

Adult Social Care Charging and Contributions Policy Framework

[The headings for the new sections are highlighted in grey]

1. Coverage

- 1.1. This policy framework covers all directly provided and commissioned Adult Social Care Services. The Framework contains sections on the following:
 - a) The Legislative Context for Charging
 - b) Council Policy and Guidance on Charging
 - c) Chargeable and Non-Chargeable Services
 - d) Charging Principles and Arrangements
 - e) Charging for Council Services Provided to External Organisations

2. The Legislative Context for Charging

2.1. Powers

- 2.1.1. 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.

2.2. Duties

- 2.2.1. 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).

2.3. Statutory Guidance

- 2.3.1. This policy framework is based on the following statutory guidance.
 - a) Local Authority Circular LAC (2001)32 – Fairer Charging Policies for Home Care and Other non-residential Social Services – Department of Health, Nov. 2001
 - b) Fairer Contributions Guidance 2010 - Department of Health, Nov 2010
 - c) Charging for Residential Accommodation Guide (CRAG) - Dept. of Health, April 2011 (as updated, usually annually)
 - d) Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care Guidance on Eligibility Criteria for Adult Social Care, Department of Health, February 2010

2.4. Statutory Discretion

- 2.4.1. For residential services the Council is required by the Charging for Residential Accommodation Guide to carry out a financial assessment to determine how much the customer can contribute towards the cost of their placement. There is little scope for discretion in the assessment.
- 2.4.2. For non-residential services the Fairer Charging guidance allows councils to decide whether to charge for services and there is quite significant scope for local discretion within the financial assessment

3. Council Policy and Guidance on Charging

3.1. This policy framework is based on the following council policy and guidance.

- a) Leeds City Council Fees and Charges Policy
- b) Leeds City Council Fees and Charges Best Practice Guidance

3.2. The level of charges or customer contributions, and, where applicable, the financial assessment methodology, should support the strategic policies and objectives of the Council and the Adult Social Care service

4. Chargeable and Non-Chargeable Services

4.1. Chargeable Services

4.1.1. Services will be chargeable by Adult Social Care if they meet **either** of the following criteria:

- a) Any directly-provided or commissioned services provided to meet the eligible needs of people who have been through a FACS assessment (or CPA equivalent for mental health services) that are charged for in most other authorities **and** are not included in the definition of non-chargeable services
- b) Any other directly-provided or commissioned services that are charged for by other providers **and** are not included in the definition of non-chargeable services

4.2. Statutory Non-Chargeable Services

4.2.1. The services for which government regulation prevent charging currently are:

- a) Services arranged and provided under Section 117 of the Mental Health Act 1983
- b) Services to people with Creutzfeldt Jacobs Disease (CJD)
- c) Services that are the responsibility of the health service, including intermediate care and continuing health care
- d) Reablement support (up to 6 weeks), including support for people leaving hospital that might be provided outside a specific reablement service
- e) Community equipment costing less than £1,000
- f) Social work support and occupational therapy
- g) Assessment and care management services
- h) Information and advice services

4.3. Discretionary Non-Chargeable Services

4.3.1. Directly-provided or commissioned services will not be chargeable if they are:

- a) Services for which collecting charges would be uneconomic
- b) Services that support people to set up and manage their care package through a personal budget
- c) Low-level preventative services

4.3.2. Low level preventative services are services which provide general, non-specialised support with daily living skills, practical tasks, or emotional support that:

- a) prevent and / or delay the need for more costly intensive services;
- b) promote the quality of life of customers and their engagement with the community

5. Charging Principles and Arrangements

5.1. General Principles

- 5.1.1. Charges for Residential Services must be set in accordance with the Department of Health's Charging for Residential Accommodation Guide (CRAG). Charges should reflect the actual cost of the service.
- 5.1.2. Service Costs should be calculated in a standardised manner, in accordance with the Department of Health expenditure return (PSSEX1) methodology where applicable.
- 5.1.3. Differentials between charges or customer contributions in residential and community settings should not be so wide that customers' choices are unduly influenced by financial considerations.
- 5.1.4. Customers will be financially assessed to determine their ability to contribute towards the cost of FACS eligible services (as part of their overall package of care).
- 5.1.5. Charges or contributions for non-residential Adult Social Care services will take account of charges levied by other councils so that people in Leeds are not unduly advantaged or disadvantaged compared to those living elsewhere.
- 5.1.6. Those charges that are not levied at the full cost of providing the service will be termed "customer contributions" rather than charges.
- 5.1.7. For any customer contributions set below the full cost of providing the service, the cost and / or charge should be identified for customers as well as their contribution.
- 5.1.8. Customers are expected to claim all benefits / sources of funding for which they are eligible.
- 5.1.9. Charges and customer contributions will normally be increased annually at the start of each financial year on an appropriate basis, subject to a review each year of the circumstances
- 5.1.10. The Director will have the discretion to waive charges or customer contributions in individual circumstances if considered appropriate.

5.2. Responsibilities

- 5.2.1. For directly-provided and commissioned services for customers with FACS eligible needs, Adult Social Care will calculate the cost, set the charge, calculate the customer contribution, and collect the income
- 5.2.2. For directly provided direct access / self-referral services, Adult Social Care will calculate the cost, set the charge, and collect the income.
- 5.2.3. For commissioned direct access / self-referral services, Adult Social Care will agree with service providers the appropriateness of charging and the amount to be charged, having regard to these charging principles.
- 5.2.4. For services which are not commissioned by the council, service providers will set and collect charges and retain the income.
- 5.2.5. It will be the service provider's responsibility to consult their customers on any new or increased charges and to have due regard to equality.

5.3. Setting and Collecting Charges for FACS Eligible Services

- 5.3.1. People with FACS eligible needs are those who, following an assessment, are determined to have critical or substantial needs as determined by the Council's eligibility criteria with reference to the Fair Access to Care Services guidance.
- 5.3.2. Charges for services for people with eligible needs will be set at the cost of providing the service, except:
 - a) where a lower charge is appropriate to ensure that people in Leeds are not unduly advantaged or disadvantaged compared with those living elsewhere or
 - b) there are specific service circumstances which would warrant it
- 5.3.3. Providers of commissioned FACS eligible services will be paid the gross amount required to provide the service by Adult Social Care as the income from customer charges will be collected by Adult Social Care and will not go to the provider.

5.4. Setting and Collecting Charges for Direct Access / Self-referral Services

- 5.4.1. Customers are not financially assessed for these services and will all pay the same to use them.
- 5.4.2. Charge for these services will be set at a reasonable level that does not discourage use of the services.
- 5.4.3. Providers of commissioned services will be paid the net amount required to provide the service by Adult Social Care to take account of the income from customer charges that the provider will collect.
- 5.4.4. For customers referred to these services following a FACS assessment the charge will be included as part of the cost of their overall care package, which will be financially assessed.

5.5. Customer Financial Assessment

- 5.5.1. Customers will not be financially assessed where charging all customers the same is permitted under the "Fairer Charging" guidance.
- 5.5.2. Customers will be offered welfare benefits advice and support in making benefit claims as part of their financial assessment.
- 5.5.3. Customers can request a review of their financial assessment through an appeals process.

6. Charging for Council Services Provided to External Organisations

- 6.1. Adult Social Care provides some services to external organisations, for example carrying out a care assessment on behalf of another authority. The majority are provided to partner organisations, for example the NHS.
- 6.2. All services provided to and/or on behalf of external organisations should be charged for at full economic cost, except where this would:
 - a) compromise partnership / contractual arrangements
 - b) be uneconomic i.e. too expensive to administer or where charges levied on the directorate through a reciprocal approach would be higher than those levied on other organisations