

Charges payable for Adult Social Care

Introduction

This booklet will provide you with information about the charges made for adult social care services. It will also give you the contact details of people in Southend-on-Sea Borough Council (SBC) to speak to if you would like to discuss your situation and it contains links to other organisations that may also be able to help you.

SBC charges for adult social care services whether they are provided in your own home, the community or in a care home or nursing home.

We want to support adults and families to understand the charges that are made for social care services. We want to be clear about the amount you will have to contribute and how you can pay your contribution.

We work according to the national Government charging regulations that are defined in the Care Act (2014) and the related Care and Support (Charging and Assessment of Resources) Regulations.

We want our charges to be fair, affordable and take account of people's individual financial circumstances. We adhere to the overarching principle that people should only be required to pay what they can afford.

If you are assessed as being eligible for a service we will ask you or your representative to complete a financial assessment form, also known as a 'means test'. You will be asked to provide details of your income, pensions, benefits, savings, housing, and expenditure. This will help to determine your care charge.

Contents:

Services provided in your own home and the community **page 3**

Financial assessments for services in the community?
Will my property be taken into account?
How are my savings dealt with?
What if I have a Personal Injury Compensation Award?
What if I don't want a financial assessment?
Is there a charge for Reablement Services?
Do I pay for my meals when I visit a day centre?
Do I pay for my transport when I use the day centre transport?
What services are provided free of charge?

Services provided in a care home with/without nursing **page 6**

Financial Assessments for care home services
How is my Capital dealt with?
How is my Income dealt with?
What approach is taken with my Property?
What is meant by a 12-week disregard?
What if I jointly own my property with another party?
Do I need to sell my home?
What is the Deferred Payment Scheme?
What else do I need to know about the Deferred Payment Scheme?
What may prevent me having a Deferred Payment Agreement?

What if the care home I choose is more expensive than the Councils' usual rate? **page 11**

What is a 3rd party top-up?
Who can make a top up payment?
What does a person agreeing to 3rd party top-up payee need to consider?
Who is the 3rd party top-up paid to?
What happens if the 3rd party can no longer afford the top-up?
Will the amount of the 3rd party top-up remain the same for the duration of the contract?

Charging information for services provided in all care settings **page 13**

How do we manage your care charges in all care settings?
How do we deal with deprivation of assets across all care settings?
What if I do not agree with my care charge or experience difficulties in paying my charge?
What about financial advice?
Where do I find independent financial advice?

Useful Contacts **page 15**

Social care services provided in your own home and the community

Care and Support at home, Day Care, Community Support and Direct Payments

Your charge for these services is based on how much money you have to live on each week. We disregard some types of income.

Paying a charge should not take you below a certain level of income. This level is the Minimum Income Guarantee and is set by Government.

Financial assessments for services in the community

We ask you to fill in a financial assessment form with details of your income, savings and some of your housing costs. The form also includes questions about costs that you may have that are due to your disability or illness. This is to enable us to work out how much your charge will be.

The charge will also depend on the type and frequency of service that you need. You will never be charged more than the full cost of care.

If you have two carers then you will be charged for both their time.

If you choose not to complete a financial assessment, you will need to pay the full cost of your service.

We will write to you to tell you what your charge will be and how it has been calculated.

You will be invoiced for the amount you need to pay. Invoices are always sent in arrears and you will be encouraged to pay by direct debit.

Will my property be taken into account?

- While you are living in your home we will disregard it for the financial assessment. However, if you own a second property it will be viewed as a capital asset.

How are my savings dealt with?

- The upper and lower saving limits are set nationally by the Government. These limits can change each year. Please see the National Care Charge Limits and Allowances Fact Sheet for current figures.
- If your savings are less than the lower limit, they will be disregarded.

- If your savings are more than the upper limit, we will ask you to pay the full cost of your care.
- For savings between the lower and upper capital limit, an amount of “tariff income” will be added to your income figures. Tariff income is set by Government and is an amount that you are reasonably expected to contribute from your capital. Please see separate National Care Charge Limits and Allowances Fact Sheet.
- If money is held in a joint account then the money will be treated as yours, unless the joint account holder is your partner then the balance is treated as 50% your capital. If the account is held with someone other than a partner you will need to clarify the terms of the account and who has contributed to the account.

What if I have a Personal Injury Compensation Award?

If you have money from a Personal Injury Compensation award invested in a trust or in the Court of Protection, the capital is disregarded but income from the capital is taken into account.

You will be asked to provide a copy of Personal Injury Compensation Award documentation. If you do not disclose this documentation then we will consider that you are able to pay full cost for any services that we may provide.

What if I don't want a financial assessment?

You can choose not to tell us about your finances, but you will have to pay the full cost for any services that we may provide.

We will ask you to sign a 'non-disclosure' form to confirm that you do not want a financial assessment and that you will pay the full cost of your service.

Is there a charge for Reablement Services?

If you have recently been in hospital or ill at home and been assessed as needing some support to aid your recovery and to help you to regain your independence and confidence, this is called reablement.

You will not be charged for a reablement service provided by a reablement provider while you are receiving this service. This may be for a short period of a few days or up to a maximum of six weeks.

Your social worker will tell you whether the service they are arranging is a reablement service or general care and support service. If the service is a general care and support service then you will be charged for that care.

Do I pay for my meals when I visit a day centre?

If you attend a day service you will be charged for any meal or drink at the centre.

Do I pay for my transport when I use the day centre transport?

Yes, there is a daily charge if, as part of your day service, Southend Council provides, or pays a provider, for your transport to/from or during day services.

What services are provided free of charge?

We do not charge for:

- Reablement
- Intermediate Care paid for by the NHS
- NHS Continuing Health Care services
- Aftercare services provided under Section 117 of the Mental Health Act
- Community disability equipment and minor home adaptations (under £1000)
- Carer's services (services provided to the carer)
- Services provided to people with Creutzfeldt Jacob Disease (CJD)

Services provided in a care home with/without nursing

Respite Care, Interim Care, Permanent Care

Residential care is provided in a Care Quality Commission (CQC) registered care home and nursing care is provided in a CQC registered care home with nursing. All care provided is chargeable, whether it is respite, interim or permanent care.

In the first instance a social worker will have assessed that a care home with/without nursing is the most appropriate service to meet your eligible needs.

If a care home is not the most appropriate service but you still wish to go into a care home with/without nursing, we can still give you information about these care homes and you can make private arrangements. If you do make private arrangements you will need to pay the full cost of that care.

Financial Assessments for care home services

If a social worker decides that you need residential care we will ask you to fill in a financial assessment form with details of your income and benefits, capital (investments and savings), and property. This is to enable us to work out how much your charge will be.

If you want Southend Council to contract your care home you will have to disclose your finances. If you choose not to complete a financial assessment form as you do not wish to disclose your finances you will need to arrange your care home privately.

We will write to you to tell you what your charge will be and how it has been calculated.

You will be invoiced for the amount you need to pay. Invoices are always sent in arrears and you will be encouraged to pay by direct debit.

How is my Capital dealt with?

Capital (savings) belongs to the person in whose name it's held. If an account is in your name, the money is included in your assessment.

If money is held in a joint account then the money will be treated as yours, unless the joint account holder is your partner then the balance is treated as 50% your capital (savings). If the account is held with someone other than a partner you will need to clarify the terms of the account and who has contributed to the account.

There are lower and upper capital limits (see separate National Care Charge Limits and Allowances Fact Sheet). If you have less than the lower capital limit it is disregarded. If your capital is more than the upper limit then you will need to arrange your care home privately.

If your capital is between the lower and upper limits, we calculate a weekly amount of income. This is called a tariff income. Please see the separate sheet called National Care Charge Limits and Allowances Fact Sheet.

How is my Income dealt with?

Income includes benefits, pensions, earnings, trust income, home income plans and any other money that is paid to you. Tariff income, explained above, is also included.

We will take account of all your income in your financial assessment except for a few notable sources such as employment income and a proportion of war-related benefits.

If you get a private pension and your partner is still at home, half of the pension will be taken into account. This is because you are entitled to give half of your private pension to your partner while he or she remains at home.

You can keep some of your income to spend each week as you wish - perhaps for hairdressing or newspapers. This is called your **Personal Expenses Allowance**. This allowance is set each year by the Government. See the separate sheet called National Care Charge Limits and Allowances Fact Sheet.

What happens if I own a property?

If you move into a care home with/without nursing on a permanent basis it is assumed that you have given up your home. The value of your property is included in the financial assessment.

There are some instances where we **do not** include the value of your property.

The value is disregarded if:

- your partner still lives in your home.
- a close relative aged over 60 lives in your home.
- a close relative aged under 60, who is incapacitated (receiving a sickness or disability benefit), lives in your home.
- you have moved into care as a temporary resident.
- someone gave up their home to care for you, and continues to live in your home after you go into care.

Every request will be considered on an individual basis and further information may be requested.

What is meant by a 12-week disregard?

When you move into a care home with/without nursing on a permanent basis we disregard the value of your property for the first 12 weeks of your stay in a care home. This is called a **12-week disregard**.

After this period your property value is included as capital within the financial assessment. If you sell your property within the 12-week disregard, then the disregard period stops, as it no longer applies.

During the 12- week disregard period you will pay your assessed contribution, it is only the property that is disregarded.

If you have chosen a care home that will need a top-up payment (see page 10) you can pay this yourself during the 12 week disregard period.

What if I jointly own my property with another party?

If your home is jointly owned, you will need to provide documentation that shows you jointly own the property.

We will calculate how much of the value of the property to consider when assessing your contribution.

Do I need to sell my home?

No you don't, but you will still need to make arrangements to pay your care fees.

What is the Deferred Payment Scheme?

If you do not want to sell your home, or have decided to sell but it will take time to do so, you can use the **Deferred Payment Scheme**. You can use the scheme if:

- other than the value of your property, you do not have enough capital to meet the cost of your care, currently less than £23,250.00.
- you do not want to sell your home yet, or want to but the time it will take means that funds will not be available quickly enough to pay for your care.
- you have a beneficial interest in the property. This means that you are entitled to the profits or proceeds of the sale of the property.
- your property, or share in a property, is worth enough to meet the cost of your care. This means it's worth more than the upper capital limit.
- you have no outstanding mortgage, or settlement of the mortgage would leave funds above the upper capital limit that can meet the cost of your care.

You will be asked to complete an application form. If you qualify for the scheme you will be asked to sign a contract and agree to our placing a legal charge on your

property. We then pay the care home the balance between your assessed contribution and the full cost of the fees. In this way we are loaning you money that will have to be repaid either from the sale of your property or any other source.

An administration charge will be added to the deferred amount that you will pay back. See the separate sheet called National Care Charges Limits and Allowances Fact Sheet.

While under a Deferred Payment Agreement you can retain a larger weekly personal allowance from your income. This is to ensure that there is sufficient disregarded income to maintain and insure the property during the Deferred Payment Agreement. If you do retain a higher amount, you should be aware that as your contribution will be lower, then a higher amount is accruing against the property.

Interest is applied from day one of the Deferred Payment Agreement at a rate determined by Government. The rate is set twice yearly and you will be advised of any change to the interest rate. The interest is applied on a compound basis. Interest continues to be added until the Deferred Payment Agreement amount is settled.

The amount owed should be paid to the Council within **90 days** of the end of the agreement. Further information is included in the Deferred Payment Agreement document.

If the money you have left after paying your debt is more than the upper capital limit, you will pay the full cost of your residential care fees. In most cases, our contract with the home will end and you will contract with them directly. This could result in an increase to fees and a change to terms and conditions.

When your capital falls below the upper capital limit because of the care fees you have paid, we can carry out a new financial assessment. If the capital has fallen more quickly than we would have expected, you will be asked how you have spent your money. All the care costs will not have been met by your capital as you will have continued to receive your income.

What else do I need to know about the Deferred Payment Scheme?

- A legal charge will be secured against your property. This gives SBC the right to reclaim the loan against the eventual sale.
- If you rent out the property, the income will be used in your financial assessment, but will reduce the amount you can be loaned. Please provide a copy of the tenancy agreement
- If you choose not to sell your property, then your benefits may be affected.
- If you do not take advantage of the Deferred Payment Scheme you will have to arrange your care home privately and pay the full cost of the home fees.

- You will need to maintain the empty property, and you will need to provide a copy of your home insurance policy.

What may prevent me having a Deferred Payment Agreement?

There are circumstances that may prevent you from entering into a Deferred Payment Agreement

- There is no-one with the mental or legal capacity to sign the agreement

The person signing the Deferred Agreement must have the mental capacity to sign a legal document. If the resident is unable to sign and family do not have legal status to sign a Deferred Payment Agreement, a Deferred Payment cannot be agreed by the local authority. A representative would need to sign a Letter of Agreement that they understand that charges need to be paid and that once Deputyship is awarded through the Court of Protection, they will then enter into a Deferred Payment Agreement.

- A charge is unable to be registered at Land Registry

A legal charge needs to be placed upon the property at Land Registry. If the property is not correctly registered then Land Registry will refuse a charge. The resident or representative will be required to sign a Letter of Agreement, that they understand that charges are payable and will make good the land title and then enter into a Deferred Payment Agreement.

- The property is uninsurable
- The property you own is abroad

The Letter of Agreement will be used in any Court action in cases of non-payment of charges.

What if the care home I choose is more expensive than the Council's usual rate?

This information is important if you or a friend or relative will be moving into a care home and SBC is arranging your placement.

For adults with non-complex needs the Council has set a 'contracted rate' for a care home placement in Southend. The contracted rate is the amount that the Council considers that a placement in a care home can be arranged locally in Southend.

Example:-

Cost of chosen care home placement per week	£600
SBC contracted rate	£485
Residents Assessed contribution	£150wk
SBC contribution	£335wk
3 rd party top-up	<u>£115wk</u>
Total	£600wk

(figures shown are for illustration purposes only)

What is a 3rd party top-up?

You might wish to choose care home accommodation that costs more than the Council's 'contracted rate'. If you do a then an additional payment will need to be made to pay the difference between the care home's fees and the 'contracted rate'. The additional payment is called a 3rd party top-up payment.

This top-up payment is in addition to both the assessed financial contribution required to be paid by the person receiving the care and to the amount the Council will be contributing towards the care.

Who can make a top up payment?

The Care Act (2014) defines the rules about who can pay a top-up and in most circumstances you are not allowed to pay it yourself if you are the person receiving care. The main exception to this is if the placement is permanent and there is a property being taken into account within the financial assessment. For the 12 week disregard period you are allowed to pay the 'top-up' yourself.

A top-up payment may be made by a friend or relative of the person who receives the care or, in some cases, by a charity. The person making the top-up payments is

called the third party as they are not the Council and they are not the person receiving care.

What does a person agreeing to pay the 3rd party top-up need to consider?

The person agreeing to pay the top-up payment will need to sign a 3rd party contract for the placement to be agreed. They will then be liable for the top-up payment for the duration of the contract; therefore it is important that anyone considering making a 3rd Party top-up payment carefully considers the likely duration, potential cost and financial impact to themselves.

Who is the 3rd party top-up paid to?

The Council will arrange the placement and payment to the care home. The Council will invoice the resident to pay their financially assessed contribution and the 3rd party to pay their top-up payment. Care home contributions and 3rd party top-ups can both be paid by Direct Debit.

What happens if the 3rd party can no longer afford the top-up?

If a 3rd party advises the Council that they can no longer afford to pay the 3rd party top-up a social care assessor will be allocated to consider whether the cost can be re-negotiated with the care home provider. If the care home provider will not negotiate then the resident will have to move to a less expensive room in the same care home, or an alternative care home that can meet their needs at the Council's 'contracted rate'.

Will the amount of the 3rd party top-up remain the same for the duration of the contract?

If there are changes to the cost of the care home or the Council's contracted rate then the 3rd party top-up will change accordingly.

Charging information for services provided in all care settings

How do we manage your care charges in all care settings?

You will be required to pay a charge for your care services in all settings and this charge will be based upon your financial assessment.

We will write to tell you what your charge is and how it has been worked out.

We will ask you, or your representative, to sign a Declaration of Charge form to show that you agree with the assessment and will pay the contribution. You will then get regular invoices for your charges. You can choose to pay by Direct Debit.

Our letter will include information about other benefits that you could be entitled to. It's important to claim your benefits, because we take them into account when we calculate your contribution.

Contributions are re-assessed each year following the April increases to benefits and pensions.

If your circumstances change, contact us for a new financial assessment.

How do we deal with deprivation of assets across all care settings?

You must not give away any money or property in order to qualify for financial help from Social Care. This is called deprivation of assets.

You will be asked why and when any transfer took place. If we believe you have given away capital or property to avoid paying charges, we can claim fees back from you. This means you could be asked to pay invoices even though you do not have the money anymore.

If you wish to give away any capital or property, you should take legal advice. You should also contact the Council's finance team to discuss.

What if I do not agree with my care charge or experience difficulties in paying my charge?

If you feel you have been charged too much, you can ask us to look again at the way we worked out your charge. We can look at your assessment to check that we have taken account of the correct income and costs.

You will have been charged following a financial assessment and so should be able to pay your charge. If you have difficulty paying your charge, you can contact us for advice.

We may ask for more information to ensure that all your circumstances are taken into account.

If paying a charge would cause you financial hardship, you can appeal. You will need to appeal in writing. We will consider your case carefully and provide a written response.

What about financial advice?

We can provide information about services and our assessment and charging processes but we cannot give you financial advice.

We would recommend that you take independent financial advice when making care decisions or for property issues or if you are paying the full cost of your care.

Where do I find independent financial advice?

We have listed below the main not for profit organisations:

- [Money Advice Service](#) – or phone 0300 500 5000;
- [Citizens Advice Bureau – getting financial advice](#);
- [The Society of Later Life Advisers](#) – helps you and your family find trusted financial advisers who understand financial needs in later life.

We cannot recommend specific independent Financial Advisers or provide a list of them, but you can search online for “IFAs in Essex” or “Independent Financial Advisers in Essex”.

Useful Contacts

Southend Borough Council Social Care Access to Services Team

01702 215008

accessteam@southend.gov.uk

Southend Borough Council Social Care Finance Team

Non-residential care charges

01702 215008 ext 4062 or 4651 or 4542

Residential care charges and third party top-ups

01702 215008 ext 4629 or 4312 or 4636

Society of Later Life Advisors (SOLLA)

<https://societyoflaterlifeadvisers.co.uk/>

Southend Citizens Advice

<https://www.citizensadvice.org.uk/southend/>

Address: 1 Church Rd, Southend-on-Sea, SS1 2AL

Hours: 10am–3:30pm

Phone: 0344 477 0808

Age UK

<http://www.ageuk.org.uk/>

Department for Work and Pensions (DWP)

<https://www.gov.uk/government/organisations/department-for-work-pensions>

The Office of the Public Guardian

<https://www.gov.uk/government/organisations/office-of-the-public-guardian>

Care Quality Commission

www.cqc.org.uk

Telephone 03000 616 161 (free call)

Independent regulator of adult NHS and social care services in England.

Carers UK

www.carersuk.org

Telephone 0808 808 7777

Provides information and support for carers, including information about benefits.

Department of Health

www.gov.uk/government/organisations/department-of-health

Telephone 020 7210 4850

Government department with overall responsibility for social care.

Southend Information Point and Directory of Services for Adults, Children and Families (SHIP)

[Southend SHIP directory](#)

Equality Advisory & Support Service

www.equalityadvisoryservice.com

Telephone helpline 0808 800 0082 Mon-Fri 9am-7pm, Sat 10am-2pm

Funded by the Equality and Human Rights Commission, the EASS Helpline provides information and advice about the *Equality Act 2010*.

Southend Association of Voluntary Services (SAVS)

[Southend Association of Voluntary Services](#)

SAVS is an independent charity known as a council for voluntary service or CVS. They work behind the scenes to help local charities and community groups achieve their full potential.

SAVS Centre, 29-31, Alexandra Street, Southend-on-Sea, Essex, SS1 1BW

Tel: 01702 356000

Southend Carers

[Southend Carers Hub](#)

Southend Carers is an independent charity run by and for carers.

Tel: 01702 393933. Lines are open Monday to Friday, 9am-5pm.

Email: info@southendcarers.co.uk.

SAVS Centre, 29-31, Alexandra Street, Southend-on-Sea, Essex, SS1 1BW

If you would like this information in large print or another language please contact us on:

01702 215008 ext. 4062 or 4651 or 4542

Email accessteam@southend.gov.uk