

Non-Residential Care and Support

Paying towards the cost of Care and Support, incorporating Self-Directed Support and Individual Budgets

The Financial Assessment Process

About this booklet – for people aged 16+

Moray Council has produced this booklet to help you understand the financial assessment process in connection with contributing towards the cost of your non-residential care and support. By non-residential care and support we mean any care and support other than permanent admission to a registered care home.

For some services there is no contribution, for some there is a flat rate charge which everyone is required to make and for others the amount you will be expected to contribute will depend on your financial circumstances.

If you are to receive any care and support for which there is a *means tested contribution, you will be offered a financial assessment.

***Means Tested** means we will look at what income and capital you have in order to determine the contribution

***Non Means Tested** means we don't look at what income and capital an individual has and the contribution is a flat rate charge.

The financial assessment also provides an opportunity to ensure you are receiving the full range of welfare benefits which you may be entitled to receive. If you do not wish to have a financial assessment carried out, then we will assume you have adequate funds to meet your needs and you will be required to pay the full cost of the care and support you receive.

We hope this booklet helps you to understand the financial assessment process, including how financial calculations are made and how the contributions are applied. It would be advisable to read this information carefully before your financial assessment is carried out.

For information on permanent residential care, see the separate booklet 'Paying towards the cost of your Residential Care – The Financial Assessment Process'.

Why do I have to contribute towards my care and support?

The Council is under a duty to ensure that everyone who is assessed as needing care and support is able to receive it and that the provision of that care and support is of a suitable quality to meet a person's needs.

Moray Council has, however, only a limited sum of public money that it can use towards the provision of care services and is accountable to the residents of Moray at large to ensure that those limited public monies are spent wisely in meeting assessed needs.

It is therefore only fair that when someone has the funds to make a contribution towards the costs of their care that such a contribution is made. This in turn enables the Council to continue providing care and support to all those who have an assessed need, and prevents the provision of services being restricted to "first come first served".

Assessment of Needs

A social worker or community care officer will talk with you about what affects your health and wellbeing and what you think could help support you to regain or maintain your independence.

If a needs assessment identifies that you are eligible for short term non-residential care and support, the social worker or community care officer will work with you to put together a support plan outlining the services which could help to support you and the way in which the support is to be provided. You will be advised whether you may have to make a financial contribution towards the cost of your care and support and, where appropriate, offered a financial assessment.

Self-Directed Support

If you are eligible for long term care and support, you will be asked to complete a self-assessment questionnaire to have your care and support provided through Self Directed Support.

The objective of Self Directed Support is to promote independence, health and wellbeing by giving an individual more choice, control and flexibility in their care and support package.

The questionnaire looks at your needs and what support you already have. It will help you to identify your strengths, priorities and personal goals and how you want to achieve them. If you have an informal carer, they will also have the chance to offer their ideas and opinions.

Following completion of the Self Directed Support questionnaire and discussion with the social worker or community care officer, you will receive an indication of the amount of money (an indicative budget) that may be available from Moray Council to meet your goals.

Once you have a general idea about your needs, your priorities and your budget, you will be asked to complete a support plan showing how you wish to use your budget to meet your personal goals. Your family, friends, social worker, community care officer or anyone else who supports you, will be able to help you write your support plan.

Your budget will be calculated on a weekly basis. When it is agreed how your outcomes will be met and your budget agreed your budget is then referred to as your actual budget (this may be less than your indicative budget and in some cases it may be more).

You will also need to decide how you wish your Self Directed Support delivered:

Option 1: The Council can make a direct payment for you to arrange your own support

Option 2: You can choose your support and the Council will make arrangements for the provision on your behalf

Option 3: The Council chooses and arranges the support for you

Option 4: A combination of the above options

The process of arranging Self Direct Support will include a financial assessment to establish any contribution that you may need to make towards the individual budget.

The Financial Assessment

Your community care officer or social worker will arrange for the financial assessment to be carried out and will tell you about the information you will be asked to provide.

When assessing your financial situation to see how much you may have to contribute towards your non-residential care, we need to know about all your financial affairs.

You can choose, if you wish, not to disclose any financial information in the financial assessment. This will mean that you will pay the full cost of any care and support which is subject to a means tested contribution.

The financial assessment is there to work out if you are entitled to financial assistance from Moray Council, and from the information you provide we will be able to see whether you may be entitled to claim welfare benefits you are not already receiving.

We can provide you with information on welfare benefits and we would advise you on how to contact the Department of Work and Pensions to make a claim.

Preparing for your Financial Assessment

It is helpful to start thinking about your finances and to begin gathering documents together so that you have all the information ready for your financial assessment.

You will need to show evidence of your weekly income and savings, such as benefit notifications, bank statements and savings books. Do you have paperwork to hand which you can show us or will you need to obtain copies? Do you know your National Insurance Number?

The following is a checklist giving examples of some of the things that we will need to know to complete the financial assessment. It is not a complete list and does not cover all possible sources of income, savings and expenditure. Some may not apply to your circumstances.

INCOME YOU MAY HAVE	Employment income / State retirement pension / Occupational or work pension
BENEFITS YOU MAY HAVE	Attendance Allowance / Disability Living Allowance / Personal Independence Payment Pension Credit / Income Support / Incapacity Benefit / Universal Credit Employment Support Allowance / Child Benefit Housing Benefit / Council Tax Benefit / War Pension
SAVINGS AND INVESTMENT (CAPITAL)	Cash / Bank - Building Society - Post Office accounts / National Savings Certificates or Bonds / Stock and share certificates / Premium Bonds and National Savings Certificates / Details of endowment policies / Evidence of Income Bonds / Trust Funds and any other savings / Money which is yours but someone else holds or controls on your behalf

We will also need to know about some of the money you have to pay out.

EXPENDITURE YOU MAY HAVE	Rent or mortgage commitments / mortgage insurance/ buildings insurance / contents Council Tax
--------------------------	---

Some of the income, savings and investments and expenditure you have may be fully or partially disregarded in the financial assessment when calculating a contribution. However, we will still need to know about all of them in order to make a decision on what should be included in the calculation and what should not.

We will ask you for your written permission (a mandate) to enable us to obtain confirmation of your financial affairs from your bank/building society, the Department of Work and Pensions, or any other financial establishment or agency. If you do not wish to sign the mandate, then we will assume you have adequate funds to meet your needs and you will be required to pay the full cost of the care and support that you receive.

On completion of the financial assessment you will be asked to sign it confirming that the information detailed in it is accurate. If someone else deals with your financial affairs they will have to do this on your behalf.

Please note that the Council treats the deliberate withholding of financial information very seriously.

How much I will be asked to pay?

Once your financial information has been verified and signed by you or your representative, we will be able to work out the amount of your weekly contribution.

We work out your weekly contribution by considering the money you receive so we will be looking at your weekly income, including all pensions or welfare benefits that you might receive. We also need to know about all your savings. For non-residential services, the value of the home you live in, if you own it, is not included when calculating your savings.

We will then add up your income from:-

Retirement Pension

Welfare Benefits

Private Pensions

Any other Income

An assumed Income from your savings *(Tariff Income)

***Tariff Income** – this means a set amount is added to your weekly income depending on the amount of capital you have – the amount added is in line with regulations set by the Department of Work and Pensions.

If you are over pension age, the first £10,000 of savings will be ignored. For every £500 over £10,000, £1 per week will be taken into account as tariff income.

If you are under pension age, the first £6,000 of savings will be ignored. For every £250 over £6,000, £1 per week will be taken into account as tariff income. If you have more than £16,000, you will pay the full cost of your care and support.

All income is recorded in the financial assessment but it may also be subject to disregard, for example Disability Living Allowance (mobility component) is disregarded in full. This will be explained to you during the financial assessment process.

From your total income we will subtract various expenditures, for example housing costs such as rent, mortgage and council tax.

Standard disregards will also be applied so that you are left with money for living expenses. The amount of disregard depends on your age and benefit entitlement. You will not be asked to contribute towards your care and support if your income is below the minimum income threshold. The thresholds are calculated using the basic rates and allowances set by the Department for Work and Pensions. They are reviewed annually in line with government policy and legislative changes.

If your assessable weekly income is more than your income threshold figure you will be required to contribute towards your personal budget. The amount of contribution will be 70% of the difference.

Additional Information re Personal Budgets and the assessed contribution:

Since the implementation of the contributions policy in January 2015, no one is required to contribute towards any care and support services, it is the monetary value of the personal budget received you are required to contribute towards.

The budget may be used in line with the support plan.

You may wish to receive the budget as a one off lump sum or you may spread the use of it over the year.

A review of the budget provided and the contribution made should be carried out at the end of the budget year, this is to ensure the assessed level of contribution is paid, however, the calculation, as a result of this financial assessment, will remain in place until a new financial assessment is carried out.

The financial assessment will be applied as follows:-

1. The financial assessment will be applicable from the date the care and support commences
(the above applies to Option 2 if no direct payment in place, Option 3 and Option 4)
or
(the date the direct payment commences (Option 1 & 2).
2. The applicable date will be Week Commencing **Monday**.....
this date will be the commencement of your budget year which will cover a 52 week period.
3. Any changes in your **capital** will be applicable from the **date of change**. Depending on when the Community Care Finance (CCF) team are informed of such a change, this may mean you

have to pay a backdated increase in contribution. The backdated increase will be acceptable to implement as you will have been previously advised that it is your responsibility to inform CCF of any such change.

4. Any changes in your **income** –

- i) If the change in income is in connection with the annual uplift of benefits, any change in contribution will be applicable from the **date the updated financial assessment is carried out**.
- ii) If the change in income is in connection with the payment of **additional** benefits, depending on when CCF are informed of such a change, this may mean you to pay a backdated increase in contribution. The backdated increase will be acceptable to implement as you will have been previously advised that it is your responsibility to inform CCF of any such change. The change in contribution will be applicable from the **date the income changed**.

We understand that the financial assessment and contributions policy may cause you some anxiety. We will always try to support you through the process and provide all the information we can to help you understand what is happening and why.

If we have concerns that you are not able to fully understand the assessment process, or are not able to manage your money properly, we might ask a family member or close friend to help you.

Should an officer of Moray Council have concerns that you are not fulfilling your responsibility to fully disclose all your financial information, your case may be referred to the Community Care Senior Management Group who will advise the referring officer of what action to take.

You or the person you have asked to represent you will be asked to sign a declaration saying that to the best of your knowledge you have given us all the information you can and that it is accurate. If you knowingly do not declare all of your financial information to us or if you knowingly provide us with false information we will treat the matter very seriously.

We ask that you be honest and fully disclose your financial details, even if we do not ask you specifically about certain matters. Any person who makes a statement they know to be false for the purpose of avoiding or reducing their own or anyone else's care costs, is guilty of a criminal offence.

Anyone who, whether fraudulently or otherwise, misrepresents or fails to disclose any material fact in consequence of which Moray Council incurs additional expenditure, may have court proceedings brought against them to recover the outstanding amount.

They may also be liable for interest due on any sums outstanding and for the Council's reasonable legal expenses.

Making payments for care and support

When you, or your representative, sign the financial assessment you will be agreeing to pay your contribution towards your care and support. You will receive a copy of your financial assessment and you will also receive written confirmation on the outcome of your financial assessment. You will receive invoices from Moray Council for the agreed contribution and the invoice will set out payment options.

Important:

Option 1 - Where appropriate and following consultation with the service user, the direct payment will be paid net of the service users contribution.

Option 2 - Where appropriate and a third party is managing the individual budget, following consultation with the service user, the budget will be paid net of the service user's contribution.

Frequently asked questions:

Q. Does everyone need a financial assessment?

A. Individuals receiving Free Personal Care only, will not be required to contribute to their budget.

Individuals who are terminally ill and satisfy the conditions for a DS1500 will not be required to contribute to their budget.

Individuals with a mental illness, who are receiving their care under a compulsory treatment order, will not be required to contribute to their budget.

Individuals receiving a reablement care and support package will not be required to contribute to their budget for a period of up to 84 days.

Individuals who use all of their budget under replacement care/carer support will not be required to contribute to their budget.

Q. How are members of a couple treated in the financial assessment?

A.

- a) Where the member of the couple receiving care has personal income and capital below the level of benefit entitlement for a single person, they will be assessed as if they were in receipt of single person benefits
- b) If the person receiving care has personal income and capital above the level of benefit entitlement for a single person, their actual income and capital will be taken into account
- c) If the calculation at b) leaves the other member of the couple with personal income below the level of benefit entitlement for a single person, an adjustment will be made to make up the shortfall
- d) If the couple are in receipt of joint benefits, all income taken into account and couple disregards applied

Where a domestic care is being provided, for example housework or shopping, joint income and capital will be taken into account.

Q. Do I still have to pay my contribution if I do not receive all my planned care and support?

A. We will never ask you to contribute more than the actual cost of your care and support. We will look at the cost of your budget. If it reduces to less than your contribution we will adjust your contribution. We will reassess your contribution if your care and support needs change and there is a change to your individual budget.

Q. What happens to the information that I give in the financial assessment?

A. Any information you provide us will be treated as confidential. However, with your permission we may discuss your care needs with health professionals and your welfare benefits entitlement with the Department for Work and Pensions. That is why you are asked to sign a mandate.

Q. What happens if I am struggling to pay?

A. If you are in serious financial hardship you should speak to your Community Care Officer/ Social Worker to discuss what options are available to you. Where an individual, due to their financial circumstances, has difficulty meeting the cost of their care and support, their case can be referred to the Charging Appeals Group for review.

Q. What if my financial circumstances change?

A. If your financial position changes such as a change in your welfare benefits, savings or investments, it is **your** responsibility to let us know as it may affect the amount you are required to pay. You should do this by contacting the Community Care Finance Team (see the information panel at the end of this booklet). If you don't do this, you may be incorrectly charged.

Q. Will my financially assessed contribution change?

A. Yes, as welfare benefits and pensions change each year, as your own personal circumstances change; and as Moray Council contributions policy is reviewed and updated.

Q. What happens if I refuse to pay?

A. We may take legal action to recover any money you owe us.

Q. What can I do if I am unhappy with any part of my financial assessment?

A. If you have any concerns or do not agree with the outcome of your financial assessment, please speak to the Council officer who carried out your assessment.

We will be happy to provide an explanation of how the contribution for your care and support has been calculated.

You have a right to ask the Council at any time to review your financial assessment, particularly if you can demonstrate all the relevant information was not taken into account the first time or if your circumstances have changed.

If you are still not satisfied with the outcome or feel there are exceptional circumstances which should be taken into account, an appeal can be lodged with the Community Care Charging Appeals Group. You are entitled to attend the Appeals Group and can be accompanied by a friend or representative.

If you wish to make an appeal, you should contact your social worker/community care officer in the first instance. You will be required to put in writing all details you believe should be taken into account. You can provide all the details to your social worker/community care officer or write to the finance officer with the details.

When all of the relevant information is available you will be advised of the date, time and venue for the appeal meeting and you will be invited to attend. The appeals panel will consider the information provided and you will be advised of their decision in writing.

Additional Information

The Service User Contribution/Care & Support Charge Policy

We are committed to compliance with national guidance and legislation, which includes legislation passed by the Scottish Government and regulations set by the Department for Work and Pensions.

Local authorities have the power to charge service users for the non-residential care and support it provides. Guidance on this matter has been issued by COSLA (Convention of Scottish Local Authorities) and this sets out the principles for charging for services and provides a framework within which local authorities can decide individually how much to charge.

Our Policy is founded on a number of principles:-

- a) All individuals will be treated equally;
- b) No individual will be charged more than the actual cost of the care and support (s) for which their charge has been assessed;
- c) Care and Support will, at all times, be provided in accordance with assessed needs, not ability to pay;
- d) All individuals in receipt of non-residential care and support for which there is a means assessed contribution will be offered a financial assessment.

The contributions policy aims to:-

- a) Be transparent so that those paying are clear on why they are being asked to pay and how the calculation has been made;
- b) Set out what care and support is provided free of charge, what is subject to a flat rate charge i.e. payable by all individuals regardless of their financial circumstances, and what may be means tested; and

- c) ensure that people are aware of their rights and responsibilities, including the legal implications of non-disclosure of their true finances.

The Policy will apply equally to care and support which may be delivered in different ways - directly by Council staff; indirectly through services commissioned from the private or voluntary sectors by the Council on the individual's behalf; through direct payment to individuals to enable them to arrange their own care through the employment of their own assistant or by purchasing care from the private and voluntary sectors.

A copy is available on the website www.moray.gov.uk under the Community Care section, or by calling the Community Care Finance team on 01343 563930.

Free Personal Care

The personal care element of care provided within the home is available – at no charge – for everyone in Scotland. In order to receive personal care services, you will require to have an assessment of needs carried out.

The Community Care and Health (Scotland) Act 2002 sets out a detailed list of personal care tasks that, subject to an assessment of needs, cannot be charged for. These include: assistance with personal hygiene; eating and drinking, immobility problems and management of medication and personal safety.

In addition, various aids may be supplied free of charge by the Council, to people aged 65 and over, if deemed necessary, to support a person's health and well-being. These include specialist equipment such as bath hoists, shower seats, hand rails and other items.

Right of Appeal

The Community Care Charging Appeals Group was established to ensure that charges are in accordance with legal obligations and council policy. The Appeals Group reviews decisions and can:-

- (i) agree the use of discretionary authority to vary charges or disregards where this is possible within the statutory and policy guidance;
- (ii) review recommendations in respect of the interpretation of policy and guidance to ensure they are applied fairly and consistently.

The Charging Appeals Group can consider and review:-

- (i) any situations where a referral for review has been made regarding the application of the Contributions Policy particularly in relation to the expenses incurred due to the individual's disability/condition;
- (ii) situations where there is outstanding or ongoing accruing debt;
- (iii) any situation where the individual refuses to pay for the care they require based on an assessment of need. This will include matters relating to deprivation of assets, and their financial situation.

The Charging Appeals Group will give its decision, including its reasons, within 20 working days of the meeting. If a substantive response cannot be provided within the timescale, you and/or your representative will be advised of the circumstances. Where possible, any extension to the deadline will be agreed with you.

Moray Council has an agreed Social Work Complaints Procedure, a copy of which is available on request from a member of staff, or by calling 01343 563456.

If you remain dissatisfied, you can then refer the matter to the Scottish Public Services Ombudsman who may carry out an independent inquiry into the conduct of the Council in relation to your complaint or grievance. A written copy of the Ombudsman's findings will be provided to you. You must submit your complaint to the Ombudsman within 12 months of having initially notified the Council of the matter.

Scottish Public Services Ombudsman

4 Melville Street

Edinburgh EH3 7NS

Enquiry line: 0800 377 7330

Email: ask@spsso.org.uk

You may also wish to seek advice and support from your local Citizens' Advice Bureau or advocacy service.

Managing your money in the future

It is a good idea to plan ahead and consider how you may be able to access your money in the future if your physical needs or mental capacity changes.

Keeping large sums of cash in your home is not advisable.

If you are unable to physically get to your bank or building society to carry out transactions, you can authorise someone else to act on your behalf. You should ask your bank what is needed for a third party mandate to be set up which would allow a named person access to your account.

Other options include setting up internet or telephone banking - some people may chose to use Internet banking so that payments can be made or money transferred on-line by those who have appropriate access to the accounts and the necessary passwords and security information.

There may also be situations where arrangements need to be put in place to give others authority to act or make decisions for someone who lacks the capacity to do so for him/herself.

The Adults with Incapacity (Scotland) Act 2000 introduced a system for safeguarding the welfare and managing the finances and property of adults aged 16 and over who lack the capacity to make some or all decisions for themselves.

It relates to someone being incapable of acting on decisions; or making decisions; or communicating decisions; or understanding decisions; or retaining the memory of decisions – in relation to any particular matter

due to mental disorder or inability to communicate because of physical disability.

The Act allows other people to make decisions on their behalf and is of benefit to people with dementia, people with a learning disability, people with an acquired brain injury or severe and chronic mental illness, and people with a severe sensory impairment.

Under the Act, safeguarding can be supported in a number of ways including:

Power of Attorney - This is a written document giving someone else authority to take actions or make decisions on your behalf.

You chose the person(s) you want to help you. When appointed, this person is called an attorney and you decide what powers the attorney should have.

You also choose how you want your incapacity to be decided so that it is clear when you want your attorney to act for you.

You must have capacity to grant someone you trust powers to act as your Power of Attorney.

While you have capacity, your Power of Attorney can help you with your finances, if you want them to do so, but they cannot make decisions about your welfare until you are no longer able to make those decisions for your self.

Access to Funds Scheme – This is an arrangement that will allow an individual, individuals or an organisation to access the funds belonging to an adult who is no longer capable of accessing their funds to pay for their day to day living expenses and any debts due.

For information and advice about matters covered by the Act, particularly financial matters, contact:

Office of the Public Guardian (Scotland)
Hadrian House
Callander Business Park
Callander Road
Falkirk FK1 1XR
Enquiry line: 01324 678300
Email: opg@scotcourt.gov.uk
www.publicguardian-scotland.gov.uk

Listening – Responding - Improving

Moray Council Community Care Team aims to provide a high quality service to everyone and at all times - and we need your help to tell us how we are doing.

It is really helpful for us to hear directly from members of the public about their experiences of our services.

From the responses we receive, we can see where things are working well and areas where we need to improve or make changes to ensure we are providing what customers really want and need from us.

Positive feedback is always appreciated and we take all comments and complaints seriously to help us put things right.

If you give us your details, we will be able to respond directly to you, but you do not have to provide them. All the information you provide will be treated confidentially.

You will not be disadvantaged in any way by making a complaint or raising a concern about a service.

We hope that by you telling staff responsible for the service what you are not satisfied with, we can try to resolve any issue as quickly as possible.

Do you want to know more?

If you have questions on anything covered in this booklet or would like further information, contact the Community Care Finance Team on 01343 563930 or you can also speak to your Community Care Officer or Social Worker.