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## Charging Policy, ASC

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<b>Author</b>	Danny Graham / Anna Hesed / Griff Jones
<b>Owner</b>	Steven Forbes / Mun-Thong Phung

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## 1. Scope of this policy

This policy sets out the Council's position in relation to charging under Section 14 of the Care Act 2014.

It sets out:

- the policy of the Council.
- what the Council expects from staff in Adult Social Care; and
- what residents and carers can expect of the Council.

## 2. Related policies, procedures and guidance

### Policies

Financial Assessment Policy  
Deferred Payment Agreement Policy  
Supporting Self-Funders Policy  
Assessment and Eligibility Policy  
Information Sharing Policy

### Procedures

[Financial Assessment](#)

### Guidance

Financial Assessment Guidance  
[Power of the Local Authority to Charge](#)  
[Assessment of Financial Resources](#)  
[Deprivation of Assets and Enforcement of Debts](#)

## 3. The legal context

### 3.1 The power to charge

Under section 14 of the Care Act the Council has the power to charge for any care and support service it provides unless:

- The resident is unable to make a contribution (this must be determined through a financial assessment); or
- The services provided are those of a type specified in the Act as services upon which a charge cannot be made; or
- The resident receiving the services has a diagnosis of variant Creutzfeldt-Jakob Disease.

Service types where a charge cannot be made are:

- Intermediate care and reablement services for up to 6 weeks.

- Aids and minor adaptations up to the value of £1,000.
- Aftercare services provided under Section 117 of the Mental Health Act 1983.

### **3.2 The amount that can be charged**

No resident must be charged more than it is reasonably practicable for them to pay. Specifically:

- The Council cannot charge in a manner that means a resident will not have income remaining that is equal to or exceeds the Minimum Income Guaranteed Amount (if they live in the community) or the Personal Allowance Amount (if they live in a care home).

On the other hand, if a resident can afford to contribute towards some or all their services, there is an expectation in the Care Act that they should do so generally, and a requirement that they do so if their financial resources exceed the National Financial Limit and they live in a care home.

In all cases, the charge to residents should never exceed the cost of the services received.

### **3.3 Residents in specific circumstances**

#### **Residents that lack capacity**

It doesn't matter if a resident lacks capacity to understand the financial assessment process or manage their finances – they can still be charged.

#### **Residents in prison**

Residents that are in prison can still be charged.

**Urgent support provided to someone that is later found not ordinarily resident**  
Individuals that have been provided with urgent support who are later found to be ordinarily resident in another Council area can still be charged.

### **3.4 Additional charges for self-funders**

#### **Arrangement fee – services in the community**

If asked to do so by a resident with eligible needs for care and support, the Council must arrange services on their behalf. The Council is permitted to make an administration charge for doing so.

#### **Deferred Payment Agreement**

If a Deferred Payment Agreement is to be entered into, the Council is permitted to make administration charges in line with the Care and Support (Deferred Payment) Regulations 2014.

### **3.5 Non-payment**

The Council has powers under Section 69 of the Care Act to recover any debt owed to them. The Council will exercise its rights to these powers to the fullest and will

take action against those who abuse Council officers or agents exercising these powers.

### **3.6 Further information about the legal context**

[The Care Act 2014](#)

[Care and Support Statutory Guidance](#)

[The Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#)

[The Care and Support \(Deferred Payment\) Regulations 2014](#)

## **4. Our policy**

It is the policy of the Council that all legal requirements of the Care Act 2014 relating to charging will be met.

The statements below set out how the Council will apply its powers where there is an element of discretion permitted by law.

### **4.1 Residents**

The Council will charge residents for all services provided to them upon which the Care Act 2014 permits a charge to be made.

The amount that a resident is charged will be determined by a financial assessment process.

### **4.2 Carers**

The Council will not charge carers (as defined under Section 10 of the Care Act 2014) for any support or services provided directly to them.

Where respite services are provided to a resident as part of a carers Support Plan, a contribution may be payable by the resident, subject to the outcome of a financial assessment.

### **4.3 Charging commencement/termination**

Charges will apply from the date that services commence. Where a financial assessment has not yet been completed, any charges will be backdated to this date.

Charges will cease to apply from the date that services cease.

### **4.4 Reassessment of contribution**

Where a reassessment of finances has confirmed a reduction or increase in contribution payable, any charges will be backdated to the date that the change in circumstance took place.

### **4.5 Arrangement fees for self-funders**

When asked to arrange services in the community for a self-funding resident, the Council will apply an initial administration fee and, where ongoing involvement is requested, an annual fee. These fees will not exceed the actual cost incurred by the Council in carrying out the tasks required.

#### **4.6 Respite care**

Respite care will be financially assessed and charged as a non-residential care service.

#### **4.7 Non-payment**

A financial assessment is a means test to calculate if a resident can afford to pay towards the cost of their care and support. If a resident does not pay their assessed client contribution then the Council may review the service provided and will pursue the debt, if necessary through the civil courts.

#### **4.8 Payment method**

We will be introducing direct debit as the only payment method for new clients from April 2025, and then will transition existing clients to direct debits in a phased approach thereafter.

Once transitioned to direct debit the assessed client contribution amount will be taken each month unless there are extenuating circumstances such as:

- If the total cost of care is less than the assessed client contribution (the assessed client contribution is the maximum a client should pay).
- If the client was suffering hardship and the charge was waived.

#### **4.9 Waivers**

If a resident agrees that the assessment is correct but they feel it is unaffordable they can request that the charge, or part of it, is waived.

A waiver is usually only agreed where there are exceptional circumstances which mean that the charge would have a significant detrimental impact on the resident or their dependents. If a waiver is agreed it can be for part or all of the assessed charge, must be for a specific period of time, and will subject to review.

A request for a waiver must be supported by the social worker, and any waiver decision will be evidenced and case recorded including the steps which need to be taken to remove the need for the waiver on an ongoing basis.

All waivers will end on the expiry of the agreed waiver period. Any extension to an existing waiver must be authorised by a Head of Service or an Assistant Director.

### **5. Equalities and Diversity**

The Council has to give due regard to its Equalities Duties, in particular with respect to general duties arising from section 149 of the Equality Act 2010. Having due

regard to the need to advance equality involves, in particular, the need to remove or minimise disadvantages suffered by equalities groups.

The Council has considered the relevance of the proposal to the provisions of the Equality Act 2010, in particular, for those with the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and the Human Rights Act 1998. The assessment concluded that Equalities Duties are not engaged by this policy. The policy is also compatible with Human Rights Articles and as the report does not have any significant bearing on the substantive equality duty it is not considered necessary to undertake an Equality Analysis.

## **6. Review**

This policy will be reviewed on a two-year cycle. This may be brought forward due to departmental, operational or legislative changes.