Appendix F

Hampshire County Council's single policy for paying for care
Hampshire County Council Paying for Care Policy Framework for Adult Social Care

1) In accordance with arrangements under the Care Act 2014 the County Council has a single policy framework for paying for care, which covers both residential and non-residential care.

The County Council has the power to charge for services whether the services are delivered in a care home, a person's home or in any other setting in which care is provided by the Council under Clause 14 of the Care Act 2014.

Income from charging for services is an essential component of Hampshire County Council's financial strategy. National funding arrangements make it clear councils need to collect income locally to fund the full cost of services. This policy is concerned with contributions to be paid towards direct provision of care and Direct Payments.

2) Residential care charging

2.1 The County Council will assess and charge for residential care using the new legislation and regulations which reflect the previous Charging for Residential Accommodation Guide (CRAG), as approved by the Executive Member for Adult Social Care and Public Health, unless specific changes made by the Care Act determine otherwise.

2.2 As permitted under the Care Act 2014 Regulations on Charging and Assessment of Resources, the Council financially assesses and charges a short-term resident as if they are receiving care and support, or support under Section 18, 19 or 20 of the Act other than the provision of accommodation in a care home. Where a person has a temporary or short-term residence in a care home, the County Council will charge based on the charging policy outside of a care home for up to 8 weeks.

3) Non-residential care charging – The Contributions Policy

3.1 Context

3.1.1 As permitted under the Care Act 2014 under Section 14 and 18 of the Act, the Local Authority may make a charge for meeting needs if it is satisfied on the basis of the financial assessment it carried out that the adult's financial resources are at or below the financial limit.

In addition under the Care Act 2014, under Section 14 and 18, the Local Authority may also make a charge in addition to this for putting in place the arrangements for meeting those needs, if it is satisfied on the basis of the financial assessment it carried out that the adult's financial resources are above the financial limit, and the adult's accrued costs do not exceed the cap on care costs, but the adult nonetheless asks the authority to meet the adult's needs, under Section 14 and 18 of the Act.

3.1.2 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.

3.1.3 The Council will take into account in the financial assessment capital and income unless it is required to be disregarded under the Care Act 2014 and/or Regulations.

3.2. Policy Inclusions

3.2.1 All adult social care services for which the Council has discretionary powers to charge. See also Policy Exclusions.

3.2.2 Direct Payments Scheme

3.3 Policy Exclusions

3.3.1 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, services provided to people suffering from any form of Creuzfeldt Jacob Disease, intermediate care services for up to 6 weeks and community equipment and minor adaptations.

3.3.2 Direct access services provided by the voluntary sector and funded by the Council – these services are generally grant funded and have a vital role in preventing or deferring the need for longer term health and social care services.

3.4. Policy Aims

This policy aims to ensure the Council requires contributions towards services on a fair and equitable basis. The policy is based on statutory guidance issued under Section 78 of the Care Act 2014, with specific reference to sections 2, 4, 5, 14, 17, 18, 19 and 20.

3.4.1 Fairness and Equity

A single policy for all services for which the Council is permitted to charge, including temporary residential stays of up to 8 weeks provided as respite, ensures people are treated fairly and equitably.

Contributions to a personal budget for social care are determined by financial assessment of an individual's means. The Care Act 2014 Section 17 makes provision for local authorities to treat as having carried out a financial assessment in an adult's case and being satisfied, on the basis of the adult's financial assessment, that they exceed or do not exceed the financial assessment limit. This light touch financial assessment can be found on the Council's website Hantsweb.

3.4.2 Protecting people on low incomes

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. A local authority may not make a charge if the income of the adult concerned would, after deduction of the amount of the charge, fall below such amount as is specified in regulations; and the regulations may in particular (in reliance on section 125(7)) specify:

(a) different amounts for different descriptions of care and support;

(b) different amounts for different descriptions of support.

3.4.3 Choice and Control

This policy supports the Council's wider aims to enable greater choice and control over services that meet eligible social care needs. Service users, subject to financial means, contribute to their personal budget for social care. The Council funds the difference. This budget is used to purchase services to meet the eligible needs of the person requiring care. Service users may take this money in the form of a Direct Payment, in accordance with the Regulations, or ask the Council to arrange services on their behalf, or use a combination of both.

Where a service user's care needs are determined to be met through care provided at home, and their financial assessment determines that they pay the full cost of their care, individuals can either make their own care arrangements, or they can ask the local authority to arrange care on their behalf. If the service user chooses the latter option they will be informed by their care practitioner that there is a set up fee and administration fees. They will also be informed that where care is to be provided by two paid carers (double-up care), the client will be required to pay for the full cost of this care if they have been financially assessed as able to meet this cost. Where a service user receives double-up care but is not assessed as able to pay for the full cost of the care, fees are not charged for set-up or administration, but they will pay towards the cost of their second carer to the extent that they have been financially assessed as able to do so.

3.4.4 Promoting prevention and reablement

Services provided or commissioned by the Council include those that prevent or defer the need for more intensive health and social care services. The React service or discharge to assess beds can be offered to service users for free for up to 6 weeks, to encourage and enable service users' independence.

3.4.5 Supporting carers' wellbeing and the caring relationship

In order to support people living at home and their carers who require services the Council provides services directly for carers free of charge.

3.4.6 Provide people with timely, clear and concise information about the costs of their care

The Council will publish the single policy framework on Hantsweb and provide clear information to service users, carers and the general public in a variety of formats.

3.5 Service User's Financial Assessment

3.5.1 Low Income

'Low income' levels are referenced in Section 14 of the Care Act and under the Care and Support (Charging and Assessment of resources) Regulations 2014 Part 2 paragraph 7.

3.5.2 Direct Payments

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. Wherever possible Direct Payments will be paid net of client contribution.

3.5.3 Disability Related Expenses (DRE)

The aim is to allow for reasonable expenditure needed for independent living by the service user. The Council will take into consideration the relevant expenses of each individual service user. Disability Related Expenses that have been allowed will appear in the support plan.

3.5.4 Income, Capital and Investments

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 any income from earnings, Winter Fuel Allowance, mobility component of Disability Living Allowance.

3.5.5 Deprivation of capital

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.

3.5.6 Net Assessed Income

The Council will disregard 5% of the net assessed income. This means that 95% of a service user's net assessed income will be used to calculate the most someone would contribute towards their personal budget.

3.5.7 Refusal to be assessed

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. The Council will pursue any debt accrued.
.

3.6 Carers

3.6.1 The Care Act 2014 requires councils to assess a carer's needs where it appears to the Council the carer may have needs for support either now or in the future and to use the eligibility criteria for carers set out in Regulations under the Care Act 2014.

Hampshire County Council does not charge for carers' services that meet carers' needs and are provided directly to the carer. This can take the form of a Direct Payment to the carer and/or through referral to local community and voluntary support groups.

There are also certain services that meet carers' needs but are provided to the cared for person. These include residential respite, home or day care, Direct Payment to the cared for person so that they can purchase services and referral to voluntary and community organisations.

However where a service is delivered to the cared for person and the carer benefits, the cared for person will contribute to the cost of the care unless they are already paying their maximum weekly contribution.

3.7 Joint arrangements with Children's Services

3.7.1 Social care legislation in relation to the provision of services to meet the needs of adults 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. Any charging for Children's Services would come under the Children Act 1989. Services arranged by Adult Services are subject to this policy. The following clarification is provided:

Parents who are carers of disabled children
People with parental responsibility for a disabled child are entitled to a carer's assessment. Adult and Children's Services work together 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
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
Under the Children and Families Act 2014 Part 5, young people under the age of 16 who have caring responsibilities either for an adult or for another child are entitled to an assessment of their needs by Children's Services. Young people who are 16 and above, and are caring for an adult, are entitled to an assessment of their needs by Adult 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.

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