

Contributing to the cost for Non Residential Care Service

This fact sheet should help you understand the financial assessment process connected with contributing towards the cost of non-residential care services which may be provided to you by the Moray Council.

Information and advice is available to everybody, regardless of their circumstances, and should be read before your financial assessment is carried out.

Following a needs assessment, if it is agreed non-residential care services could support you to get more out of life, we will discuss with you how we can arrange and provide them. It will remain your choice whether or not to accept the service offered.

We will also tell you if you have to pay for the service(s) and if a financial-assessment is required.

Some services have no charge, some have a flat rate charge which everyone is required to pay and for others there is a charge where the amount you will be expected to pay will depend on your financial circumstances.

If you are to receive a non residential care service, which can be provided in your own home or in the community for which there is a **means tested** charge, 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 charge.

Non-means tested means we don't look at what income and capital an individual has and the charge 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 service/s you receive.

Why do I have to pay for some services?

Moray Council is required to ensure that everyone who is assessed as needing a service is able to receive a service, and that the provision of that service is of a suitable quality to meet a person's needs.

Non Residential Care Service

The council has 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 monies are spent wisely in meeting assessed needs.

Therefore when someone has the funds to make a contribution towards the costs of their care that such a contribution is made it is fair that they do so. This in turn enables the council to continue providing a service to all those who have an assessed need, and prevents the provision of services being restricted to 'first come first served'.

Assessing your needs

It may be that you are currently living in your own home but finding it increasingly difficult to manage, or you may be living with relatives. Perhaps you are being admitted to hospital and worry that you may not be able to return home. When you, or someone on your behalf, first contact us, we will ask some questions to help us understand your situation.

If we think that you may benefit from care and support which cannot be provided by your family, friends or by other means in the community, we will offer you a needs assessment regardless of your financial circumstances. There is no charge for the needs assessment which is a way of finding out about your needs and wishes. In order to carry out a needs assessment, a community care officer or social worker will visit you at your home or in hospital to talk with you about what affects your health and wellbeing, and what could help support you to regain or maintain your independence.

You are the expert of your own situation and the needs assessment is a way for you to consider what the barriers are to your independence and the outcomes you would like to achieve.

We will ask you about how you look after yourself, what is important to you, what you want to change, and how you will be supported to achieve those outcomes.

You may want to have a relative or friend with you during the needs assessment to help explain what matters to you and the difficulties you are experiencing.

If a needs assessment identifies that you are eligible for non-residential care services, we will work with you to put together a care plan outlining the services which could help support you and how they can be provided. We will ask you to agree to the care plan and we will provide you with a copy of it.

If it is agreed that you no longer meet the eligibility criteria, services provided to you will stop. However we will provide you with advice and information on other sources of support. If you are aged 65 or over some non residential care services and equipment, which can be provided by the Home from Hospital team, are free of charge for up to 28 days from the date of hospital discharge. If you are then assessed as requiring continuing services, for which there is an assessed charge, you will be offered a financial assessment.

Unpaid carers can request their own needs assessment. This is an opportunity for carers to discuss their situation and the support which would help them to continue in their caring role.

Financial Assessment

Once your care plan has been agreed with you, if a financial assessment is required, your Care Officer will arrange for the financial assessment to be carried out and will tell you about the information you will be asked to provide.

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The financial assessment is always carried out after your care needs have been assessed so you can be assured the services you are offered are those which will best meet your needs and are never affected by how much you can afford to pay towards them.

When assessing your financial situation to see how much you will pay towards your non-residential care service(s), 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 charge for the service(s) that your care officer has agreed with you.

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 to contact the Department of Work and Pensions for further details on making a claim.

Preparing for your Financial Assessment

It's 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 checklist gives examples of some of the things that we will need to know. It does not cover all possible sources of income, savings and expenditure and 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; Pension Credit; Income Support; Incapacity Benefit; 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; ownership of property, land or part of a property or land. We also need to know about some of the money you pay out.

Expenditure: rent or mortgage commitments; mortgage insurance; property insurance; 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 charge. However, we will still need to know about all your finances in order to make a decision on what should be included in the calculation and what should not.

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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, 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 service(s) 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.

If a person is to receive end of life care, as confirmed by the NHS and/or is the holder of a DS1500 certificate, then no charge is made for some non-residential care service.

The Charging Policy

Our Charging Policy is founded on a number of principles:-

- All service users will be treated equally;
- Service users will not be charged more than it costs to provide the service(s) for which their contribution has been assessed;
- Services will, at all times, be provided in accordance with service users' assessed needs, not their ability to pay;
- All clients in receipt of community based care services for which there is a means assessed charge will be offered a financial assessment.

The charging policy aims to:-

- Be transparent so that those being charged are clear on why they are being charged for a particular service and how the calculation has been made. All means assessed charges to service users are applied following a full financial assessment;
- Set out which services are provided free of charge, which are subject to a flat rate charge ie payable by all service users regardless of their financial circumstances, and which may be means tested; and
- Ensure that people are aware of their rights and responsibilities, including the legal implications of non-disclosure of their true finances.

The Charging Policy will apply equally to services 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 service user's behalf; through direct payment to service users 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. The rates and charges for non residential care services are reviewed every February as part of the Moray Council budget setting process and come into effect at the start of each financial year in April.

A copy of the full Moray Council Community Care Charging Policy for Non-Residential Care Services is available on the website www.moray.gov.uk under the Community Care section, or by calling the Community Care Finance team on 01343 557270.

You can ask your community care officer or social worker to provide you with a copy.

Non Residential Care Service

Free Personal Care

The personal care element of care provided within the home is available – at no charge – for everyone in Scotland aged 65 and over. People under the age of 65 are required to pay for their personal care services. 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.

How much I will be asked to pay?

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 community care services 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.

We aim to ensure our Charging Policy is fair and transparent so that those being charged are clear on how the calculations have been made.

Once your financial information has been verified and signed by you or your representative, we will be able to work out the amount you will be charged each week. For non-residential services, the value of the home you live in, if you own it, is not included when calculating your savings.

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.

We then add up your:-

- Earnings
- Retirement pension
- Welfare Benefits
- Income you get from your savings.

Tariff Income 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.

All income is taken into account 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 your housing costs such as rent, mortgage and council tax.

To work out the amount you are required to contribute each week towards the cost of your care, the council applies thresholds including upper and lower savings limits and the basic rates and allowances set by the Department for Work and Pensions. The thresholds applied are reviewed annually in line with Government policy and legislative changes.

These will be explained to you during the completion of the financial assessment.

Non Residential Care Service

What happens if I give away money or property before I have been financially assessed?

It is a serious matter to try to avoid contributing towards the cost of your care. People may attempt to do this by giving away property or money to someone else or spending excessive amounts of money before they ask Moray Council to help with the cost of their care.

A person may give away their money or other assets (including property) with the intention of qualifying for a lower charge for non residential care services received now or in the future. This is known as deliberate deprivation.

When assessing your eligibility for financial assistance, Moray Council can look for evidence of deliberate or intentional deprivation of capital such as a property.

Actions which may be considered as deliberate or intentional deprivation can include: selling an asset for less than its true value; making a lump sum payment such as a gift; transferring the title deeds of a property to someone else; putting money into a trust that cannot be revoked; converting money into another form which would be discounted in the financial assessment such as personal possessions or investment bonds with life insurance; reducing capital through substantial expenditure on items such as expensive holidays or by extravagant living.

The timing of any such transfer or spending is taken into consideration by the Council's legal team. The Council will also look at the individual circumstances surrounding any transfer of assets or spending and the reasons for such action being taken. Each case will be unique and will be treated by the Council as such. Where disposal of assets is treated as deliberate or intentional deprivation, Moray Council will include 'notional capital' to the value

of those assets in its assessment of your finances. Notional Capital means you may be treated as possessing a capital asset even when you don't actually possess it.

In certain circumstances, anyone you give property or money to may be liable themselves for some or all of the costs of your care depending on the value of the assets you gave them.

We accept your right to make gifts as you wish and it is common to want to pass on savings or other capital to relatives or close friends.

It is advisable to seek proper legal and financial advice before proceeding with any significant transfer of assets as it can not only affect your eligibility for financial help from the council towards the costs of your non residential care services, but can also affect your welfare benefit entitlement.

We understand that the financial assessment and charging 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 all the information you can and that it is accurate.

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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 services

When you, or your representative, sign the financial assessment you will be agreeing to pay for the services which the council will provide. 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 regular invoices from Moray Council for the agreed charges and the invoice will set out payment options.

Frequently Asked Questions

Q. Why does Moray Council need to know about my income and savings?

A. To make an accurate financial assessment of your ability to pay for the services you have been assessed for.

Q. What happens if I do not wish to tell you how much money I have?

A. If you do not wish to discuss your financial situation with us you will be asked to pay the full cost of any service arranged for you.

Q. Will all my income be taken into account when working out my contribution?

A. No. What is and isn't included is complicated and there are a number of factors to be taken into consideration. We will always try to make the process easy to understand.

Q. What happens to the information that I give to you?

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 benefit 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 a service user, due to their financial circumstances, has difficulty meeting the cost of their services their case can be referred to the Charging Appeals Group for review.

Q. Will I have to sell my home to pay for my Non Residential Care Service(s)?

A. No, the value of your house which you live in is not used to calculate your contribution for non-residential care services.

Q. If other people live with me will their income be taken into account?

A. Only your income and capital and half of any income or capital held jointly with another person will be taken into account. Special rules apply for income received from lodgers.

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For couples, it may be necessary to take into account the income your husband/wife/partner receives if they receive welfare benefits for you or if they benefit from the service, eg if the service provided is housework which benefits all those living in the home.

Q. What if my 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 your level of contribution. You should do this by contacting the Community Care Finance Team (see end of factsheet for details). If you don't do this, you may be incorrectly charged.

Q. Will the charge for my services change?

A. Yes, as welfare benefits and pensions change each year, as your own personal circumstances change; and as Moray Council charging 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 concerns or do not agree with the outcome of your financial assessment, speak to the Council officer who carried out your assessment. We will be happy to provide an explanation of how the charge for your care services 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 Review Group and can go with a friend or representative.

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:-

- agree the use of discretionary authority to vary charges or disregards where this is possible within the statutory and policy guidance;
 - 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:-
- any situations where a referral for review has been made regarding the application of the Charging Policy particularly in relation to the expenses incurred due to the client's disability/condition;
 - situations where there is outstanding or ongoing accruing debt;
 - any situation where the client 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. 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.

Non Residential Care Service

Contact the Moray Council adult community care access care team (*details at end of this fact sheet*).

If you are dissatisfied at the decision made, you can ask for your complaint to be reviewed by the Corporate Director (Education and Social Care) who can be contacted on 01343 563530 or by writing to Corporate Director (Education and Social Care), Council HQ, High Street, Elgin, IV30 1BX.

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.

Contact:
Scottish Public Services Ombudsman
4 Melville Street
Edinburgh EH3 7NS
Enquiry line: 0800 377 7330
Email: ask@spsso.org.uk

You may 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 choose 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 choose 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.

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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 yourself.

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, Including 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 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 Access Care Team on 01343 563999 or speak to your community care officer or social worker.

For information on residential care, see the separate booklet, ***Contributing to the Cost of your Residential Care - The Financial Assessment Process.***

For further information, contact the Moray Council Adult Community Care Access Care Team on 01343 563999 or email: accesscareteam@moray.gov.uk

To see the full collection of adult community care leaflets, visit <http://www.moray.gov.uk/communitycare/leaflets/> or call in at any Moray library or access point.