

## PERTH AND KINROSS COUNCIL

### Housing and Health Committee

12 March 2014

### Housing and Community Care Charging Arrangements

#### Executive Director (Housing and Community Care)

#### **PURPOSE OF REPORT**

This report provides details of the different charging regimes in place within Housing and Community Care Services. The Charging Statement (Appendix 1) summarises the charges in place within these regimes. Approval is sought for charges in 2014/15 not previously approved through either Full Council or Housing and Health Committee.

#### **1. BACKGROUND/MAIN ISSUES**

- 1.1 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.
- 1.2 The charging arrangements are based on a combination of legislative responsibilities, national COSLA policy guidance, and local guidance. The Charging Statement at Appendix 1 provides an overview of charging arrangements and financial support available for people.
- 1.3 All income generated by charges contributes to service budgets and ensures the continued development and delivery of high quality services.

#### **Accommodation and related charges**

- 1.4 The 2014/15 accommodation related charges were approved by the Housing and Health Committee on 29 January 2014 (Report No. 14/18 refers).

#### **Care and Support Services**

#### **1.5 Contributions Policy**

- 1.5.1 The way non-residential care and support services are provided to people is changing following the introduction of the Social Care (Self-directed Support) (Scotland) Act 2013. In preparation for the implementation of this new

legislation in April 2014, the Council approved a Contributions Policy on 13 March 2013 (Housing and Health Committee Report No. 13/113 refers). This policy is more flexible in that the person is asked to contribute towards their whole care package as opposed to being charged a set rate for specific services. The policy allows for more creative solutions such as attendance at a local keep fit class as an alternative to day care. The Contributions Policy has been implemented as of 1 February 2014 for Learning Disability, Older People and Physical Disability clients.

- 1.5.2 Older People who were in receipt of services at that time are subject to transitional protection and will continue to be charged under the Charging Statement until such time as their care package is reviewed and changed.

## 1.6 Charging Statement

- 1.6.1 The Charging Statement attached as Appendix 1 summarises the accommodation and related charges as per section 1.4, and also details a number of other care and support charges which do not fall under the Contributions Policy. These are:

- Residential Care/Nursing Care Home placements
- Non-residential charges for transitionally protected clients as detailed in 1.5.2 above
- Staff Meals
- Community Meals Service

## **Support and Advice Available**

- 1.7 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 other Local Authority Welfare Rights Teams.
- 1.8 In relation to housing services, our Revenues and Benefits Teams offer advice and assistance to council house tenants, private sector tenants, and owner-occupiers in relation to housing benefit and council tax support. For council tenants, we offer support and assistance to help our customers pay their rent.

## **2. PROPOSALS**

- 2.1 The Scottish Court sets the rate for legal expenses and has advised an increase in the rate relating to lodging in court expenses for financial year 2014/15.
- 2.2 The rates for independent residential and nursing care homes are agreed annually following negotiation between the Scottish Government, the Convention of Scottish Local Authorities (COSLA), and Scottish Care.

- 2.3 Perth and Kinross Council runs three residential homes for Older People. The rates charged for these are reviewed annually and are based on the budgeted running costs taking occupancy rates into account.
- 2.4 The cost of staff meals provided by Perth and Kinross Council at centres is reviewed annually. It is proposed to increase these by the UK Consumer Prices Index (CPI) inflation rate as at September 2013. This means an increase of 2.7% and is in line with the percentage increase used in calculating the rent levels for 2014/15 as per the report considered by Housing & Health committee on 29 January 2014 (Report No. 14/18 refers).
- 2.5 The price for the meals service is agreed annually following negotiation between Scotland Excel and Apetito. Once negotiations are completed it is proposed to adopt the agreed rates.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 There are three separate and distinct charging regimes in operation within Housing and Community Care. The Charging Statement provides a summary of the charges in place and this report seeks approval for charges for 2014/15 which have not already been approved by either Full Council or Housing and Health Committee.

It is recommended that Committee:

- 3.2 Notes the charges previously approved as per Appendix 1 Table A.
- 3.3 Approves the proposed charges detailed in section 2 of this report and summarised in Appendix 1 Table B.

#### **Author(s)**

<b>Name</b>	<b>Designation</b>	<b>Contact Details</b>
Alan Taylor	Head of Finance and Support Services	AMTaylor@pkc.gov.uk

#### **Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
John Walker	Executive Director (Housing and Community Care)	14 February 2014

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting Alan Taylor



Council Text Phone Number 01738 442573

**ANNEX**

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>None</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Corporate Plan

- 1.1 The Council's Corporate Plan 2013-2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to (iii) and (iv).

### 2. Resource Implications

#### Financial

- 2.1 The impact of the changes to 2014/15 charges identified in this report have been incorporated into the Service's revenue budget following approval at Full Council on 14 February 2014 of the Council's Revenue Budget for 2014/15.

### 3. Assessments

#### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) 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.

### 4. Consultation

#### Internal

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

### 5. BACKGROUND PAPERS

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

### 6. APPENDICES

Appendix 1 – Charging Statement 2014/15



## **PERTH and KINROSS COUNCIL**

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

### **CHARGING STATEMENT 2014/15**

**March 2014**

## **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: 0845 3011110

### **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:**

Court Team Tel: 01738 476142



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

Repairs Advisor

Tel: 0845 3011110

**For other Housing services (mainstream rent/sheltered housing 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, and accommodation related care & 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 implementation of the Social Care (Self-directed Support) (Scotland) Act 2013 which comes into effect on 1 April 2014. A new Contributions Policy was previously approved (Housing and Health Committee Report No. 13/113 refers) to accommodate the changing nature of the service landscape. This policy will apply to all new clients in receipt of non-residential care and support services or those whose transitional protections are no longer applicable from 1 February 2014.

## **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 or nursing 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 will 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, maintenance, 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 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 properties.
- 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. This 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).

From 1 April 2014 Perth and Kinross Council will also be providing Retirement and Amenity Housing in addition to Sheltered Housing.

### **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 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

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, 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 – This covers 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. There is an all-inclusive day care charge for all older people who receive Council provided day care. The charge covers 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 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 Currently clients do not pay for day care services except for day care services for older people. However, 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 - '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 Scottish Government 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 and taking account of anticipated occupancy levels.

#### 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**

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

- 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**

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

- 6.1 Direct Payments 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 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

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

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 Reduction (CTR) and is an independent scheme administered by the Local Authority. DHP can be awarded where a person is entitled to HB or CTR 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 their 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 and who are 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 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

#### **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)**

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

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)

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

- 13.3.1 The Council will take into account available capital such as savings held in a bank, building society, post office, 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 2014-2015 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 £26,000 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 £26,000 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)

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

- 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 2014-2015 is £173 per week.

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

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

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)**

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

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)**

***Please note that from 1 February 2014 this section will only apply to those who have transitional protection as per the Contributions Policy (Report No. 13/113 refers)***

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 these 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 £26,000 or over will be charged for the full cost of service. The Council will fully disregard capital below £16,000.
- 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 an established 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 £16,000 and £26,000 will be assessed as having additional income, this is called tariff income. The tariff income level for 2014-2015 is set at £1 for every unit of £250 or part thereof above £16,000.

**Table 2: Tariff Income Levels**

CAPITAL	£17,000	£18,000	£20,000	£22,000	£24,000
Weekly Tariff Income	£4.00	£8.00	£16.00	£25.00	£32.00

- 14.1.5 Where a client is one of a couple, if their own capital and share of jointly held capital is more than £26,000 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 £24.55 per week and any savings disregard 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

**Table A: Housing and Community Care Service Charges Already Approved (2014-2015)**

<b>Charges Summary (2014-2015)</b>	
<b>Accommodation and Related Charges – As Approved by Housing and Health Committee (Report No. 14/18 refers)</b>	
<b>Mainstream Accommodation</b>	
Mainstream Rent	Rent ranges from £36.17 - £113.57 per week
<b>Temporary Homeless Accommodation</b>	
Bed and Breakfast	Charge depends on establishment rate and family /room size.
Dispersed Tenancies	Rent ranges from £52.95 - £87.19 per week Service Charge - £123.92 per week
Private Sector Leasing	Rent £69.11 - £176.53 per week Service Charge £124.87 per week
Greyfriars Hostel	Rent - £161.99 per week Service Charge - £113.05 per week Heat and Light - £11.27 per week
RIO House	Rent - £216.34 per week Service Charge - £58.65 per week Heat and Light - £17.40 per week
St Catherine's Square	Rent £62.78 - £69.30 per week Service Charge £123.92 per week
Tayview House	Rent - £134.11 per week Service Charge - £140.89 per week Heat and Light - £20.12 per week
<b>Sheltered Housing</b>	
Sheltered (local authority)	Rent - £51.24 - £90.19 per week
Retirement Complexes	£192 per annum
<b>Other Accommodation Services</b>	
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	£34.68 per year
Lock-up rent	£8.01 per week**
Garage site	£25.06 - £83.94 per year
Heat, light and care-taking	Sheltered Housing - £416.16 - £562.56 per annum Market Milne and Lickley Court - £306.72 per annum (PKC tenants) Market Milne and Lickley Court - £528.18 per annum (owner occupiers) Charterhouse Court - £722.43 per annum (owner occupiers) Potterhill & Pomarium - £195.29 per annum (caretaking for owner occupiers)
Legal expenses <i>As approved by Housing and Health Committee Report Ref 13/114 refers</i>	Single Tenant - £328.00 Joint Tenant - £342.90 Eviction fees/costs - £200.00 - £300.00

<b>Charges Summary (2014-2015)</b>	
Garden Maintenance	£57.60 per annum

<b>Care and Support Services – As Approved by Housing and Health Committee (Report No. 13/114 refers)</b>	
<i>Non-Personal Care (applies to transitionally protected clients)</i>	
Home Care	£11.47 per hour
Older People Day Care Services	£33.07 to £93.71 per week
Older People Day Opportunity Services	£16.54 to £60.64 per week
Community Alarm	£3.82 per week
<i>Personal Care (applies to transitionally protected clients)</i>	
Home Care (under 65 years)	£11.47 per hour
<i>Sheltered Housing Support (applies to transitionally protected clients)</i>	
Local Authority Sheltered housing support	£17.37 per week.
Independent Sector Sheltered housing support (RSL)	£6.95 - £23.15 per week
<i>Occupational Therapy Equipment Maintenance (applies to transitionally protected clients)</i>	
Annual Maintenance Fee	£66.15 per annum per item
<i>Occupational Therapy Equipment Delivery &amp; Fitting</i>	
Delivery Fee	£11.02 per order
Fitting of Equipment / Adaptations	£27.56 per item

**Table B: Housing and Community Care Service Charges Requiring Approval (2014-2015)**

<b>Accommodation and Related Charges</b>	
Legal expenses	Lodging in Court - £71.00
<b>Care and Support Services</b>	
<b>Nursing Care/Residential Care Homes</b>	
Local Authority Residential Care	£653.49 per week
Independent Sector Residential Care	£505.46 per week
Independent Sector Nursing Care	£587.00 per week
<b>Other</b>	
Staff Meals – Breakfast	£1.46
Staff Meals – Lunch	£2.88
Staff Meals – Snack Supper	£1.17
Staff Meals – High Tea	£0.78
Community Meals Service	£2.70 per meal (2013/14)*

\*Negotiations on the 2014/15 contract price are underway between Apetito and Scotland Excel. Once the price has been agreed it will be adopted by Perth and Kinross Council.