



Things your local authority should have told you about charging you for care



This is a short summary of the rules for what Councils can charge people for care and support if you live in the community NOT in residential care.



This paper is about how Councils can charge you to go towards the cost of your support.



This includes people living in their own home or supported living or getting support during the day.



There are different rules for residential care.



The main rules on community support and the law



The law says that Councils must arrange support for people who have needs that the rules say get support.



The Council can decide if it asks people to pay towards this support.

This is usually called charging for social care or care charges. Or contribution to your care?

Most councils do decide to charge people for the support they get.



If the Council charges for support the law says it must do a financial assessment first.

A financial assessment is when the council looks at how much money someone has and how much they have to pay out for day to day living.



The rules for how these financial assessments should happen are in two documents that are linked to the Care Act.

One is called the Care and Support (Charging and Assessment) Regulations 2014 and the second is called the Care and Support Statutory Guidance.



Usually a Council will have its own policy that says how it will do this financial assessment.

A policy must follow the rules in the Care and Support guidance.

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Some important things to remember on this



1. The rules say people should only have to pay what they can afford.

People will only be charged based on how much money they have and some will have the right to free care.

The rules on how Councils decide on how much people pay should:

- ✿ Make sure that people are not charged more than they can fairly pay
- ✿ check that people get treated the same and decisions are fair
- ✿ be clear, so people know what they will be charged
- ✿ help people live a good life in the community with choice and control
- ✿ support unpaid carers to look after their own health
- ✿ be person-centred so people's different lives and support are thought about in how the charges are decided
- ✿ make sure people with the same kinds of needs or support are treated the same

- ✿ make sure the rules help people do paid work or education or training
- 2. The Council must make sure people know they can get independent advice or help on charging



- 3. The Council must make sure people know that they might have to pay for support and how it is decided



- 4. The Council must look at each person's money and other things in their life before making a decision on charges. It is a person by person decision.

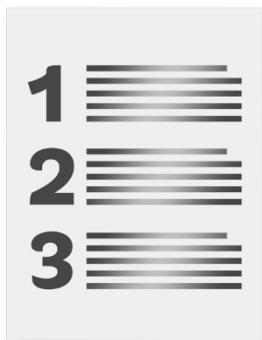


Some things to know about the financial assessment





A Council should not start charging you before they do a financial assessment.



There are three main steps to take before the financial assessment is finished:

1. Check how much savings someone has
2. Check how much income someone has from work or benefits
3. Check how much money someone has to spend because they are disabled. This is called Disability-Related Expenditure. An example of that might be someone needing to spend more money on washing because they have to change their clothes a lot because of a condition they have.



The rules on these steps can be hard to understand so it is important you get advice or help if you are not sure.

The main points are:



1. What difference savings make to what you pay

If someone has more than £23,250 in savings, they will have to pay for all their support and care.

If someone has between £14,250 and £23,250 the Council can take those savings into account and ask someone to pay more.

If someone has less than £14,250 savings, then the Council should not include that in the financial assessment.



2. What difference money you get from work or benefits make

If someone is doing paid work, they do not count towards the financial assessment – the council must not include them

Most benefits are included in the assessment BUT a few are not, the mobility component of DLA/PIP is not included.

The rules say people must always be left with enough money to live for things like rent, food and bills.

There are special rules called the Minimum Income Guarantee – this means the least

amount of money someone can be left with to live on.

The Council should make sure someone has enough money to live on which is set in the special rules.

3. Disability-Related Expenditure (DRE)



The rules say the Council should think about any extra costs someone has because they are disabled.

These extra costs are called Disability Related Expenditure.

An example of these extra costs might be special food you have to buy because of a condition you live with or equipment you need pay insurance on or extra laundry and heating.

There is a list of these things that you could include as extra costs but they are not set things because anything that you pay because you are disabled that non-disabled people don't have to pay can be included.



If you are a couple – live with someone who is your partner

The Council can only check the income and savings of the person who is having the care and support. Not their partner.

If money is held in a joint account, unless it can be shown that one partner owns an unequal share the total value will usually be divided equally between the joint owners.