

**PERTH AND KINROSS COUNCIL****Housing and Health Committee – 13 March 2013****HOUSING AND COMMUNITY CARE SERVICES CHARGING STATEMENT****Report by Executive Director (Housing and Community Care)****ABSTRACT**

The purpose of this report is for Committee to note the annual revision of the Housing and Community Care Services Charging Statement. The statement outlines charging arrangements and sets out how clients can obtain financial assistance with accommodation-related, care and support charges.

**1. RECOMMENDATIONS**

It is recommended that Committee notes:

- 1.1 The Charging Statement (as outlined in Appendix 1)
- 1.2 That the Charging Statement will form part of a suite of guidance following the introduction of a Contributions Policy for non residential care services in June 2013 (Report No. 13/113 submitted to the Housing and Health Committee on 13 March 2013). This will supersede sections 4.3 and 13 of Appendix 1 once implemented.

**2. BACKGROUND**

- 2.1 Perth and Kinross Council Housing and Community Care Services directly provide and externally commission a range of accommodation and related services. In addition, the Service directly provides and externally commissions a wide range of care and support services to enable individuals who need services to remain in their home or in a homely setting, living as independently as possible.
- 2.2 Charging arrangements are based on a combination of legislative responsibilities, national COSLA policy guidance, and local guidance. The Charging Statement provides an overview of charging arrangements and financial assistance available for people.
- 2.3 The 2013/14 accommodation related charges were approved by the Housing and Health Committee on 6 February 2013 (Report No. 13/56 refers). Other charges were approved by Council through the budget process on 14 February 2013 (Report No. 13/53 refers).
- 2.4 The way non residential care and support services are provided to people will change following the introduction of the Social Care (Self-directed Support) (Scotland) Act 2013 on 10 January 2013. This Charging Statement does not allow for charges relating to services other than those traditionally provided

e.g. homecare and day services. The Contributions Policy (Report No. 13/113 submitted to the Housing and Health Committee on 13 March 2013) is more flexible in that the person will be asked to contribute towards the whole care package. This may include more creative solutions such as attendance at a local keep fit class as an alternative to day care. The variety of supports available is likely to increase over the coming years as people take more control over the care and support they receive.

- 2.5 The Council has a dedicated Welfare Rights Team that offers free, confidential, and impartial advice on a range of issues including Welfare Benefits and Tax Credits, as well as representation at Appeal Tribunals, and court evictions for non-Council tenants. They also provide welfare benefit checks and income maximisation for anyone in receipt of a chargeable service. In addition, the team undertake benefit take-up campaigns in partnership with local Pension Service, Housing Benefits Team, and neighbouring Local Authority Welfare Rights Teams.
- 2.6 In relation to housing services, our Revenues and Benefits service offers advice and assistance to council house tenants, private sector tenants, and owner occupiers in relation to housing and council tax benefits. For council tenants, we offer support and assistance to help our customers pay their rent. For some tenants there is a range of other property-related service charges in relation to stair lighting, caretaking services and garden maintenance, for example.
- 2.7 All income generated by charges contributes to service budgets and ensures the continued development and delivery of high quality services.

### **3. PROPOSALS**

- 3.1 Perth and Kinross Council aims to ensure that clients in receipt of housing and social care services are not placed in financial hardship as a consequence of the way in which the services are charged for. This is in line with relevant national guidance.
- 3.2 The Charging Statement, in Appendix 1, summarises the different charging arrangements currently in operation. The Statement outlines:
  - Differing types of accommodation, accommodation-related care and support services that are eligible for charging in Perth and Kinross.
  - The principles underlying the charging arrangements.
  - The charges associated with particular services.
  - How an individual's financial contribution towards the services is assessed.
  - How an individual's income is maximised.

- 3.3 The statement identifies which services are eligible for charging including:
- Mainstream council housing rent and other accommodation related charges.
  - Owner-occupier accommodation related charges.
  - Temporary accommodation charges.
  - Sheltered housing.
  - Personal care.
  - Non-personal care.
  - Nursing home/residential care.
  - Services enabled by direct payments.
  - Sheltered housing support.
  - Day care for older people.
  - Occupational therapy equipment (delivery, fitting and maintenance).
- 3.4 The Statement also outlines how clients can obtain financial assistance with accommodation-related, care and support charges as well as a summary of charges for 2013/14.

#### **4. CONSULTATION**

The Head of Democratic Services, Head of Legal Services and Head of Finance have been consulted on the content of this report.

#### **5. RESOURCE IMPLICATIONS**

The impact of the changes to 2013/14 charges identified in this report have been incorporated into the Service's revenue budget following approval at Full Council on 14 February 2013 of the Council's Revenue Budget for 2013/14.

#### **6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012**

The Council's Corporate Plan 2009-2012 lays out five objectives, which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. These are reflected in the Charging Statement and are as follows:-

- (i) A Safe, Secure and Welcoming Environment.
- (ii) Healthy, Caring Communities.
- (iii) A Prosperous, Sustainable and Inclusive Economy.
- (iv) Educated, Responsible and Informed Citizens.
- (v) Confident, Active and Inclusive Communities.

#### **7. EQUALITIES ASSESSMENT**

An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- Assessed as relevant and the following positive outcomes expected following implementation: The services that are the focus of this report will have a positive impact on people's wellbeing across a varied range of vulnerable client groups.

## **8. STRATEGIC ENVIRONMENTAL ASSESSMENT**

Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

## **9. CONCLUSION**

This report seeks approval for Housing and Community Care Services Charging Statement. The statement outlines charging arrangements and sets out how clients can obtain financial assistance with accommodation related, care and support charges.

**DAVID BURKE**  
**Executive Director (Housing and Community Care)**

**Note:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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**Date:** 28 January 2013

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Council Text Phone Number 01738 442573



## **PERTH and KINROSS COUNCIL**

### **Housing and Community Care Services**

## **CHARGING STATEMENT**

**March 2013**



## **Contact Details**

Should you wish to receive more information on this Charging Statement, please use the following contact details:-

### **For non-residential care services contact:**

Non-Residential Charging Team Tel: 01738 476995

### **For residential care services contact:**

Residential Charging Team Tel: 01738 476888

### **For income maximisation services contact:**

Welfare Rights Team Tel: 01738 476900

### **For housing benefit services contact:**

Housing Benefit Service Tel: 01738 476049

### **For homeless temporary accommodation services contact:**

Housing Advice Centre  
Homeless Accommodation Team Leader Tel: 01738 474540

### **For heating / lighting and caretaking services contact:**

Repairs Centre and Administration Manager Tel: 01738 646536

### **For garage sites services contact:**

Perth City / Central Area Team Tel: 01738 476110

Letham / Hillyland Tel: 01738 625898

Blairstown / Pitlochry Tel: 01250 871300

Crieff / Kinross Tel: 01764 657840

### **For legal expenses (housing) services contact:**

Performance and Development Team Tel: 01738 476020

**For gas servicing / sheriff officer fees where entrance has to be forced contact:**

Repairs Advisor

Tel: 01738 746518

**For other housing services (mainstream rent / sheltered rent, lock-ups, grass cutting etc) contact your local housing office:**

Perth City / Central Area Team

Tel: 01738 476110

Letham/ Hillyland Area Team

Tel: 01738 625898

North Area Team (Blairgowrie)

Tel: 01250 471300

North Area Team (Pitlochry)

Tel: 01796 474625

North Area Team (Aberfeldy)

Tel: 01887 822475

South Area Team (Crieff)

Tel: 01764 657840

South Area Team (Kinross)

Tel: 01577 867333

South Area Team (Auchterarder)

Tel: 01764 661333

## **1. Introduction**

1.1 Perth and Kinross Council Housing and Community Care Services directly provides, and externally commissions, a range of accommodation and related services. In addition the service directly provides and externally commissions a wide range of care and support services to enable individuals requiring services to remain in their home or in a homely setting, living as independently as possible.

1.2 Charging arrangements are a combination of legislative responsibilities with related implementation guidance and national policy guidance alongside local Perth and Kinross Council policies.

1.3 This document outlines:

- Differing types of accommodation, accommodation related care and support services that are liable for charging in Perth and Kinross.
- The principles underlying the charging arrangements.
- The charges associated with particular services.
- How an individual's income is maximised.
- What incomes, savings, and capital the Council takes into account when working out how much someone has to contribute towards the cost of the service they receive. This is called the financial assessment.
- How the Council assesses that income, savings, and capital.
- What allowances are made for individuals' circumstances.
- What happens if clients can't contribute or won't contribute.

1.4 The way non-residential care and support services are provided to people will change following the introduction of the Social Care (Self-directed Support) (Scotland) Act 2013 on 10 January 2013. A new contributions based policy has been developed (Report No. 13/113) to accommodate the changing nature of the service landscape. This policy will supersede sections 4.3 and 13 of this report once implemented on 1 June 2013.

## **2. Principles Underlying Charging Arrangements**

2.1 Perth and Kinross Council aims to ensure that clients in receipt of Housing and Community Care services are not placed in financial hardship as a consequence of the way in which the services are charged for. This is in line with the national guidance on charging policies.

2.2 The principles focus on:

- Ability to contribute.
- Income.
- Equity.
- Transparency.
- Compliance with national guidance.

2.3 All service users in receipt of means tested chargeable services are offered a financial assessment to determine how much they can afford to pay towards the cost of those chargeable services they receive. Clients are offered an income maximisation assessment to check that they are receiving all the benefits to which they are entitled. Services could include:

- Home care.
- Personal care for those aged less than 65 years.
- Care in a residential care home.
- Service provided through the Direct Payments scheme.
- Sheltered housing tenants who have to pay a separate charge for their warden service.
- Community alarms.
- Day services for older people.
- Some occupational therapy services (delivery, fitting, and maintenance).

2.4 A financial assessment may be carried out by the Council's Welfare Rights Team. All clients are treated equally. An individual's 'ability to pay' does not affect the provision of care/support.

2.5 If paying for services causes hardship, service users can ask the Council to consider reducing or waiving the charges. Before agreement to this, the Council needs to consider the service user's financial position so that it can be satisfied that there is genuine hardship and only in cases where relevant legislation allows for discretion to do so.

### **3. Accommodation and Related Charges**

#### **3.1. Mainstream Council Housing Rent**

Mainstream Council housing tenants are required to pay rent to the Council which covers costs such as housing management and maintenance, and repairs and improvements that are associated with the property. The rent is based on property size and amenities.

#### **3.2. Other Mainstream Council Housing Accommodation Related Charges**

In addition to rent, other accommodation related charges may be levied where:

- Properties have communal heating and/or caretaking services.
- Costs have been incurred by the Council for repairing damage that has been caused by a tenant.
- The Council has to involve a Sherriff Officer and/or locksmith to obtain essential access to the property.
- Legal costs have been incurred by the Council in the process of eviction proceedings.
- The tenant rents a lock-up or garage site.
- The Council provides garden maintenance services.

### **3.3 Owner-Occupier Accommodation Related Charges**

Owner-occupiers do not pay rent to the Council, but in some circumstances they may receive accommodation related services from the Council for which they are financially liable. These circumstances are:

- Properties that are ex-Council stock and still have heating, lighting and/or caretaking services provided by the Council.
- The owner-occupier rents a lock-up or garage site.
- Properties are ex-Council stock and garden maintenance services are provided by the Council to areas that are common to both existing Council tenants and the owner-occupier.
- Properties are ex-Council stock and the Council undertakes repairs to communal areas.
- Properties are ex-Council stock and are included in a planned maintenance or improvements programmes.

### **3.4 Temporary Accommodation for Homeless Households Accommodation Related Charges**

Homeless households residing in Council homeless temporary accommodation pay a charge for that accommodation. The rent is usually based on property size and amenity. There is a range of homeless temporary accommodation types:

- Council owned dispersed lets.
- Council owned homeless hostel.
- Bed and breakfast accommodation.
- Private Sector Leased accommodation.

Charges in homeless temporary accommodation cover rent and service charges associated with the accommodation. Additional charges may be levied in the same circumstances as in mainstream Council accommodation, as per 3.2. above.

### **3.5 Sheltered Housing Accommodation Related Charges**

Sheltered housing is provided directly by Perth and Kinross Council and also a range of independent sector providers. In all cases tenants in sheltered housing are required to pay rent for the accommodation to their landlord, which covers costs such as housing management, maintenance, repairs and improvements associated with the property. The rent level is usually based on property size and amenity. With regard to Council provided sheltered housing, additional accommodation related charges may be levied in the same circumstances as in mainstream Council accommodation, as per 3.2. above.

Providers of sheltered housing in the independent sector have their own arrangements for additional property related charges (e.g. service charges for garden maintenance services).

### 3.6 Occupational Therapy Equipment

A flat rate charge towards the cost of delivery and installation of occupational therapy equipment together with a means tested annual maintenance charge towards the cost of essential maintenance of equipment are chargeable services. These charges are applied irrespective of housing tenure.

### 3.7 Adaptations

Tenants of Council housing are not charged for adaptations to their homes. Owner occupiers or private renters have to apply for a grant which may be means tested.

## 4. Care and Support Service Charges

4.1 Perth and Kinross Council Housing and Community Care Services directly provides and externally commissions a range of care and support services to enable individuals to live as independently as possible in their homes, or in a homely setting, for as long as possible.

4.2 All types of care and support apart from sheltered housing support, are available to potential service users in any tenure.

### 4.3 Non Residential Care Services

***Please note that from 1 June 2013 this section will be superseded by the Contributions Policy***

4.3.1 The type of care and support provided by Housing and Community Care – either direct service provision, externally commissioned services, or via direct payment arrangements - that is available to people in their own homes falls into 4 broad categories:

- General housing support (e.g. general counselling and support, including befriending, life skills training, budgeting advice, social skills advice etc.). General housing support services are generally free with the exception of sheltered housing support.
- Warden services in sheltered housing also come under the heading of housing support. Sheltered housing support funding is specifically related to helping people to stay in their own homes. It is paid directly to service providers, not to individual clients. Sheltered housing tenants are required to make a contribution towards the cost of the sheltered housing support.
- Personal Care (e.g. personal hygiene, eating, assistance with mobility, meal preparation, assistance with administering medication, and assistance with general wellbeing). Under the Community Care and Health (Scotland) Act 2002 people who are aged 65 years and over are entitled to free personal care which they are assessed as requiring. Clients aged less than 65 years receiving these services are liable for charges to be paid to the service provider/commissioner.

If a client is paying for his or her care from their own resources, he/she can apply to the council to have a community care assessment. If the Council decides as a result of this that the person requires personal care, then it may be provided free.

- Non-personal Care (e.g. help with domestic tasks including shopping and cleaning). The meals service and community alarms are also included in this category. All clients receiving these services are liable for charges to the service provider/commissioner.
- Day Care (Older People's Service) – Day Care Services and Day Opportunities. An all inclusive day care charge for all older people who receive Council provided day care. The charge is an all inclusive rate for non-personal care functions including meals and transport. There is a standard band of charges based upon the number of days service users attend the service with a discount being applied to those who attend for two days or more to ensure service users are neither, financially disadvantaged nor withdraw from assessed services. Proposals for charging for day care provided by an externally commissioned partner agency (e.g. the private or voluntary sector), may be the subject of an amendment to this Charging Statement in due course.

4.3.2 Detailed COSLA guidance on the charging for non-residential care services can be found at the COSLA website by following the web link below:

<http://www.cosla.gov.uk/about/how-we-work/health-and-social-care/charging/care-home>

4.3.3 Clients do not pay for day care services except for day care services for older people. Meals provided within a day centre will be charged except when included in the charges levied for day care services for older people.

#### 4.4 **Residential Care/Nursing Home Care Services**

4.4.1 Care homes may be independently run or Council managed and may provide residential care, nursing care, or both. For example some establishments may have a dual residential and nursing care registration allowing them to provide both services. Residential care is necessarily included in nursing care.

4.4.2 In all cases, residents are liable to pay a charge. Where they also receive nursing care they may be liable to pay for this as well, depending on their age and financial circumstances. Within the Community Care and Health (Scotland) Act 2002, people who are aged 65 years and over are entitled to free personal and nursing care subject to an assessment of their needs and a decision by the Council that they require such care.

4.4.3 Except where free personal or nursing care is provided, clients receiving nursing home/residential care are required to pay for their care to the provider. This covers costs such as accommodation and nursing care/residential care. Services, such as hairdressing, private chiropody, dry cleaning, etc. may attract additional costs.

- 4.4.4 Capital and income is taken into account and the assessment rules are set out in the National Assistance (Assessment of Resources) Regulations which apply across Scotland. Independent Care Homes can fall into two categories. These are 'Net' (clients are billed their contribution by the home) and "Gross" (clients are billed their contribution by Perth and Kinross Council). Independent Care Homes invoice clients for their contribution although there may be a small number of cases where Perth and Kinross Council will invoice clients for their contribution. If this is the case, this will be made clear to the client.
- 4.4.5 Detailed Scottish Government guidance (which is followed by Perth and Kinross Council) on charging for residential care can be found at the Scottish Government website by following the web link below:

<http://www.scotland.gov.uk/Topics/Health/Support-Social-Care/Financial-Help>

A copy of Perth and Kinross Council's interpretation of the guidance can be found at [www.pkc.gov.uk/carecharges](http://www.pkc.gov.uk/carecharges)

#### 4.5 **Local Authority Care Homes**

There are three local authority homes run by Perth and Kinross Council: Beechgrove House in Perth City, Dalweem in Aberfeldy and Parkdale in Auchterarder. The weekly charge for these three homes is based on all the running costs of the residential homes including overheads and capital charges.

### 5. **Care and Support Services Not Charged**

Currently there are a number of care and support services which are not charged for. These include:

#### Non-residential

- Personal care services for adults aged over 65 (e.g. assistance with dressing, washing, food preparation, etc.).
- Housing support services with the exception of sheltered housing support.
- All non-residential services received by clients in receipt of Palliative Care (where a DS1500 form has been completed by the person's doctor).
- All non-residential services received by clients with a mental illness who are subject to a Community Care Order, Compulsory Treatment Order, or a Supervision Order.

#### Residential

- In some residential care cases where clients are receiving palliative care, the costs may be met by the NHS for 12 weeks, but normally there is no contribution from the NHS towards Care Home fees.

## **6. Direct Payments**

6.1 Direct Payments is a funding stream for individuals who have been assessed as requiring community care services and able to arrange and manage their own care packages. The Council makes the payment to the client or their representative, to enable them to arrange and purchase services themselves.

Clients can purchase an individual package of care from a care provider, as long as the provider is registered with the Care Inspectorate and is on Perth and Kinross Council's list of approved providers, or they can purchase services from a personal assistant. Clients are financially assessed to determine their own contribution towards the cost.

6.2 To be eligible for Direct Payments clients must:

- Have been assessed as requiring community care services.
- Be agreeable, able, and willing (as assessed by a social worker) to manage direct payments.
- Have the capacity to state preference and choice (with support if required).

6.3 Clients can buy services from:

- An independent sector provider.
- A personal assistant, by acting as an employer.
- An independent sector provider and personal assistant(s).

## **7. Existing Independent Living Fund (ILF) Clients**

7.1 Independent Living Fund is a funding stream for individuals who have been assessed as requiring community care services and are able to arrange and manage their own care packages. The cost of care must be above a specified threshold and clients must be in receipt of qualifying Social Security Benefits. The ILF and the Council both contribute towards the cost of care and the client's contribution is means tested.

7.2 Clients are expected to contribute half of the higher rate care component of Disability Living Allowance (DLA). Other benefits may be taken into account which means there is no definitive contribution.

7.3 It is important to establish the client's contribution to ILF when calculating their chargeable income figure to prevent them being over charged.

7.4 Existing eligible ILF clients must:

- Have been assessed as being eligible for community care services.
- Be at least 16 years and under 65 years
- Be resident and present in the UK
- Receive the highest rate care component of the Disability Living Allowance, or equivalent benefit

- An applicant must have been awarded or have an underlying entitlement to the highest rate care component of DLA *before* an application can be accepted.
- Have capital or savings of less than £23,000 (This includes capital/savings of an applicant and their partner) and an income that is insufficient to cover the cost of the care needed.
- Receive at least £16,640 per year (on a pro rata basis) net provision from the Local Authority (£320 per week), and be assessed as needing additional care.
- Clients are expected to contribute half of the higher rate of care component of DLA and other benefits may be taken into account.

## **8. Financial Assistance with Charges**

### **8.1 Accommodation Related Charges**

In all of the different types of accommodation-related charges discussed in section 3 above (except owner-occupation) the client/tenant is financially liable for the accommodation related charge, but may be entitled to receive financial assistance in the form of Housing Benefit. Housing Benefit can be paid for eligible housing costs.

- 8.1.1 Housing Benefit is a means tested benefit administered by the Local Authority on behalf of the Department for Work and Pensions. It provides assistance with the payment of rent and accommodation related charges for those who have particular social or financial circumstances. Applicants are required to meet the shortfall between their Housing Benefit entitlement and the actual rent level themselves.
- 8.1.2 Housing Benefit does not provide assistance for owner occupiers or people in care homes, and does not cover costs of housing support services unless these are property related landlord costs (e.g. heating and cleaning of communal areas, refuse collection, and lifts). Eligibility for Housing Benefit and the level of benefit entitlement is assessed by specialist Council Housing Benefit staff.
- 8.1.3 The assessment methods and payment types differ depending on whether the tenancy is in the private or social sector. Client contributions in both private rented and social rented sector tenancies are assessed according to income, savings, assumed income/interest from capital and investments, household size, and composition. Applicants for Housing Benefit have the right to request a review of their benefit decision by a different member of staff than was involved in the original decision. If unsatisfied with the result of the review, the applicant can then make an appeal to an independent tribunal.
- 8.1.4 In local authority housing, Housing Benefit can only be paid directly to the Council whereas in the private sector it is paid directly to tenants in the form of Local Housing Allowance (LHA). However, in situations where the private sector tenant has fallen into rent arrears, and/or is vulnerable, LHA can be paid directly to the landlord.

- 8.1.5 In independent sector social housing (i.e. provided by housing associations or registered charities), tenants have a choice whether to have Housing Benefit paid to themselves or directly to their landlord.
- 8.1.6 Discretionary Housing Payment (DHP) is administered by the Local Authority. It is not a form of Housing Benefit (HB) or Council Tax Benefit (CTB) and is an independent scheme administered by the Local Authority. DHP can be awarded where a person is entitled to HB or CTB and where the local authority assesses that some further assistance is required in order to meet housing costs. There are rules surrounding entitlement to DHP. The Department of Work and Pensions sets an annual limit on DHP expenditure.
- 8.1.7 Some examples of where DHP may be used to help a person for a temporary period include helping with an unexpected change in circumstances (e.g. illness or relationship breakdown), to help make up the shortfall in cases where a person has had a decrease in income but there can be no increase in Local Housing Allowance, and making up for the effect of non-dependent deductions.

## **8.2 Care and Support Charges**

- 8.2.1 In all types of care and support, except where highlighted that the services are free, the client is liable to make a contribution towards the cost of care.
- 8.2.2 Depending on the services that people receive, there are different sources of financial assistance. Eligibility for assistance with charges is means tested and the relevant liabilities and thresholds are applied across all services. Financial assistance with charges is administered and funded by Perth and Kinross Council Housing and Community Care Services.
- 8.2.3 The assessment looks at the applicant's social and financial circumstances, age (personal care/nursing homes only), income, savings, and capital. Income from all sources is considered. This includes State Retirement Pension, occupational pensions, Pension Credit, Attendance Allowance, earnings, and other benefits (e.g. the Disability Living Allowance).
- 8.2.4 The financial assessment includes a benefit check to ensure the client's income is maximised. This is in line with the national guidance on charging policies. A financial assessment is offered to all clients in receipt of a chargeable care service. A member of the Welfare Rights Team will make contact with client or their third party in order to obtain information on their income and capital.
- 8.2.5 If a client does not want to divulge financial information for the assessment, the Council will charge the full charge of the service. This may mean that the Council could charge more than it would have done, had it carried out a financial assessment. Perth and Kinross Council will always encourage people to provide financial information. The client's income, capital, and any joint income/capital will be considered.

- 8.2.6 Annually in April, in line with the annual uprating of Department of Work and Pensions (DWP) benefits, every client in receipt of a chargeable service will have their chargeable income reassessed.
- 8.2.7 Clients who are only in receipt of community meals will not be financially assessed, as charges for this service are not means tested, but will instead be offered the Council's income maximisation service.

## **9. Payment of Charges**

- 9.1 Clients will receive an invoice for services received. Payment methods are detailed on the reverse of invoices. Perth and Kinross Council will pursue all charges not paid through the Council's Corporate Debt Recovery procedure.

## **10. Incorrect Billing**

- 10.1 Where the Council has been given the correct financial information by the client, or his/her representative, and have calculated the charge wrongly, the Council will reimburse the full amount of any over-charge.
- 10.2 If any under-charge results from the client, or their representative, providing us with incorrect financial information, the Council will seek to recover any amount by which they have been under-charged. If a client, or their representative, provides us with incorrect financial information and this results in them being over-charged, the Council may refund the amount by which they have been over-charged. If a client is awarded benefits which have been backdated, the Council will seek to recover any amount by which they have been under-charged from the start of the new benefit.

## **11. Cases of Hardship/Discretionary Applications**

- 11.1 The person's 'ability to pay' makes no difference to the value of their support package, which is calculated on the basis of their need for support. If a person feels that they will suffer undue financial hardship due to the charge they are being asked to make towards their support package, they can ask the Council to consider reducing or waiving the charge.
- 11.2 All cases will be treated individually and will be reviewed by a panel of Community Care Service Managers advised by members of the Business & Resources team and Legal Services. The Head of Community Care will make a decision on whether or not discretion is granted based on the Panel's recommendation. Any discretion granted will be reviewed as part of the annual reassessment process. Discretionary Application Forms can be obtained by contacting the Charging Team at the details on page 2 of this document.
- 11.3 Write-off of debt for care services can only be considered on the following grounds:
- Financial reasons – (e.g. the client has died and has left no estate or has absconded).
  - Social grounds – (e.g. to pursue the debt would be at the detriment of the client's well-being).

- 11.4 Formal procedures for write off include a recommendation to the Council's Head of Finance and they are approved by the Council's Strategic Policy and Resources Committee.

## **12. Appeals and Reviews**

- 12.1 Clients in receipt of a care service not satisfied with the calculation or outcome of their financial assessment will be encouraged to discuss their concern with staff involved in the assessment process.
- 12.2 Clients who remain dissatisfied will be entitled to pursue their complaint through the Council's complaints procedures.

## **13. Charging for Non-Residential Care Services**

***Please note that from 1 June 2013 this section will be superseded by the Contributions Policy***

### **13.1 Income Disregarded in the Financial Assessment (Non-Residential Care)**

- 13.1.1 Perth and Kinross Council will disregard income from the following sources when calculating how much people should contribute towards the cost of the non-residential services they receive:
- Disability Living Allowance (DLA), mobility component
  - £20 of client's net earned income
  - Independent Living Fund payments
  - All benefits paid for, or on behalf of, dependent children
  - Child Benefit
  - Tax Credits
  - Disability payment in respect of a child / children
  - First £10 of War Disablement/War Widows Pension
  - Winter Fuel payments
  - Christmas Bonus paid with benefits
  - All income received for a person's partner
- 13.1.2 As Perth and Kinross Council do not normally commission night-time services for Homecare, the Council will disregard the higher rate of DLA (Care Component) or Attendance Allowance, and only have regard to the middle rate of Disability Living Allowance (Care Component) and the lower rate of Attendance Allowance, when calculating a client's contribution towards Homecare Services. This will allow the client to buy-in private night-time services if required.
- 13.1.3 The higher rate of both benefits will be taken into account when calculating a client's contribution towards housing support and community alarm services.

13.1.4 Should a client be in receipt of any other income not covered by the COSLA Charging Guidance for non-residential care services, the Council will consider other available guidance in an attempt to ensure fair and consistent charging across care services.

**13.2 Compensation Payments (Non-Residential Care)**

13.2.1 If a compensation payment as a result of personal injury is made, whether as a result of a court judgment or out of court settlement, and an element of this has been awarded in respect of anticipated future care costs, the Council will take this amount into account as capital when calculating a client's contribution towards the services received.

**13.3 Capital Rules/Tariff Income (Non-Residential Care)**

13.3.1 The Council will take into account available capital such as savings held in a bank, building society, post office or other savings account, bonds, stocks and shares, value of PEPs, ISAs, etc. The Council will fully disregard capital below £10,000. The Council will disregard the capital value of the main residence owned by the client in assessing charges for non-residential services.

13.3.2 Clients who have capital over set amounts will be assessed as having additional income, this is called tariff income. The tariff income level for 2013-2014 is set at £1 for every unit of £500, or part thereof, above £10,000.

**Table 1: Tariff Income Levels**

CAPITAL	£12,000	£14,000	£16,000	£18,000	£20,000	£22,000
Weekly Tariff Income	£4.00	£8.00	£12.00	£16.00	£20.00	£24.00

13.3.3 Clients who have capital of £25,250 or over will be charged for the full cost of service (this is in line with our residential charging arrangements). Where a client is one of a couple, if their own capital and share of jointly held capital is more than £25,250 they will be charged the full cost of service. Capital held in joint names will be divided equally between the joint owners.

13.3.4 Capital held solely in the name of the partner who is not in receipt of services will be fully disregarded. If a client disposes of capital to avoid it being included in the financial assessment, this will be considered to be "deprivation of capital". If it is decided that deprivation of capital has occurred, the client is treated as if they still owned the asset. This will be included in the financial assessment and is deemed to be "notional capital".

**13.4 Income Thresholds (Non-Residential Care)**

13.4.1 In line with COSLA guidance, Perth and Kinross Council sets minimum weekly income levels (income thresholds) that the Council ensure clients do

not fall below when contributing towards the cost of their care. The income threshold is an amount which ensures that clients can afford to pay their normal cost of living expenses such as amenities, food, etc.

When working out weekly income, any eligible housing costs (e.g. rent, mortgage, council tax) will be deducted from the total income. The threshold ensures that only clients who have been assessed as being able to, make a contribution towards the cost of their care. The weekly income threshold for 2013-2014 is £170 per week.

### **13.5 Chargeable Income (Non-Residential Care)**

13.5.1 The amount of money left after deducting the income threshold and any disregarded payments from the client's total weekly income, is called the 'chargeable income'. This is the maximum weekly amount clients will be asked to contribute from their income towards the cost of their services received.

13.5.2 Clients will either be charged the full cost of service or their chargeable income, whichever is the lesser amount.

### **13.6 Discharge from Hospital (Non-Residential Care)**

13.6.1 People aged over 65 years leaving hospital that are assessed as requiring new, intermediate, or additional non-residential care services, will receive this free for up to 42 days after the date of discharge. Services in place prior to admission to hospital will continue to be charged for.

13.6.2 Clients will be eligible if they are aged 65 years or over on the day of discharge and have been in NHS in-patient care for more than one day (24 hours) for treatment, assessment or rehabilitation, or had surgery as an NHS day case.

13.6.3 After the maximum of 42 days, clients will be asked to contribute towards all non-residential care services received.

### **13.7 Temporary Admission to Hospital or Care Home (Non-Residential Care)**

13.7.1 Hospital - community alarm and housing support charges will continue to be charged for, should the client be admitted to hospital on a temporary basis. Should a client be in hospital for a period of time which results in their financial circumstances changing, (e.g. benefits are reduced), the Council will recalculate their contribution towards the cost of the community alarm or housing support charge.

13.7.2 Care Home - community alarm and housing support charges will continue to be charged for, should the client be admitted to a care home on a temporary basis. However, the cost of these will be disregarded in the calculation of the client's contribution towards their residential care costs, thereby ensuring they have enough income to pay for their services.

### 13.8 **Permanent Admission to a Residential/Nursing Care (Non-Residential Care)**

13.8.1 All non-residential care charges will cease when the client is admitted to a care home on a permanent basis.

## 14. **Charging for Residential/Nursing Care Services**

### 14.1 **Capital Rules/Tariff Income (Residential/Nursing Care)**

14.1.1 The Council will take into account available capital such as savings held in a bank, building society, post office or other savings account, bonds, stocks and shares, value of PEPs , ISAs, etc. Clients who have capital of £25,250 or over will be charged for the full cost of service. The Council will fully disregard capital below £15,500.

14.1.2 The Council will disregard the capital value of the main residence owned by the client if their stay in a care home is temporary and/or where their spouse, partner, or other specified person for whom they have a responsibility, continues to live in the house.

14.1.3 Where clients are not expected to return home, the property value will be fully disregarded for the first 12 weeks. Thereafter the value of the property will be taken into account unless their spouse, partner, or other specified person for whom they have an established responsibility, continues to live in the house.

14.1.4 Clients who have capital between £15,500 and £25,250 will be assessed as having additional income, this is called tariff income. The tariff income level for 2013-2014 is set at £1 for every unit of £250 or part thereof above £15,500.

**Table 2: Tariff Income Levels**

CAPITAL	£16,000	£18,000	£20,000	£22,000	£24,000
Weekly Tariff Income	£2.00	£10.00	£18.00	£26.00	£34.00

14.1.5 Where a client is one of a couple, if their own capital and share of jointly held capital is more than £25,250 they will be charged the full cost of service. Capital held in joint names will be divided equally between the joint owners.

14.1.6 Capital held solely in the name of the partner who is not in receipt of services will be fully disregarded by Perth and Kinross Council although it may be taken into account by DWP for the purposes of calculating benefits.

14.1.7 If a client disposes of capital to avoid it being included in the financial assessment, this will be considered to be "deprivation of capital". If it is decided that deprivation of capital has occurred, the client is treated as if they still owned the asset. This will be included in the financial assessment and is deemed to be "notional capital".

## **14.2 Personal Expenses Allowance (Residential/Nursing Care)**

- 14.2.1 In assessing a resident's contribution towards their Care Home fees, Perth and Kinross Council follows national guidance to ensure that they have the Personal Expenses Allowance of £23.90 per week and any savings disregarded if applicable. This allowance can be used by residents to buy personal items such as clothes, shoes, and toiletries. However there may be examples where the Council may expect a client to pay for previous debts for care from their capital.

## **14.3 Resident's Contribution (Residential/Nursing Care)**

- 14.3.1 The amount of money left, after deducting the personal allowance and any disregarded payments from the client's total weekly income, is what the resident would be expected to pay towards their Care Home fees from their income.

## **14.4 Temporary Admission to Hospital from a Care Home (Residential/Nursing Care)**

- 14.4.1 Residents who are admitted on a short term basis to hospital, and have had their bed kept for them awaiting their return to the care home, are expected to continue to meet their contribution.

## **15. Compensation Payments (Residential Care)**

- 15.1 If a compensation payment is not held in trust, the capital value of the payment will be taken into account in full along with the value of any income they receive from it.

## **16. Monitoring and Reviewing the Charging Statement**

- 16.1 Charges are reviewed annually and details of charges are published. Perth and Kinross Council will regularly review the Charging Statement, at least annually.



## Annex A: Charges Summary

A summary of 2013-2014 charges are shown below:

**Table A: Housing and Community Care Service Charges Summary (2013-2014)**

<b>Charges Summary (2013-2014)</b>	
<b>Accommodation and Related Charges</b>	
Mainstream Accommodation	
Mainstream Rent	Rent ranges from £34.55 - £108.47 per week
Temporary Homeless Accommodation	
Bed and Breakfast	Charge depends on establishment rate and family /room size.
Dispersed Tenancies	Rent ranges from £50.57 - £83.28 per week Service Charge - £126.82 per week
Private Sector Leasing	Rent £67.23 - £171.72 per week Service Charge £124.87 per week
Greyfriars Hostel	Rent - £154.72 per week Service Charge - £124.28 per week Heat and Light - £10.77 per week
RIO House	Rent - £206.63 per week Service Charge - £74.99 per week Heat and Light - £16.62 per week
St Catherine's Square	Rent £59.96 - £66.19 per week Service Charge £126.82 per week
Tayview House	Rent - £128.09 per week Service Charge - £150.91 per week Heat and Light - £19.22 per week
Sheltered Housing	
Sheltered (local authority)	Rent - £48.94 - £86.14 per week
Other Accommodation Services	
Rechargeable repairs	Cost varies depending on the extent of works
Inappropriate emergencies	£40 per call out
Planned maintenance	Cost varies depending on the extent of works
Stair lighting	£33.12 per year
Lock-up rent	£7.65 per week
Garage site	£23.94 - £80.17 per year
Heat, light and care-taking	Sheltered Housing - £397.44 - £537.12 per annum Market Milne and Lickley Court - £292.80 per annum (PKC tenants) Market Milne and Lickley Court - £504.47 per annum (owner occupiers) Charterhouse Court - £690.00 per annum (owner occupiers) Potterhill & Pomarium - £186.52 per annum (caretaking for owner occupiers)
Garden Maintenance	£55.20 per annum
Legal expenses	Single Tenant - £328.00 Joint Tenant - £342.90 Lodging in Court - £69.00 Eviction fees/costs - £200.00 - £300.00

<b>Charges Summary (2013-2014)</b>	
<b>Care and Support Services</b>	
<b>Nursing Care/Residential Care Homes</b>	
Local Authority Residential Care	£571.25 per week
Independent Sector Residential Care	£487.20 per week (2012/13)*
Independent Sector Nursing Care	£565.96 per week (2012/13)*
<b>Non-Personal Care</b>	
Home Care	£11.47 per hour
Day Care Services	£33.07 to £93.71 per week
Day Opportunity Services	£16.54 to £60.64 per week
Local Authority Day Care Lunch	£3.24 per meal
Community Alarm	£3.82 per week
<b>Personal Care</b>	
Personal Care (under 65 years)	£11.47 per hour
<b>Sheltered Housing Support</b>	
Local Authority Sheltered housing support	£17.37 per week.
Independent Sector Sheltered housing support (RSL)	£6.95 - £23.15 per week
<b>Occupational Therapy Equipment</b>	
Delivery Fee	£11.02 per order
Fitting of Equipment / Adaptations	£27.56 per item
Annual Maintenance Fee	£66.15 per annum per item
<b>Other</b>	
Meals Service	£2.70 per meal

\*Negotiations on the 2013/14 National Care Home Contract rates, between CoSLA and Scottish Care, are underway. Once the rates have been agreed these will be adopted by Perth & Kinross Council.