

ADULT SOCIAL CARE SERVICES

CHARGING AND CONTRIBUTIONS POLICY FRAMEWORK (DRAFT)

Coverage

- This policy framework covers all Adult Social Care Services for which charges can be levied.

Legislative Background

Powers

- Under S17 of Health and Social Services and Social Security Adjudication Act 1983 the Local Authority has a power to 'recover such charges (if any) for (the service) as they consider reasonable.' This power relates to services for disabled people, care of mothers and young children, prevention of illness, care and after-care services, laundry facilities, meals and recreation for old people, home help services and services under S2 of the Carers and Disabled Children Act 2000.

Duties

- Under S22 of the National Assistance Act 1948 the Local Authority is required by law to recover the cost of residential accommodation. This is covered in detail under the Charging for Residential Accommodation Guide (see statutory guidance below).

Statutory Guidance

- Local Authority Circular LAC (2001)32 – Fairer Charging Policies for Home care and Other non-residential Social Services – Dept. of Health, Nov. 2001
- Fairer Charging Policies for Home Care and Other non-residential Social Services – Guidance for Councils with Social Services Responsibilities - Dept. of Health, Nov. 2001
- Fairer Charging Policies for Home Care and Other non-residential Social Services – Practice Guidance - Dept. of Health, Feb. 2002
- Charging for Residential Accommodation Guide (CRAG) - Dept. of Health, March 2003

Council Guidance

- Leeds City Council Fees and Charges Policy
- Leeds City Council Fees and Charges Best Practice Guidance

General Principles

- ❑ Charges will be subsidised, except where the full cost of providing the service is sufficiently low that a subsidy is not required
- ❑ Those charges that are not levied at the full cost of providing the service will be termed “service user contributions” rather than charges
- ❑ Charges for Adult Social Care Services will take account of charges levied by other authorities so that people in Leeds are not unduly advantaged or disadvantaged compared with those living elsewhere
- ❑ Where charges or service user contributions apply, service users will be offered welfare benefits advice and support in making claims
- ❑ All services provided by the Directorate should be charged for unless prevented by statute or under exceptional circumstances agreed as exempt by the Director
- ❑ The level of charges or service user contributions, and where applicable the financial assessment methodology, should support the strategic policies and objectives of the Council and the Adult Social Care service
- ❑ Where charges or service user contributions for non-residential services are based on costs they should be averages (i.e. irrespective of which provider delivers the service)
- ❑ Costs should be calculated in a standardised manner, in accordance with the Department of Health expenditure return (PSSEX1) methodology where applicable
- ❑ If service users are eligible for benefits/sources of funding (e.g. Independent Living Fund) they will be treated as being in receipt of them even if they choose not to claim
- ❑ Differentials between charges or service user contributions in residential and community settings should not be so wide that service users’ choices are unduly influenced by financial considerations
- ❑ For service user contributions set below the full cost of providing the service, the cost should be identified for service users as well as their contribution
- ❑ Charges and service user contributions should be increased annually at the start of each financial year on an appropriate basis
- ❑ The Director will have the discretion to waive charges or service user contributions in individual circumstances if considered appropriate

Services Provided to External Organisations

- ❑ All services provided to and/or on behalf of external organisations should be charged for at full economic cost, except where this would compromise partnership/contractual arrangements or be uneconomic (too expensive to

administer or where charges levied on the directorate would be higher than those levied on others). An example of this would be a care assessment carried out on behalf of another authority.

Services to Service Users with Eligible Needs

- The charging policy applies to the provision of services for people with eligible needs, either provided by the Directorate or commissioned from voluntary and independent sector providers
- Residential services must be financially assessed in accordance with the Department of Health's Charging for Residential Accommodation Guide (CRAG), with the charge reflecting the actual cost of the service (i.e. the cost of the particular residential home, not an overall average as for non-residential services)
- Service users will be financially assessed to determine the amount they pay towards their services, except where charging all service users the same is permitted under the "Fairer Charging" guidance and it would clearly be uneconomic to do so (i.e. assessment too costly to administer and/or income would be less than with a reasonable flat-rate charge)
- With charges for which service users are not financially assessed, they should be set below full economic cost where this is necessary to ensure that they are affordable for all service users

Services to Service Users who do not have Eligible Needs

- Any services provided to service users who do not have eligible needs will be purchased at full economic cost, unless they assist in stabilising independence and avoid service users becoming more dependent. These services will be specifically designed for people who do not have eligible needs and will not be a less intensive form of those services provided to people with eligible needs.
- The service user contributions for those services that promote independence and so are not at full economic cost will be determined by the Director on an individual basis for each service, taking into account the principles set out within this charging and contributions policy framework.