

## **APPENDIX 1**

### **COMMUNITY CARE DIVISION: COMMUNITY SERVICES DEPARTMENT**

#### **CHARGING POLICY REVIEW GROUP CONSTITUTION 2010**

## **1 REMIT**

- 1.1 The Charging Policy Review Group will ensure that charges levied in respect of services provided are in accordance with legal obligations and Council Policy. The Review Group will review decisions taken in accordance with Legal and Policy directives and (i) agree the use of discretionary authority to vary charges or disregards where this is possible within the statutory and policy guidance and (ii) review recommendations in respect of the interpretation of policy and guidance to ensure they are applied fairly and consistently.
- 1.2 The Charging Policy Review Group will consider and review the following:
  - 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 required, based on an assessment of need. This will include matters relating to deprivation of assets, ordinary residence and their financial situation.
- 1.3 The Review Group, in consultation with the Director of Community Services, will keep under review the Council's Charging Policy and make any necessary recommendations for change to the relevant Service Committee, currently the Health and Social Care Services Committee.
- 1.4 The Review Group will collate data to be reported to Committee on an annual basis regarding the cases considered by the Group.
- 1.5 As a general rule all community care debts to the Council will be managed through the Council's Sundry Debt Management Policy although the recovery process will be put on hold until any review or appeal requested relative to the charges has been concluded

## **2 MEMBERSHIP**

- 2.1 The Charging Policy Review Group normally meets on a quarterly basis but will only convene in the event that there are cases for presentation. An urgent meeting will be arranged if necessary.

2.2 The Charging Policy Review Group will consist of the Head of Community Care acting as Chair, and two of the following :

- Service Manager OP/PSD
- Area Operations Manager
- Social Work Manager (Mental Health)
- Integrated Learning Disability Services Manager

The following will also be in attendance at meetings:

- The Community Care Finance Officer to present review applications
- An independent minute taker
- A solicitor from Legal Services if required

The following may also be in attendance at meetings:

- The client and their representative
- The allocated care officer/social worker and/or their Team Manager

To be quorate the chair and two operational managers must be present at the meeting.

### **3 REFERRALS**

3.1 The Review Group will review any case where the service user, their authorised representative, the case worker or their manager applies for such a review.

3.2 Applications for review should be submitted in writing for the attention of the Community Care Finance Officer. The applicant should explain why they seek a review in their application. The application will be acknowledged within 2 working days.

3.3 Following acceptance of a referral, the Review Group will meet to consider the application within 20 working days, and where possible will provide a response advising of the outcome of the review. Any extension of this period will be agreed with the service user and/or their authorised representative.

### **4 REVIEW GROUP MEETING**

4.1 The Head of Community Care will chair the meeting.

4.2 The Chair must ensure that no person entitled to consider reviews at the meeting has a conflict of interest. This may include being related to the applicant.

4.3 The Chair must arrange for an independent minute taker to take a record of the meeting.

- 4.4 The Community Care Finance Officer will present the application to the Review Group. The allocated care officer/social worker and/or their Team Manager may also attend the review meeting. They will not be involved in the decision making process relating to the review.
- 4.5 The service user may attend the Review Group Meeting. The service user may be accompanied by no more than one friend or authorised representative. A friend or authorised representative may include a legal representative, subject to advance notification of not less than 5 working days having been given of the intention to bring legal representation.
- 4.6 The Community Care Officer in consultation with the allocated community care officer/social worker will be responsible for inviting the service user together with a friend or authorised representative to attend the Review Group and for confirming attendance to the chair of the Review Group.
- 4.7 Where additional information is required the presenting officer will ensure that all relevant information will be made available at the Review Group meeting.
- 4.8 If a legal opinion is required, a Solicitor from the Council's Legal Services will be asked to attend the Review Group meeting.

## 5 DELEGATED AUTHORITY

- 5.1 Officers involved in the Review Process consider charges that have been levied in accordance with the Council's Statutory Social Work policy and procedures and will re-assess whether these have been applied in a fair and reasonable manner. The following are the delegated levels of authority:

<ul style="list-style-type: none"> <li>Community Care Finance Officer</li> </ul>	<ul style="list-style-type: none"> <li>£50 per case, subject to retrospective approval on a monthly basis by Head of Community Care</li> </ul>
<ul style="list-style-type: none"> <li>Review Group</li> </ul>	<ul style="list-style-type: none"> <li>£10,000 per case</li> </ul>
<ul style="list-style-type: none"> <li>Review Group (subject to authorisation by Director of Community Services)</li> </ul>	<ul style="list-style-type: none"> <li>over £10,000 per case</li> </ul>

## 6 CHARGING POLICY REVIEW GROUP DECISION

- 6.1 The applicant together with the service user where an authorised representative is acting on the service user's behalf will be notified of the Review Group's decision including their reasons for making that decision within 20 working days of the Review Group meeting.
- 6.2 If a substantive response cannot be provided within the 20 working days the applicant and the service user where an authorised representative is acting on

behalf of the service user will be advised of the circumstances. Where possible any extension to the deadline will be agreed with the service user and/or their authorised representative.

6.3 All decisions will be recorded and a composite summary of outcomes will be reported to the relevant Service Committee and the Policy and Resources Committee annually.

6.4 Where the decision required would result in withdrawal of charges in excess of the agreed delegated authority, the chair of the review group will forward the review group recommendation to the Director of Community Services within 5 working days of the review.

## **7 RELATIONSHIP WITH FORMAL COMPLAINTS PROCESS**

7.1 The Charging Policy Review Group will take the place of the first formal stage of the social work complaints procedure, a copy of which will be made available to clients on request.

7.2 Where an applicant remains dissatisfied with a decision of the Charging Review Group, they will be advised of their right to progress to the second stage of the formal social work complaints process which is a review by the Director of Community services.

Where a service user remains dissatisfied with a decision of the Director of Community Services after a second stage review, either the service user or the authorised representative on behalf of the service user can request a further review by the Social Work Complaints Review Committee (SWCRC). The SWCRC has no authority to alter the Council's Charging Policy however, and so the Legal Advisor to the SWCRC will consider every request for a review by the SWCRC to ensure that all or part of the issues complained about are within its remit and will advise the service user accordingly.