

A charging Policy for Supporting People in Torbay

1.0 Equality of access to services

- 1.1 It is an aim of this policy that all groups within Torbay's communities shall have equal access to services as regards charges and ability to pay.
- 1.2 In support of this aim, information on charging will be provided, where requested and within reason, in languages or formats appropriate to the needs of individual service users.

2.0 Chargeable and non-chargeable services

- 2.1 *Short Term* services are not chargeable. These are services aiming to foster independence within two years or less. This includes services which provide, or aim to provide, fluctuating support, that is, where no support is provided for at least four weeks in any twelve months.
- 2.2 *Long Term* services are chargeable. These are services aiming to provide support for longer than two years.

3.0 Supporting People charges

- 3.1 The charge will be determined by relating the amount of income available from the service user to the unit cost (on a four weekly basis) of the service, in line with guidance from the Office of the Deputy Prime Minister (ODPM) and the Department of Health.
- 3.2 All service users in chargeable services will be notified in writing of their liability for the charge, including the amount of the charge and the interval at which it falls due. The charge will apply from the effective date of such notification.
- 3.3 Such notification may be provided as part of a tenancy agreement or support agreement.
- 3.4 Service users will normally be billed at intervals of not more than four weeks.
- 3.5 Supporting People charges will normally be collected by the service provider, except in the case of block gross chargeable contracts. (This only relates to Subsidy contracts, in the case of block gross chargeable, Torbay will be collecting clients' contribution)

4.0 Arrangements for the transitional protection of existing service users

- 4.1 Charges for service users receiving a service on 31st March 2003 will remain at the same level (adjusted at appropriate intervals in line with inflation as determined by ODPM) after 1st April 2003 and may be varied only after the service review.
- 4.6 Service users who lose entitlement to any Housing Benefit because of the introduction of Supporting People on 1st April 2003 will continue to pay charges at the same level (adjusted at appropriate intervals in line with inflation as determined by ODPM). This arrangement may be varied only after the service has been reviewed.
- 4.7 These provisions do not preclude any reduction of charges where required by the outcome of a financial assessment conducted as the result of a service user's application for a fairer charging assessment.
- 4.8 All other users of services after 1st April 2003 may be liable to pay the full charge for that service – to a maximum of £270.00 per week.

5.0 Financial assessments

- 5.1 A financial assessment will be provided in all cases, where a service user applies to Torbay Council, either directly or via the service provider, for a fairer charging assessment.
- 5.2 Financial assessments will be carried out by Torbay Council's Finance and Benefits Team, in line with Torbay's fairer charging policy.
- 5.3 The service provider will ensure that every service user liable to pay a charge is informed, or that a person approved to act on the service user's behalf is informed, in an appropriate and effective manner, of the right to apply for a fairer charging assessment and the procedure for making an application.
- 5.4 Through its support workers or other appropriate personnel, the service provider will offer assistance to any service user who wishes to apply for a fairer charging assessment. Such assistance will include providing advice on entitlement to welfare benefits for the service user and members of the service user's household, and helping to complete an application form.
- 5.5 Where a service user is liable for charges for both Supporting People services and domiciliary and day care, a single assessment will be carried out.
- 5.6 Any information collected in relation to a fairer charging assessment will be treated as confidential.

6.0 Reduction of charges

- 6.1 Any service user with savings or capital of £19,500 or more will be liable to meet the full charge of that service to a maximum of £270.00 per week
- 6.2 Any service user who is in receipt of Housing Benefit (full or partial) will automatically receive a nil assessment in respect of the Supporting People charge for as long as the entitlement to Housing Benefit remains current.
- 6.3 Any service user not in receipt of Housing Benefit, who wishes to apply for a fairer charging assessment, must make an application within seven days of the date of notification of liability for the charge. Any reduction in charges following the assessment will be effective from the date of the service user's application and may be backdated for a maximum period of seven days.
- 6.4 Any service user whose available income, after deduction of essential and disability related expenditure, is determined by a financial assessment as equal to or less than basic level Income Support plus 25%, will receive a nil assessment in respect of Supporting People charges. A list of items to be included in consideration of essential or disability related expenditure is included at Appendix A.
- 6.5 Any service user whose available income, after deduction of essential and disability related expenditure, is determined by a financial assessment as greater than basic level Income Support plus 25%, but less than the full Supporting People charge, will receive A fairer charging assessment based on this information, if requested.
- 6.6 Earned income will be taken into account in the fairer charging assessments.

7.0 Change of circumstances

- 7.1 The service user (or a person approved to act on the service user's behalf) must notify the Supporting People Team promptly of any change in circumstance that may affect the fairer charging assessment.
- 7.2 Where unpaid charges accrue due to failure to notify the Supporting People Team of a change of circumstance, the service user may be liable to pay these backdated charges.

8.0 Fraud, non-payment and late payment

- 8.1 Service users are required to confirm in writing that any information provided to the Supporting People Team for the purposes of

determining ability to pay, or entitlement to a reduction of charges following the fairer charging assessment, is true and accurate.

- 8.2 Any such information provided with a deliberate intent to mislead will be dealt with in accordance with Torbay Council's and or the service provider's fraud procedures.
- 8.3 Late payment and non-payment of Supporting People charges will be dealt with in accordance with Torbay Council's and or the service provider's debt recovery procedures.
- 8.4 Any underpayment of subsidy will be rectified without undue delay.

9.0 Appeals and complaints

- 9.1 Service users will be given information on the procedure for appealing against the outcome of the weekly assessed contribution following a fairer charging assessment, as part of the application process.
- 9.2 Appeals against the determination of Housing Benefit, or decisions taken under "Fairer Charging" arrangements, are subject to a separate appeals processes.

10.0 Review of the Supporting People charging policy

- 10.1 The charging policy will be reviewed not less than annually by Torbay's Supporting People Commissioning Body.

Appendix A

1. Essential Expenditure

In the calculation of the relevant income for charging purposes, account will be taken of some unavoidable expenses. This does not include the cost of food, which the state benefit system is designed to meet.

As a general rule, those items of expenditure that, if not met, would endanger accommodation or liberty, will be treated as essential.

Items treated as essential expenditure include but are not limited to:

- Rent – not covered by Housing Benefit
- Mortgage interests payments
- Services charged under a tenancy agreement
- Water rates
- Court Orders and maintenance payments
- Home Insurance payments
- Council Tax – not covered by Housing Benefit

2. Disability Related Expenditure

It is not possible to give a completely comprehensive list of disability-related expenditure. The overall aim is to allow for reasonable expenditure needed for independent living by a disabled person. Items where the service user has little or no choice other than to incur the cost, in order to maintain independence of life, should normally be allowed.

The statutory guidance indicates items to be taken into consideration include but are not limited to:

- Costs of privately arranged care, including respite
- Specialist washing powders or laundry
- Dietary needs
- Special clothing or footwear
- Bedding, for example because of incontinence
- Heating costs above the average levels for the area
- Basic garden maintenance
- Cleaning costs not met by Social Services
- Purchase of disability related equipment
- Transport costs