated fairly and equitably, and that people are not charged different amounts for the same services. This policy therefore covers residential and non-residential services, and universal or open access services.
20. Contributions to a personal budget for social care are determined by financial assessment of an individual's means. In respect of temporary residential stays of up to eight weeks the Council will carry out a financial assessment under Fairer Charging to determine the appropriate level of contribution, as this supports personalisation and choice.

Protecting people on low incomes

21. The financial assessment will ensure that people on low incomes are not put in financial hardship as a result of paying towards their care costs. Advice and support to claim welfare benefit entitlements will be made available to service users and carers.

Promoting prevention and early intervention

22. The Council commissions and provides a range of intermediate care services that prevent or defer the need for more intensive health and social care services, such as reablement, intermediate care beds and crisis services. These services are provided free of charge for up to 6 weeks, following an assessment of need, to encourage and enable independence.

23. The Council provides certain services free of charge to support people living at home and their carers who require services. These are identified in Appendix B.

Policy Inclusions

24. This policy covers charges and contributions for all residential and non-residential adult social care services provided in people's homes for which the Council has powers to charge. It also covers charges and contributions for direct access and universal services, such as day opportunities.

25. This policy covers payments and contributions made by:

- People paying for their own care and support (self-funders), who may choose to pay to access Council-funded services
- Individuals paying for care and support through Self Directed Support and Personal Budgets
- The Council arranging and paying for care and support on behalf of an individual

26. Eligibility to receive services from Adult Social Care is determined through a care needs assessment. The level of funding an individual is required to pay towards their care and support needs will be determined following a financial assessment in line with the principles outlined in this policy.

27. This policy applies to all service users who are considered to be Ordinarily Resident in Oxfordshire and meet the Council's eligibility criteria of critical or substantial needs (see Appendix A).

28. Service users have the choice to manage their own services through a Direct Payment, or to ask the Council to do this for them. This policy applies equally to all service users who ask the Council to manage services on their behalf, use a Direct Payment or use a combination of these. This does not affect their entitlement to an assessment of needs, or access to advice and information provided by the Council.

29. Where the Council makes a Direct Payment as an alternative to making arrangements for direct provision of a service, a contribution will be required and calculated on the same basis as when the Council commissions a service.

30. The same principles of fairness apply to those who hold personal budgets as those who do not.

31. The Council will take into account in the financial assessment capital and income unless it is required to be disregarded under legislation or statutory guidance.

Policy Exclusions

32. This policy does not cover:

- Services for which the Council may not charge under legislation and/or statutory guidance. This includes:
 - aftercare services under section 117 of the Mental Health Act 1983,

- services provided to people suffering from any form of Creutzfeldt-Jakob Disease,
- intermediate care services such as reablement, crisis and intermediate care beds, which are free of charge for an initial period of up to 6 weeks
- community equipment and minor adaptations up to £1,000.
- providing advice about the availability of services or for assessment, including assessment of community care needs.
- Services provided under specific health and housing legislation by other organisations, such as the NHS.
- Housing-related support services which are subject to separate arrangements. Account will be taken of the impact in individual cases where a person receives a housing-related support service as well as other care provision from the Council.
- People receiving funding from the Independent Living Fund which is subject to separate arrangements until April 2015. At this time, people in receipt of ILF will become subject to the terms of this policy.

33. Service users who are considered to be Ordinarily Resident in another council area and supported by that council will be subject to the contributions policy of that authority. Oxfordshire County Council will recover the full cost from other organisations for services it provides or arranges on behalf of their service users.

Charges for Residential Services

34. The Department of Health “Charging for Residential Accommodation Guide” covers charges for registered residential homes. This guide is a national charging policy administered by councils that covers:
- All Residential services.
 - Temporary residential services under 8 weeks.
35. The Charging for Residential Accommodation Guide allows councils to take into account the value of people’s property, and Oxfordshire County Council will take capital and income into account in the financial assessment of individuals, unless it is required to be disregarded under legislation or statutory guidance.
36. The Council may also use its discretion to disregard the value of the property in which a third party lives from financial assessments in appropriate cases. For example, this may be where it is the sole residence of someone who has given up their own home to care for the resident, or someone who is an elderly companion of the resident (particularly if they have given up their own home).
37. In setting its contributions policy and determining the contribution to be paid by an individual the Council cannot be less generous in the treatment of capital than the provisions set out in the national Charging for Residential Accommodation Guide.

38. More detail about charges for residential care under the Charging for Residential Accommodation Guide is available at:
<http://www.oxfordshire.gov.uk/cms/content/social-care-charges>

Respite

39. The Charging for Residential Accommodation Guide allows the Council discretion about how to charge for respite care, including temporary stays less than 8 weeks. The council can charge under residential or non-residential charging legislation, or set what it considers to be a 'reasonable amount'.
40. The Council will undertake a financial assessment under Fairer Charging to pay for residential respite care, rather than carry out a financial assessment under the Charging for Residential Accommodation Guide. This supports our aims of helping people to live independently at home, personalisation and offering individuals greater choice and control through a personal budget.

Charges for Non-residential Services

41. Oxfordshire County Council is entitled to charge a contribution for non-residential services provided to adults under Section 17 of the Health and Social Services and Social Security Adjudication Act (1983). Under Section 17 (3) of this Act, individuals can request a review of their assessed contribution at any stage.
42. The Department of Health statutory guidance "Fairer Charging Policy for Home Care and other non-residential Social Services - Guidance for Councils with Social Services Responsibilities" requires all Social Services' Departments to implement a Fairer Charging Policy. To supplement the Fairer Charging Guidance, the Department of Health issued the Fairer Contributions Guidance in 2010. This policy reflects the requirements of the latest guidance.
43. "Fairer Charging" covers all home care and other non-residential social care services. It states that service users should make a single contribution towards the cost of their care based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care they require to meet their needs, the Council will fund the difference.
44. This personal budget is used to purchase services to meet the individual's eligible needs. Service users may take this money in the form of a Direct Payment, or ask the Council to arrange services on their behalf, or use a combination of both.
45. Services will either be:-
- a. provided exclusively to people with personal budgets, and paid for from those personal budgets.
- Or

b. be provided as a “free universal offering” regardless of whether the person has a personal budget or not. In such circumstances receiving the service would have no impact on the individual’s personal budget as the service will be free at the point of use, including for self-funders.
Or

c. provided as a “subsidised universal offering”. In these cases providers of services will be responsible for setting, notifying and collecting contributions or charges from services users, and these contributions will be the same for all users regardless of whether they have a personal budget or not (including self-funders).

In some circumstances it may be appropriate for people to use their personal budgets to pay their contributions towards “subsidised universal” services. In these circumstances, there may be cases where the Council is managing a personal budget on behalf of a client and is willing to make payments directly to providers on their behalf if they wish to use their personal budget to pay these charges. However the preferred mechanism will be for individuals to pay the charge themselves, either from their own funds or from a direct payment.

46. There is a presumption that any new services not referred to in this policy will be chargeable unless:

- a. They are universal or preventative services
- b. The cost of recovering charges will exceed the income raised;
- c. There are statutory or legislative reasons for not charging at all or not charging the full amount to some users of the service
- d. Charging full costs would result in no uptake of a service
- e. Charging for a service would act as a deterrent to taking up an essential service.

47. Calculations of the cost of home support will be based on a single, flat rate per hour and will be calculated by the minute. This will then be used to calculate a personal budget.

48. Personal budgets for people who require double-handed care will be calculated to reflect the cost of having two carers. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution.

49. All charges for services, including the flat rate per hour for home support, will be reviewed and set on an annual basis by the County Council Cabinet.

50. A list of current services for which contributions could be charged out of a personal budget is included at Appendix B.

Financial Assessment of Service User Contributions

51. All individuals will be offered the opportunity to have a full financial assessment to calculate their contribution. It is the individual’s responsibility to provide

information to complete this and failure to satisfy the Council will result in the maximum contribution being applied.

When Contributions Will Start

52. In line with Charging for Residential Accommodation Guidance, service users in residential accommodation may be asked to contribute as soon as they begin receiving the service or move in to the premises. If the financial assessment has not already taken place, contributions may be backdated from the date of the assessment to the point the service user started receiving the service or moved into the premises.
53. In line with Fairer Charging guidance, service users receiving non-residential services will not begin making contributions until they have been financially assessed and informed of their assessed contribution, unless they refuse to take part in the assessment or have refused to disclose their financial means as part of the assessment. The service user will not be asked to contribute towards the cost of any services received prior to the financial assessment taking place.
54. Oxfordshire County Council believes that people who need care should know how much that service will cost as soon as possible after their care needs have been assessed. The Council therefore endeavours to complete financial assessments as soon as possible for all services and charges will normally begin as soon as this assessment has taken place.
55. After this clients will be obliged to make their assessed contribution, either to their personal budget if it is in place by then, or towards the cost of any temporary services they are receiving prior to their support plan being agreed and implemented.
56. The exception to this is intermediate care services (including reablement), which will be provided free of charge for clients for up to six weeks. The council will endeavour to complete the financial assessment process during this period so that clients can understand how much they will need to contribute if they still have care needs when the intermediate care ends.

Income, Capital and Investments

57. In carrying out a financial assessment, the Council will take into account all relevant income and capital that is not required to be disregarded. Examples of disregarded income include Winter Fuel Allowance, Cold Weather Payments and the mobility component of Disability Living Allowance or Personal Independence Payment.
58. The value and treatment of income will be based on the definitions within The Charging for Residential Accommodation Guide, National Assistance (Assessment of Resources) Regulations (1992) and Fairer Charging Guidance.
59. The Council sets an amount:
 - a. below which capital will not be taken into account when assessing the service user's contribution.

- b. Above which the service user will be expected to pay the full cost of their Personal Budget.
60. Normally, the individual will be required to pay the full cost of those services only if their total relevant capital exceeds £23,250, their income level is such that they are assessed as being able to contribute the full amount, or they choose not to disclose their financial circumstances.
61. From 12 April 2010 until further notice the following thresholds apply to assessments made under both The Charging for Residential Accommodation Guide and the Fairer Charging scheme (ie for both residential and non-residential care):
- Up to £14,250 – we will not take account of an individual's savings.
 - Between £14,250 and £23,250 – in accordance with Department of Health guidance we will assume that for every £250 in excess of £14,250 an individual is able to contribute £1.00 per week from capital
 - Above £23,250 – we will ask the individual to pay the full charge.
62. The above amounts cannot be less generous to the service user than are set out in The Charging for Residential Accommodation Guide as amended from time to time.
63. There is no maximum weekly contribution rate, although individuals will only pay the lesser amount of the full cost of their care or their assessed contribution.
64. Individuals assessed with no available income for contributions will not have to contribute towards the service, although anyone living in a care home who is receiving the state retirement pension will be required to pay a contribution. For those assessed as needing to make a contribution, the minimum weekly contribution level will be £2.00 per week.

Living Expenses

65. 'The Department of Health Fairer Charging Guidance states that contributions to non-residential care costs should not reduce a services users net income below levels of income equal to basic levels of Income Support or the Guarantee Credit of Pension Credit plus 25%. The Council will not set an individual's contribution at a level that reduces their net income below this level.
66. For people living in residential care, the Council will make allowance for reasonable personal expenses in the financial assessment to ensure the service users net income is sufficient to live on, in line with Charging for Residential Accommodation Guidance.
67. In line with Charging for Residential Accommodation Guidance for people living in residential care, the Council will usually disregard at least the normal amount of weekly Personal Expense Allowance (as prescribed by the Department of Health) from a service user's income. The Council will also consider allowing additional expenses from the income of service users who are permanent residents in a

care home and have continuing commitments for dependants not resident in a care home. However this is unusual and will only apply in exceptional cases.

68. The Council will offer advice on benefits entitlement and assistance with claiming benefits, including referring on to the most appropriate agency to support completion of benefits checks.

Disability Related Expenses

69. Disability Related Expenditure is considered to be a reasonable additional expense that an individual receiving non-residential care incurs due to a disability or condition, and may vary from individual to individual. The aim is to allow for reasonable expenditure needed for independent living by the service user. The Council will not include items that could be considered as normal living costs for which an allowance has already been made.
70. The Council will take into consideration the relevant expenses of each individual service user. The list of possible items is extensive and examples are given in further information provided to the service user.

Personal Budgets

71. Anyone eligible for care and support from the Council will have a personal budget. A Personal Budget is the amount of money allocated to an individual to provide the support they require, based on an assessment of needs. Service users will make a single contribution towards the cost of their care based on an assessment of their financial circumstances. They will then pay whichever is the lesser amount of either the full cost of the care they require to meet their needs, or their maximum assessed contribution. If the assessed contribution is less than the full cost of the care they require to meet their needs, the Council will fund the difference. Service Users may choose to purchase additional care at their own expense.
72. A person can use their Personal Budget to choose where and from whom they buy their care and support. In theory there are no restrictions on what a personal budget can be spent on, as long as it can be shown that it is being used legally in meeting the person's outcomes in relation to their eligible needs, assuming this is lawful, effective and affordable
73. The assessed contribution will be calculated, and the person notified before their personal budget is agreed and put in place. This may mean in some circumstances, that two assessments will need to be made (where residential/nursing care is a possibility).
74. Reconciliation of spending against care plans for people with personal budgets managed by the council will take place at least quarterly.
75. People who do not have a personal budget will have their level of contribution set against their costed support plan, which sets out their care needs. This contribution will be based on an assessment of their financial circumstances.

They will then pay whichever is the lesser amount of either the full cost of the care they receive, or their maximum assessed contribution. If the assessed contribution is less than the full cost of their care, the Council will fund the difference.

Direct Payments

76. The contribution to be made when the service user receives a Direct Payment instead of services is calculated on the same basis as when a service user receives a service commissioned by the Council.
77. Direct Payments will be paid gross to the client 4-weekly in advance, and the Council will then invoice the client for their contribution based on their assessed contribution.
78. Reconciliation of services received against expenditure will happen at least quarterly, based on returns from the service user.

Deferred Interest Loans

79. In some circumstances, the Council may offer deferred interest loans to support clients making adaptations costing in excess of £30k to allow them to continue to live at home. Eligibility for these loans will be assessed within Fairer Charging guidelines to establish that the client is unable to fund the work themselves and the Council would be a lender of last resort.
80. Service users in receipt of a Deferred Interest Loan will have a review at least annually to ensure that the adaptation is still appropriate and in use.
81. Where the service user(s) no longer live permanently at the property the interest on the loan becomes payable.
82. The capital of the loan becomes repayable when the service user(s) dies, or on the sale of the property or transfer of the property to another person. This may only be deferred in exceptional circumstances e.g. where there is a spouse still living in the property until they also are deceased or the house is sold.

Couples

83. Financial assessments will normally be undertaken as a single person. However, clients living with a partner in their own homes will also be offered a joint assessment. This will require details of all savings, income and expenses held individually or jointly. We will then financially assess at whichever rate is better for them.
84. For couples that are receiving joint benefits, the Fairer Charging assessment will be based on both partner's income, capital and living costs.
85. Couples assessments do not apply to couples living together or separately in care homes. For these people, each will be separately financially assessed under Charging for Residential Accommodation Guidance as appropriate

Joint/shared costs

86. When calculating the financial assessment, costs related to housing (eg utility bills) may be shared between the individual and anyone else living in the same home who shares responsibility for those costs with the individual.

Deprivation of capital

87. If someone has deprived themselves of capital or an asset to reduce their contribution, this may be treated as deprivation of funds to pay for care and the contribution will be calculated as if the individual still had the capital or asset.

Personal Injury Awards

88. In existing proceedings where claims are made against defendants in legal proceedings alleging wrongdoing or negligence (such as insurance companies or the NHS), the Council will give consideration to intervening in those proceedings where appropriate.
89. Settlements (both interim and final) may also be taken into account when assessing the financial circumstances of a service user where it is considered reasonable to do so.
90. Guaranteed Income Payments made under the Armed Forces Compensation Scheme to disabled ex-service personnel will not be taken into account.

Trust Funds

91. The Council will consider whether to recover the cost of care from a trust fund, where reasonable to do so, having regard for the terms of the trust.

Refusal to be assessed

92. A service user is required to pay the full cost of the service if they refuse to disclose their financial means. Services cannot be withdrawn because a person refuses to pay their contribution to their care costs or the full cost of care where appropriate, however the Council will pursue any debt accrued.

Admission to hospital

93. Where people who have personal budgets are admitted to hospital for a short period of time, their personal budget and their assessed contribution to it will remain in place unchanged. However if their stay exceeds four weeks, this may be subject to review.
94. In some situations the event that caused the person to be admitted to hospital is likely to result in an increase in their level of need. In these circumstances a new care needs assessment will be required leading to a revised personal budget.

Carers

95. Carers legislation requires councils to assess carers needs to support their wellbeing and the caring relationship where they are providing regular and

substantial care. Carers benefit from services provided as carers services as well as certain services provided to the cared for person. The Council gives consideration to meeting the needs of carers through provision:

- (i) **used directly by the carer** – these are defined as ‘carers services’ and are free under this policy. Such services are identified through the carers assessment of needs and are arranged by the carer using a Direct Payment provided by the Council. The range of possible services is very wide and some examples are given in the Appendix B
- (ii) **used by the cared for person** – these are included in the service user’s support plan and will generally be services liable to a service user’s contribution.

96. Legislation requires personal care to be excluded from services determined as Carers Services as it is intimate in nature and directly provided to the service user. (There are exceptions to this, where the service user requests help or is in a situation that would cause harm).

‘Top Up’ Payments and Purchasing Additional Services

97. Service users and their families can ‘top up’ their personal budget to buy additional support or services above their financial contribution if they choose to, for example to buy their care from a provider of their choice. Service users may also arrange for contributing third parties to make additional payments to cover the cost of a care home that is more expensive than the Council would usually expect to pay.

98. The Council will at all times ensure that personal budgets are sufficient to meet individuals’ eligible care needs. Any ‘top ups’ must be the individual’s choice, and can only be made once they are aware of their right to have all their eligible care needs met without the requirement for a ‘top up’.

99. However, if this additional funding ceases the council is under no obligation to increase its contribution to cover the difference, if the persons assessed needs can be met within their assessed contribution without continuing the additional service or by another provider whilst still ensuring quality of service and offering the service user reasonable freedom of choice. This may result, for example, in the service user having to move to other accommodation and being given a number of alternative options to choose from, unless, after an assessment of need, it is shown that their assessed needs can only be met in the current accommodation.

12 Week Property Disregard and Deferred Payments

100. Where a social care client is selling a property and moving home, the council may disregard the value of the property they are vacating for a period of up to 12 weeks before undertaking a new financial assessment.

101. If the client is moving into a registered care home the Council may disregard the value of the property they are vacating for up to 12 weeks, as required by Department of Health guidance. If the property has not been sold within 12 weeks, the Council may provide interim or deferred payments secured by a legal charge over the property under Charging for Residential Accommodation

Guidance. The amount secured by the legal charge will be repayable to the Council immediately on sale of the property and may be subject to an additional interest charge as set out in the Deferred Payment Agreement or the provisions of HASSASSA 1983.

102. If the client is moving elsewhere (for example into Extra Care Housing or to move in with relatives) and the property has not been sold within 12 weeks, the Council will exercise its discretion and may offer to provide interim or deferred payments secured by a legal charge over the property.
103. Clients moving into accommodation other than a registered care home and who do not agree to the Council securing a charge over their property will not be offered an initial 12 week property disregard option, and will be financially reassessed with the value of their property taken into account.
104. The County Council will continue to offer deferred payments whenever appropriate in accordance with Department of Health guidance and its own policy.

Second and Additional Properties

105. A client receiving residential services who owns a second or additional property that is not their main residence will be assessed to pay the full cost of their care. This is because the property(ies) is considered an asset that at some point could be sold to pay for their care home fees, or will be generating income (from renting out for example) that can be used to contribute to the cost of the care home.
106. A client receiving non-residential services who owns a second or additional property that is not their main residence will also be assessed to pay the full cost of the care they require to meet their needs. Although the value of the property the client lives in will be disregarded, the value of the second or additional property will be included in the financial assessment.

Joint arrangements with Children's Services

107. Social care legislation in relation to the provision of services to meet the needs of adult and children is complex and the Council is committed to ensuring Adult and Children's Services work collaboratively to achieve the best possible outcomes for individuals and family groups. In the context of paying for services, those arranged by Children's Services are free under legislation. Services arranged by Adult Services are subject to this policy. The following clarification is provided:

Parents who are carers of disabled children

108. People with parental responsibility for a disabled child are entitled to a carer's assessment. Adult and Children's Services work with parent carers to ensure that the assessment is carried out by the most appropriate person. As set out above, adult social care services directly to the carer are free.

Disabled Parents

109. Disabled people who are parents are entitled to an adult social care assessment; and to have their needs met where they meet the Council's eligibility criteria for adult social care. They will be required to make a contribution to their personal budget for social care services, based upon a financial assessment.

Young Carers

110. Young people under the age of 18 who have caring responsibilities are entitled to an assessment of their needs by Children's Services. The cared for person is entitled to an adult social care assessment; and to have their needs met where they meet the Council's eligibility criteria for adult social care. They will be required to make a contribution to their personal budget for adult social care services, based upon a financial assessment.

Waivers

111. Waivers apply only to Fairer Charging financial assessments and will only be issued in exceptional circumstances where to incur the required contribution would have a detrimental impact on the individual. Whilst each case will be considered on its merits, the contribution may be waived or reduced where it can be shown that paying the contribution would cause severe financial hardship or the individual's health would be put at serious risk.

112. The Deputy Director for Adult Social Care must approve waivers and all waivers will be documented and reviewed at an agreed frequency.

Non-payment of contribution

113. Where an individual fails to make payment of invoices or contribute in accordance with the Direct Payment Agreement action will be taken in accordance with our Debt Recovery Policy and/or Direct Payment Policy. This may result in legal action being taken and extra cost to the individual.

Changes in an individual's financial circumstances

114. Individuals must notify changes to their financial circumstances as these can affect their financial assessment. A change in a contribution may be triggered either by a change in type or level of service or the financial circumstances of the individual. In addition an individual may request a review of a financial assessment due to revised information or an error at any time. Changes to contributions may be backdated to the actual date of change.

115. The Council reserves the right to review all financial assessments at any point relating to current or historical services provided. This may require individuals to provide new or additional information and evidence where necessary.

116. Where individuals fail to provide information following written requests, contributions will be recalculated to the maximum level from the date of the first written request.
117. Where appropriate we may automatically reassess client contributions based on changes that we become aware of through policy changes, Department of Works and Pensions or regulation changes. These may include annual increases to standard benefit payments such as the State Retirement Pension, occupational or other private pensions (except fixed rate annuities) or service cost increases.

Advice on benefits

118. As part of the financial assessment process and where applicable, advice will be provided to individuals regarding benefit entitlement. This may include assistance to complete applications or signposting to relevant agencies and services.

Disagreements or complaints

119. Where these situations occur we will attempt to work with individuals to resolve them and this may involve either:
- a. a review of the financial assessment and/or service;
 - b. a complaint or representation against policy; and
 - c. an application for a waiver of the contribution.
120. If an individual remains dissatisfied with the outcome of the assessment process they can ask for the decision to be reconsidered under the Council's Complaints Procedures.

This policy and accompanying guidance will be monitored and reviewed through learning from complaints, compliments and concerns raised by service users and carers.

Appendix A - Fair Access to Care Services Bandings

There are 4 bands of eligibility:

Critical	<ul style="list-style-type: none"> • Life is or will be threatened, and/or • Significant health problems have developed, and/or • There is or will be little or no choice over vital aspects of the immediate environment, and/or • Serious abuse or neglect has occurred or will occur, and/or • There is or will be an inability to carry out vital personal care or domestic routines, and/or • Vital involvement in work, education or learning cannot or will not be sustained, and/or • Vital social support systems and relationships cannot or will not be sustained, and/or • Vital family and other social roles and responsibilities cannot or will not be undertaken
Substantial	<ul style="list-style-type: none"> • There is or will be only partial choice and control over the immediate environment, and/or • abuse or neglect has occurred or will occur, and/or • There is or will be an inability to carry out the majority of personal care or domestic routines, and/or • Involvement in many aspects of work, education or learning cannot or will not be sustained, and/or • The majority of social support systems and relationships cannot or will not be sustained, and/or • The majority of family and other social roles and responsibilities cannot or will not be undertaken
Moderate	<ul style="list-style-type: none"> • There is or will be an inability to carry out several personal care or domestic routines, and/or • Involvement in several aspects of work, education or learning cannot or will not be sustained, and/or • Several social support systems and relationships cannot or will not be sustained, and/or • Several family and other social roles and responsibilities cannot or will not be undertaken
Low	<ul style="list-style-type: none"> • There is or will be an inability to carry out one or two personal care or domestic routines, and/or • Involvement in one or two aspects of work, education or learning cannot or will not be sustained, and/or • One or two social support systems and relationships cannot or will not be sustained, and/or • One or two family and other social roles and responsibilities cannot or will not be undertaken

Appendix B

List of services for which contributions could be charged out of a personal budget

The following list of services sets out the services that will be provided free of charge, and those for which a contribution will be made by the individual.

Social care funding cannot be used to cover 'board and lodgings', so personal budgets cannot be used to pay for housing costs or the purchase of meals. However, individuals may choose to pay these costs themselves from their own money or other means.

This does not apply to people living in care homes, where social care funding can be spent on board and lodgings.

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
Alert Service	Telecare service for older people in their own homes. Provision of alarm and falls sensor. Assessment for provision of emergency response and planned visit.	The Council funds phone installation cost and equipment cost. The individual funds phone call costs to call centre. If the individual meets criteria for emergency response and / or planned visit, the Council funds these elements.	Free to service users in receipt of housing benefit and either Income Support or (Guaranteed) Pension Credit Anyone else can pay privately to receive the service, or be assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them
Brokerage	This service helps service users produce a Support Plan to buy or arrange services, thus enabling them to have a greater choice and	Free	Free

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
	control over the support they require to go about their daily life		
Care Home placements	A premises registered with the Care Quality Commission to provide care 24 hours per day for people who can no longer live at home. Care homes 'with nursing' employ nurses as well as carers to provide the care.	Assessed and charged by the Council under the Charging for Residential Accommodation Guide	Assessed and charged by the Council under the Charging for Residential Accommodation Guide
Carers Services	Various services to support unpaid carers of adults caring for adults. Services include: peer support groups, confidence training, information giving, free time whilst cared for is looked after, carers independent voice	Free	Free
Community Meals Service	A weekly or fortnightly frozen meal delivery service with a care check (if the food isn't eaten the driver at the point of delivery.	Subsidised by the Council, provider charges agreed cost of the meal – this could come from an individual's personal budget or other means available to them	Subsidised by the Council, provider will charge – this could come from an individual's personal budget or other means available to them
Community Support to people with Acquired Brain Injury	To provide a community based service to support people under the age of 65 who have an acquired brain injury - services provided are a day centre, support in the community in particular aiding discharge from hospital and supporting carers.	Subsidised by the Council. Provider charges fee for attendance, meals, activities, transport. People with a personal budget are charged in full.	Subsidised by the Council. Provider charges fee for attendance, meals, activities, transport. this could come from an individual's personal budget or other means available to them
Community Support for People under 65	To provide a community based service to enable people under 65 with dementia to have	Subsidised by the Council. Provider charges fee for activities including	Subsidised by the Council. Provider charges fee for activities including

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
with Dementia	access to person centred one to one support by a specialist trained support team. Carers are also supported.	refreshments, transport.	refreshments, transport. This could come from an individual's personal budget or other means available to them
Dementia Prevention Services	Various services to support people with a diagnosis of dementia. Services include: dementia advisors, one to one support, information giving, day centres	Free	Free
Direct Payments advice and managed accounts	The provision of a Payroll and Managed Accounts Service to all Service Users and Carers referred by the Council or Oxford Health Foundation Trust about all aspects of receiving and managing a Direct Payment/Personal Budget / Personal Health Budget. A Managed Account is where all of an individual's Direct Payment is paid to the Supported Managed Account Service Provider who manages the money behalf on an individual according to the individual's Support Plan	Free	Free
Equipment	Provision of equipment into individual's own home to aid mobility (grab rails, stair lifts, hoists etc)	Free	Free
Extra Care Housing	Specialist one or two bedroom flats for older people (55 plus) to rent or purchase. Provides	Assessed by the Council under Fairer Charging and charged by the	Assessed by the Council under Fairer Charging and charged by

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
	planned day-time care and emergency 24/7 care response.	provider – this comes from an individual's personal budget or through other means	the provider – this could come from an individual's personal budget or other means available to them
Falls Service	The service is provided by specialist nurses who offer a detailed assessment and make recommendations about medication, physiotherapy and home adaptations.	Free	Free
Flexible care	A befriending Service which supports older people with dementia and/or significant mental health needs that will enable the person to engage with services and work with them in a variety of activities to increase their confidence and improve their quality of life in order to remain in the community. The Service Provider also supports their Carers	Free, although service users are expected to pay for own activity or refreshments if they are taken out.	Free, although service users are expected to pay for own activity or refreshments if they are taken out.
Foot care	The aim of this Service is to use volunteers to provide a foot care service to older people who, through reasons of frailty and disability, are unable to reach or see to cut their own nails safely.	Subsidised by the Council, provider charges – this could come from an individual's personal budget or other means available to them	Subsidised by the Council, provider charges – this could come from an individual's personal budget or other means available to them
Home from hospital	The Service will provide low level support to enable service users who have recently been discharged from hospital to regain confidence by providing assistance with practical tasks	Free	Free

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
Home support	Delivery of a range of personal care and support services to maintain people in their own homes for as long as possible	Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them	Assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them
Information and advice	Provision of the right information about Adult Social Care, welfare benefits, welfare rights and other related issues which help us to support and promote strong communities so that people live their lives as successfully, independently and safely as possible	Free	Free
Intermediate Care Beds	Provide rehabilitation to enable people to regain or maintain skills and independence and return to their own home. The beds are in a registered care home. Carers and nurses from the care home support intermediate care residents, with specialist assessment and care provided by occupational and physiotherapists.	Free for up to the first 6 weeks and then assessed by the Council under the Charging for Residential Accommodation Guide and charged by the provider – this could come from an individual's personal budget	Free for up to the first 6 weeks and then assessed by the Council under the Charging for Residential Accommodation Guide and charged by the provider – this could come from an individual's personal budget or other means available to them
Laundry Service	A weekly laundry service collected and delivered to the door	People with personal budgets are paid for by the Council. Those not eligible are referred but charged by the provider directly	Subsidised by the Council, provider will charge – this could come from an individual's personal budget or other means available to them
Learning Disability	Day Centre provision aimed at supporting	Assessed by the Council under Fairer	Assessed by the Council under

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
Day Services	adults with a learning disability	Charging and charged by the provider – this could come from an individual's personal budget	Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them
Reablement	Care and support in people's own homes to support people to maintain and regain independence.	Free for up to the first 6 weeks. Ongoing care needs after this time are assessed under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them.	Free for up to the first 6 weeks. Ongoing care needs after this time are assessed under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them.
Respite	A short stay in a care home or a care home 'with nursing'. The stay may last from a few nights to a few weeks.	If a single service is assessed and charged by the Council under the Charging for Residential Accommodation Guide, if part of package then assessed and charged under Fairer Charging	Assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them
Shared Lives	A scheme for vulnerable adults that provides the opportunity to live or stay temporarily in a Shared Lives carer's home, or sometimes to be supported in their own home.	Assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or through other means	Assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them
Shopping Service	A weekly shopping collection and delivery service, if required will	The cost of the shopping itself is paid by the clients.	Subsidised by the Council, provider will charge – this

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
	put the shopping away with a care check by the driver at the time of delivery	The service is subsidised by the Council, provider will charge – this could come from an individual's personal budget or other means available to them	could come from an individual's personal budget or other means available to them
Supported Living	A range of housing and support services designed to help vulnerable adults including those with a disability retain their independence in their community.	Assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or through other means	Assessed by the Council under Fairer Charging and charged by the provider – this could come from an individual's personal budget or other means available to them
Tier 2 Day Services	<p>The aim of this Service is to provide support to older people that helps prevent the need for higher level services. The Service enables older people to live in the community for as long as possible</p> <p>There are two elements to this service:</p> <ol style="list-style-type: none"> 1. A day centre provided on a regular basis in a building based location 2. Community Networks supporting a wider range of Service Users who may not want or be able to attend a day centre 	Subsidised by the Council. Provider charges a fee for attendance, meals, and activities.	<p>Subsidised by the Council. Provider charges a fee for attendance, meals, and activities.</p> <p>As of September 2013 there will be a charge for return transport provided by the Council to Tier 2 Day Services</p>
Tier 3 Day Services	Day Centre provision aimed at supporting adults, particularly older people of higher level needs that those of tier 2 services people to live in the community for as long as possible. Many of these will be FACS	Subsidised by the Council. Provider charges fee for attendance, meals, and activities.	Subsidised by the Council. Provider charges fee for attendance, meals, and activities - this could come from an individual's personal budget or other means

Service Type	Definition of Service	Current Contribution Policy	Proposed Contribution Policy
	eligible.		available to them As of September 2013 there will be a charge for return transport provided by the Council to Tier 3 Day Services
Transport	Transport provided by the Council to access services, including	Subsidised by the Council, provider will charge. Personal budgets will generally be expected to cover normal or reasonable transport costs	Subsidised by the Council. Provider will charge – this could come from an individual's personal budget or other means available to them