



## Information about Bristol City Council Care and Support charges April 2018 to March 2019

If you would like this information in another language, Braille, audio tape, large print, easy English, BSL video or CD rom or plain text please contact: 0117 922 2700

### Contents

- About our charging policy
- Introduction
- How we will calculate your weekly charge
- Care and Support in a **care home** – how the charge is worked out
- Care and Support in your **own home** – how the charge is worked out
- Self-funders who ask us to arrange their care
- General Conditions
- How can I pay my charge?
- How can I appeal if I disagree with the charge?
- Recovery of debts
- More information and who to contact

**Glossary** – some of the terms we have used are technical terms. A glossary has been attached at the end of this document to help you. Please note that the use of the word 'you' in this document means the person who is receiving the care and support.

## **Adult Social Care Charging Policy**

Bristol City Council's Adult Social Care Charging Policy ensures that everyone pays the right amount, based on their ability to pay for the services they receive, based on their assessed needs. Unless the service is subject to a fixed charge or it is an exempt service.

We adopted our Charging Policy following a public consultation with the citizens of Bristol, which ran from 27 November 2015 to 18 February 2016. The Charging Policy operates under the legal framework established by the Care Act 2014. The Charging Policy was last updated on – 25<sup>th</sup> October 2017. Please contact us if you wish to receive a copy of the full charging policy document.

### **The Care Act 2014**

The Care Act 2014 is an important law, which requires us to maintain a charging policy, and requires citizens to pay the appropriate charges. The Care Act also made a number of important changes to social care, intended to help people help themselves to live more independent lives.

More information can be found on Bristol City Council's webpages at [www.bristol.gov.uk/careact](http://www.bristol.gov.uk/careact).

A few services are subject to fixed charges or the service is exempt a charge.

- i. Exempt services or care and support provided free of charge
  - Information and advice and support from a social worker
  - Community equipment (aids and minor adaptations)
  - Care and support provided to people with Creutzfeldt-Jacob disease
  - After-care services/ support provided under section 117 of the mental Health Act, 1983.
  - Any service or part of the service which the NHS is under a duty to provide. This includes Continuing Health care (CHC) and the NHS contribution to registered Funded Nursing care (FNC).

- Intermediate care including reablement but only up to 6 weeks. At 6 weeks a contribution is chargeable. This can be applied sooner if you no longer meet the criteria but continue to have a service.

ii Flat rate charges

- care line,
- Community Meals service,
- Transport to Day Centres,
- Administration cost for making arrangements for people liable for the full cost of their services (known as 'self-funders'). If the service is provided in the community but not if it is in a Care Home.

iii. We pass on reasonable costs involved in miscellaneous services – protection of property including animals, bank account charges for cases where the Council acts as Department of Work and Pensions Appointee, a fee for the Council to act as Department of Work and Pensions Appointee. The application of costs as set out in Part 19 of the Court of Protection Rules 2007 when the authorised officer for property and affairs deputyships has been appointed Court of Protection property and affairs Deputy.

You may be charged or have the cost of services included in the amount you are asked to pay but which you have not received. This is if we have incurred costs where planned services were not used or cancelled without us, or the provider, having been notified sufficiently in advance.

Also it is most likely to apply with Extra Care Housing where we purchase or commission what may be referred to as 'floating Support' i.e. support that is available but you may not always fully use but which will be included in the calculation of your personal contribution.

## Introduction

The following details in this leaflet explain how we work out what financial help you can get and what you will have to pay as a charge.

**This is also known as your contribution, however, it does not apply to services subject to fixed charges or which are exempt a charge.**

It is the amount you will pay towards the overall cost of the service you have been assessed as needing. In most cases it is less than the amount that the service costs. If this is the case Bristol City Council will pay the difference between your charge and the cost of the service.

This leaflet is a record of Bristol City Council's care and support charging policy. We have a duty to assess your ability to make a financial contribution to your care and support if:

- You have been assessed as needing care in a care home and you decide to enter a home and cannot meet the home's charges. This is the charge for meeting your needs that we have agreed with the care home. This does not include any top up payment – please see the section -‘Care and Support in a care home – how the charge is worked out’
- You have been assessed as needing care and support in your own home (also referred to as in the community) and we make the arrangements; or you choose to receive a Direct Payment so that you can arrange your own care – please see the section ‘Care and Support in your own home – how the charge is worked out’

### TABLE of Government rates for 2018 to 2019

Funding threshold (upper) £23,250

- If you have capital **above** this figure you are required to pay for all your care and support

Savings threshold (lower) £14,250

- If you have capital **below** this figure you will be required to only contribute from your income.

## How will you calculate my weekly charge?

- The law states that when you are helped by a local authority with care and support then you can be charged a contribution. The charge will be the same as the amount the local authority pays for the care and support, unless you can show that you should pay a lower amount because you have savings (capital) less than the funding threshold set by the Government.
- When we are helping you with funding for your care we will need details from you to calculate your charge. This is known as a **financial assessment**. All care and support is chargeable. In a few cases the charge to you may be Nil.
- **All charges apply from the start of the care and support.** We will contact you to get information about your income and savings. We will ask you to complete a financial statement form and we have finance officers available to help you. We will treat this information as confidential. You may also be asked to complete other benefit claim forms.
- This authority is under a duty to protect the public funds it administers, and may use the information you provide for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [www.bristol.gov.uk/nfi](http://www.bristol.gov.uk/nfi)
- Bristol City Council can undertake 'light touch' financial assessments unless you tell us not to. If this applies to you it will mean that you do not need to have a 'face to face' financial assessment meeting. Our finance officers will be able to collect financial information from other sources, for example your state benefits records. We can use details we already hold for you that have been used previously to calculate a weekly charge. Also we will be able to collect other financial information from you by different methods, for example by telephone or by a form which you can return by post or email.
- We will have tables of different allowances and we will be able to agree a rate with you. Please see later in this leaflet for more details about allowances towards non-residential charges. These are known as Disability Related Expenditure (DRE) or housing related costs.
- **Please note. If you fail to provide a completed and signed financial statement, or you do not agree to have a financial**

**assessment, you will be liable for the full cost of your care. Your consent is not required to make you liable for the charge.**

- Bristol City Council pays Direct Payments net of contributions, i.e. your personal financial contribution. This is the charging policy of Bristol City Council for Direct Payments. If you fail to provide financial details you may be assessed as a Full Cost payer. When this happens the effect is non-payment of the Direct Payment to you to purchase the assessed care. However, your care and support needs are important and must be met. Therefore no action will be taken that might result in the suspension of the provision of a support service. Instead we will look at alternatives such as the transfer of your care and support to a managed arrangement which we will arrange. Or we may consider an arrangement with a Direct Payment support provider to manage your Direct Payment on your behalf.
- You will be asked to pay your charge directly to the provider if you are permanently in a care home. If you receive a Direct Payment you will need to pay your charge (ie your personal financial contribution) into your discrete Direct Payment bank account because the amount we pay into the account will be reduced by your contribution. In all other situations you will receive an invoice from us for your charge.
- We include all parts of a service in the calculation of the charge. This means there will not be a subsidy for any individual parts of the service. For example, if you have two carers attending at the same time then the costs of both carers will be included in the charge.
- For some services such as Extra Care Housing (ECH) the charge will be based on the service that we pay for, for instance where a provider is commissioned to deliver certain 'bands' of support. Some weeks the amount could be more or less than that which the provider delivers. This will allow ECH providers to respond flexibly to increases and decreases in your needs.
- We will base the charge for respite on the service we pay for. This may be different to the cost of the whole service provided. Respite will only normally be provided for up to 28 days a year.
- The financial statement is your confirmation that you qualify to pay a lower means-tested charge. It is also your agreement to pay the assessed contribution and that you accept the terms and conditions. **If you, or your financial representative, do not sign the agreement you will be liable for the full cost of your care and support.** You

will not need to sign a new agreement for each period of care and support, for example if you have periods of respite.

- Your charge will be reassessed if your financial circumstances change. Your charge will be calculated on the details that you provide on the financial statement. If you make a false statement or omit financial details your charge will be backdated to include any items not disclosed. **You must tell us straight away if your financial circumstances change.**

Notional Income and Notional Capital.

- In some circumstances, we could assess you as possessing a capital asset even where you do not actually possess it today ('Notional Capital'). We could also assess you as having income that you do not actually have today ('Notional Income').

'Notional' - this is where people choose not to receive money that they are due, for example from the estate of a deceased relative, or where people choose not to receive income to which they are entitled, perhaps by not applying for a state benefit or by choosing not to draw all of the money they could get as income, for example from an annuity or pension plan.

- The Government sets the upper funding threshold and usually amends it annually, in April.
- We can support you to maximise your state benefits income. We will help you to claim disability benefits if appropriate. You may find that claiming a disability benefit means you do not have to seek financial support from Bristol City Council.
- Staff completing the financial assessment will not tolerate abuse (physical or verbal), violent or threatening behaviour, foul language or uncooperative behaviour. We will not accept behaviour that causes hurt, alarm or distress, including insulting gestures or racist comments. If you, or friends and family members at the assessment, behave in this way we will immediately end the meeting. If the meeting ends in this way or if you refuse a financial assessment, you will be charged the full cost of your care and support.

## **Information required for a financial assessment:**

- Personal details
- Financial representatives/third-party details
- Income details
- Capital details (your savings and investments)
- Details of any property you own or have invested money in. If you are receiving care in your own home then the property in which you live will not be included in the calculation of your charge
- Details of any ongoing commitments you may have and that we may be able to include as an allowance.

After all this information has been gathered, we follow Government rules to work out your charge. This is done as follows:

## **Income**

All your weekly income is added up. Examples of income are:

- Occupational pensions
- Trust funding
- Annuity income
- State benefits

## **Savings or capital**

Such as:

- The value of any property that you own or part own – if you are receiving care in your own home then the property in which you live will not be included in the calculation of your charge
- National savings
- Bank or building society accounts
- Value of stocks, shares, bonds, gilts etc

- **Tariff income** - this is an amount that is included in your financial assessment and is based on how much you have in savings.

Your weekly 'tariff income' is worked out by: adding up all your savings; then taking off the savings threshold, and then working out £1 per £250 or part of £250 on the remaining savings/capital.

**Example:** if you have £14,500 savings the tariff income will be £1. Calculated on the £250 remaining after £14,250 has been deducted.

The weekly tariff income figure is then added to your actual weekly income.

Savings Threshold. This is the amount the Government sets each year as the amount you can have up to, in savings, without having to contribute 'tariff' income towards your charge. If you have less than this amount you will still be charged but the contribution will only be based on your actual income.

### **Allowances that are applied**

An allowance is the amount that you are allowed to keep from your income and savings. It depends on whether your care and support is provided in a care home or in your own home as different allowances are made.

- **Personal Expenses Allowance** also known as **Minimum Income Guarantee**
- **Housing Allowance**
- **Disability related expenditure (DRE)**
- **Disregards – for example:**
  1. If you are over 65, living in a Care Home and receiving the savings credit element to Pension Credit and you are assessed as an individual, you may be allowed to retain an additional allowance. As long as the Department for Work and Pensions (DWP) has confirmed the amount you will be paid as savings credit, even if this is nothing; and you reached pensionable age before the 6<sup>th</sup> April 2016.
  2. Some elements of War Widows pension, War Disability Allowance are disregarded for financial assessment purposes or

you may be able to keep an increased weekly Personal Expenses Allowance. Payments to veterans under the War Pension Scheme (with the exception of Constant Attendance Allowance) must be disregarded in the assessment of what a veteran can pay for care.

3. If you have received an ex-gratia compensation payment for internment or imprisonment by the Japanese during the Second World War you will also be able to keep that amount.
4. In some circumstances half of an occupational pension can be disregarded from the assessment of your contribution.

### **How do you inform me of my charge?**

You or your financial representative will get a statement explaining your charge and how it was worked out. It will also tell you:

- Who worked out the amount
- How to contact them
- The address to write to if you disagree with the amount.

## Care and Support in a CARE HOME – how the charge is worked out

We can only help if:

- You have been assessed as needing to live in a care home
- You have less than the funding threshold in savings
- You have a weekly income that is less than the weekly charge of the home you have chosen to live in.

If you do not meet these conditions, you will have to pay the full charges. This is what we call being a 'self-funder'.

Normally, even if you receive Income Support or Pension Credit, you will have to pay a contribution towards the charges. The contribution will be payable from the date the service at the care home started.

We will only pay the difference between your contribution and the full charge that we agree is required to meet your care needs.

We can only pay up to a certain amount to meet your assessed needs. If the amount needed to meet the total charges is more than we can pay you will have to find someone else to pay the difference. This is known as a 'top up' and is paid by a **third party**, who will need to sign a legally binding agreement. Alternatively, you may consider changing your choice of home. You cannot use any of your own money to make up the difference, except in very specific circumstances and only if you own a property that used to be the place in which you normally lived.

### **Will I be expected to pay towards the weekly cost of living in a care home?**

Yes. Everyone going into a care home is normally expected to pay a weekly amount based on what they can afford from their income and savings. There is an exception if the care provided is intermediate care or reablement (see note below). Also, different rules may apply in some very limited circumstances. This could be if you are provided with services under Section 117 of the Mental Health Act 1983.

What you have to pay is based on the income and savings you have. Your social worker or finance officer will check to see if there are any benefits you are entitled to but are not receiving.

If there are any difficulties in making a claim we will advise you or get you help. Don't forget you must tell the Department for Work and Pensions (DWP) if you change address. This is particularly important if you move into a care home as the benefits you are entitled to may change. A telephone number is provided at the end of this leaflet.

**(NOTE: *Intermediate care or reablement. This is care and support for a specified period of no more than six weeks unless in exceptional circumstances. The purpose must be to help you to maintain or regain the ability to live independently in your own home*)**

### **Can I keep any money for myself?**

Yes. You can keep an amount each week from your weekly income. This is your Personal Expenses Allowance. The Government sets the amount each year. You will normally be required to contribute from your income but not always from your savings (capital). If your savings are less than the minimum savings threshold figure you will not have to contribute a tariff income.

You cannot use your personal expenses, allowance or disregarded savings to pay for any additional accommodation charges. The only exception is where you own a property and you have signed up to a Deferred Payment Agreement. (see DPA below). Payments that you receive on a personal basis from charities or voluntary sources can be taken into account by us when working out your contribution although you may be able to keep some of these payments.

### **If I own a house, am I expected to sell it?**

No – not if you are eligible for a Deferred Payment Agreement (DPA).

The value of the house you lived in may only be taken into account 12 weeks after you permanently move into a care home or the date it is sold, if this is earlier. However, if you were already in a care home with a private arrangement, the value of the house may be taken into consideration as soon as we start providing the funding. There are conditions to the application of the 12 week rule and it does not apply in all cases. **However, during the period of up to 12 weeks you will still be liable to pay a contribution based on your other finances ie income and savings.**

The value of your house **will not** be taken into account if:

- It is the place where you normally live and you have only gone into a home temporarily and will be returning to your house.

- Your partner or former partner continues to live there - except where you are estranged/divorced from your partner/ex-partner.
- A relative who is over 60 or incapacitated (or both), lives in the house and they were living in the house when you went into the care home.

**NOTE:** if the property is sold within the 12 week disregard period and your total assets exceed the funding threshold you will have to pay the full cost of the care home from the date you receive the sale proceeds.

There are some other circumstances when we can decide to disregard the value of a house. For example, if a long-term carer continues to live there who had given up their previous normal way of life or home to look after you. But, we will only ignore the value of the house while these circumstances exist. If there is a change you must tell us immediately. The house will then be taken into account in calculating your charges, in which case the following may apply.

### **What if I intend to sell the house?**

You will receive an interim charge based on your actual income and savings until the house is sold. Your charge will be recalculated from a date no later than 12 weeks after you become a permanent resident in a care home. This will include the money from the sale of the house minus the repayment of any mortgage, charges secured on it and solicitor's fees.

A bill will be sent to you, or your representative, for the amount that you owe following the sale of the house.

If, after the recalculated charge has been made, you have an amount in savings/ capital over the funding threshold you will be considered to be self-funding and expected to pay the full cost of living at the care home.

### **If you do not intend or are unable to sell the house**

You will be offered the opportunity to defer payment of the debt by agreeing a contract with the Council. This is known as a **Deferred Payment Agreement (DPA)**. You will have to agree to certain conditions to be offered a DPA. You must sign an agreement. Please refer to our DPA leaflet which explains the scheme in more detail. We recommend you seek independent financial advice.

The DPA is normally supported by Bristol City Council contracting on your behalf with your care home. However you do have the option to request the DPA as a loan type arrangement where the payments are made to you.

A property valuation figure will be used in working out your charge in a similar way to if you had savings. You will be unable to pay this weekly charge based on the valuation. It will be allowed to build up for as long as you are living in the care home or until you decide to sell the house. In the meantime you will pay an interim charge based on your actual weekly income and other savings.

When the house is sold, a bill will be sent to you or your representatives for the total amount of arrears due at that time. If after payment of these arrears, you still have savings above the funding threshold, you will have to pay the full charges of the care home in which you live.

If you live in a house owned by someone else or someone else lives in a property you own, there may be what is called a 'beneficial interest'. Under certain circumstances we may make enquiries about such arrangements.

If you choose not to accept the DPA or you are not eligible for the scheme you will be charged for the full cost of your care. We will pay the care home the cost of your placement and will send you invoices for the payments we are making on your behalf.

- We will apply discretion on a case by case basis. We will consider access to a deferred payment agreement for people who do not meet some or all of the mandatory eligibility criteria.
- We will charge interest on DPAs at the Government suggested rate.

### **Attendance Allowance (AA), and Disability Living Allowance (DLA) - care components, and Personal Independence Payment (PIP)**

If you have claimed any of the benefits named above you need to check your entitlement to payment while subject to a DPA. Payment may stop but you may still have your entitlement. **NOTE:** if you receive care components of AA or DLA, or you receive a Personal PIP then payment may stop after the first four weeks in a care home and/or hospital. The care components of AA/DLA and PIP will be taken into account in calculating the charges for those weeks if you have moved to a care home on a permanent basis but not if your stay is temporary. If your stay is permanent, you must tell the Disability Benefits Centre office that pays you these benefits. (see contact details at the end of this leaflet)

## **How will my husband, wife or partner be affected financially if I go into a care home?**

For charging purposes a partner is defined as a member of a legally married couple, civil partnership or legally separated married couple. People in unmarried or non-legally binding partnerships are not considered partners. If you have a partner, charges are worked out on your own income and savings, and half of joint income or savings. This applies even if your partner is receiving the income or holds the savings in their name. This is known as your 'notional income' or 'notional savings' (explained earlier).

If you and your partner go to live in the same or a different home you will be charged as separate individuals based on your own financial resources.

We must disregard up to half of any occupational pension payable to a married person in order to support their partner remaining at home. We must be sure your partner is receiving the benefit of the disregarded amount.

## **Will you make allowances for any continuing expenses I have for my house?**

When you go into a care home on a temporary basis, you will be given a weekly allowance to cover various domestic expenses. This allowance is for expenses you have which are not already met by Income Support, by a partner remaining in the community, or from any other source.

These may include:

- Rent, mortgage payments, Council Tax, water rates / sewerage rates
- Basic allowances for gas, electricity and telephone.

This allowance is in addition to your Personal Expenses Allowance (PEA), but it stops once you become a permanent resident in a home.

The PEA plus any additional allowances for ongoing expenses are taken off the total of your income and the resulting figure is your weekly charge. Note – if you have a Deferred Payment Agreement with us you will be able to keep an allowance to maintain and insure your property. This is known as the Disposable Income Allowance (DIA).

## **Examples of calculating a weekly care home charge.**

## Example 1 - Pension Credit eligible but less than 65 years old

<u>Weekly income</u>	<u>£</u> <u>p</u>
State pension	122.30
Occupational pension	65.00
<b>Total weekly income</b>	<b>187.30</b>

### Capital (savings)

Bank	10,250.00
Building society	3,795.00
Stocks and shares	2,925.00
<b>Total capital (savings)</b>	<b>16,970.00</b>
Disregard	14,250.00

£2,720 at tariff income £1 per £250 (or Part of)	11.00
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<b>Total income and tariff income</b>	<b>198.30</b>
Less personal expenses allowance	-24.90
<b>Total weekly charge</b>	<b>£173.40</b>

## Example 2 - Pension Guarantee Credit eligible

	<u>£</u> <u>p</u>
State pension	122.30
Pension Guarantee Credit	40.70
<b>Total income</b>	<b>163.00</b>
Less personal allowance	-24.90
<b>Total weekly charge (with no capital or savings)</b>	<b>£138.10</b>

## **Will I have to pay if I go into a hospital or go on holiday?**

You must pay for the whole time you receive a service. In some circumstances you may have to pay for a notice period. For example if it was your choice to change the provider and you did so without giving enough notice.

For Care Home residents this includes the day of admission. Also you will have to pay if you are away from the care home. You will have to pay if you go into hospital whilst you continue to receive your benefits. However, when you have been in hospital for six weeks your stay in the care home will be reviewed to see whether it should continue. If it is decided to end the stay you will no longer have to pay.

## **Nursing Care funded by the National Health Service (NHS)**

The NHS is responsible for paying for the registered nursing element of the fees that you pay if you are living in a care home and you have assessed nursing needs. Also known as 'FNC'

You have to claim this amount from your local NHS Clinical Commissioning Group (CCG).

## **Choosing a more expensive care home - third party 'top ups'**

We will help you to find a care home that charges the amount set out in your personal budget, but you may choose a more expensive option. Your personal budget is the amount of money we work out as needed to pay for the care to meet your eligible needs.

If you choose a more expensive option, an arrangement will need to be made as to how the difference will be met. This is known as an additional cost or '**top-up**' payment and sometimes the '**third party**' contribution. It is the difference between the amount set out in your personal budget and the cost the care home wants.

We will arrange for you to live at the care home, provided a third party, or yourself in very particular circumstances, is willing and able to meet the additional cost. For more details on when you can be your own third party, please see the **First party 'top ups'** section, below

We will make sure the person paying your 'top-up' can meet the additional costs. We need to be sure the arrangement lasts for the duration of your care and recognise that this may be for several years. We will make sure the person paying the 'top-up' signs a written agreement with us, to meet that cost. The agreement includes the following:

- The additional amount to be paid, the amount specified for meeting your assessed needs in your personal budget, the frequency of the payments, who the payments are made to, reviewing the agreement, and a statement on what happens if they stop making payments
- A statement on the effect of any increases in charges that the care home may make. A statement on the effect of any changes in the financial circumstances of the person paying the 'top-up'

**Before entering into a 'top up' agreement, please read the terms and conditions and consider seeking independent financial information and advice.**

We will agree with you, the third party paying the 'top-up' and the care home, that payment for the 'top-up' element can be made directly to the care home. In this situation the care home will agree the payment arrangements with the 'third party'. In certain circumstances we may ask you to pay the 'top-up' payment to us. If this is the case we will send you invoices every four weeks. We will send the invoice to you because it will also include your own personal contribution. This is because we will treat the 'top-up' payment as part of your income and therefore recover the costs from you through the financial assessment.

### **Reviewing the agreement**

The formal written agreement signed by the third party sets out details of how the arrangement will be reviewed, what may trigger a review, and circumstances when any party can request a review.

### **What happens if the third party stops making payments?**

If payment of the 'top up' stops we will discuss with you and your third party the reason and we will try and sort out a solution. If we cannot find a solution we may need to arrange for you to move to alternative accommodation that can meet your needs and is affordable within your personal budget.

### **Price increase**

Arrangements will need to be reviewed from time to time, for example in response to:- any changes in circumstances you may have; changes to the third party making the 'top-up' payments; changes to our commissioning arrangements, or a change in the care home fees.

Please let us know and we will discuss with you who will pay the difference between the amount set out in your revised personal budget and the actual cost. We will agree with you and the third party any changes. The revised costs may not be shared evenly. For example if the care home's costs rise more quickly than the amount we increase your personal budget and there is an alternative care home that would be affordable within that budget. In this case the third party contribution may have to increase by a greater proportion.

Your own personal contribution is not linked to the amount of the 'top up'. So, if you have a change in circumstances that requires a new financial assessment and this results in a change in the level of contribution you make, you will still need a 'top-up' payment.

### **Consequences of changes in circumstances of the person making the 'top-up' payment.**

We accept that the person making the 'top-up' payment could see an unexpected change in their financial circumstances that may mean they cannot continue to pay the 'top-up'. They must inform us and we will agree a solution with everyone involved.

### **First party 'top ups'**

You can pay your own 'top-up' payment only in the following circumstances:

- Where you are subject to a 12-week property disregard
- Where you already have a Deferred Payment Agreement in place with us. Where this is the case, the terms of the agreement should reflect this arrangement.
- Where you are receiving accommodation provided under Section 117 for mental health aftercare

## Care and Support in your OWN HOME – how the charge is worked out

You will be required to make a contribution towards the full cost of the care or support you receive based on your Care Plan. The care and support will either be services arranged for you, or you will be given a Direct Payment to enable you to organise your own services.

If you have savings over the funding threshold you will be expected to pay the full cost of the services or support you receive.

If you have less in savings than the funding threshold we will work out the amount of the contribution you need to make based on your income and savings.

The care and support covered by this leaflet includes anything in your Care Plan or Support Plan which you draw up with your social worker. As part of the Care Plan or Support Plan you will be asked to choose whether you wish to:

- Receive a Direct Payment to enable you to purchase your own services or support, or
- Whether you would prefer us to manage the arrangements for you.

You may decide that you want to have a Direct Payment to purchase some of your own care and support and for the Council to arrange the remaining care and support for you.

We have to follow Government guidance to work out what you have to pay. The guidance says you can only be charged up to a single **weekly maximum contribution**. The charge varies from person to person depending on individual income and savings.

If it is agreed you need our help you'll be expected to contribute towards the cost of the care and support. We'll carry out a financial assessment to determine what you will be expected to pay. You will have to agree to the financial assessment. If you don't agree to a financial assessment, you will have to pay the full cost. The charge for care in your own home (non-residential care and support) will, in normal circumstances, start from the date the service or Direct Payment begins.

The value of any property you live in is not counted as savings, but the value of any other property you own or part-own is counted.

If you are eligible to receive help with care and support, we will need details from you to calculate your contribution. One of our finance officers will arrange with you or your representative how to get the information about your income and savings. With your agreement this could be by telephone or us sending you a form to complete.

Our 'e-mail' contact for financial assessments is:-

ccfstriageteam@bristol.gov.uk

We may arrange to visit you at your home. We will make sure that any access arrangements or special needs you have are met as part of the visit. You may have an advocate or personal representative at the meeting to help you.

To complete a financial assessment:

- We will ask you about your finances and take down the details. We will need to see your bank statements, other savings account statements and have your pension details available for the meeting.
- We will need to find out what benefits you are receiving and if there are any other benefits you should claim. If you can make a claim, we will help you complete it.
- We will ask you about your circumstances to work out the allowances or disregards that can be applied to your financial assessment
- The finance officer will also explain the contribution process and listen to any questions you have. They can also help you to contact any other services you may require.
- Once we have your information, we will work out your contribution and let you know what it is. We'll try to do this as soon as possible after collecting the information. We will also let you know how payment can be made.

**The income and savings rules are mainly the same as for care home charges. The main differences are:**

- The personal allowance is known as the Minimum Income Guarantee (MIG). The rates are set by the Government.
- An allowance for certain housing costs you may have which are not met by Housing Benefit, Council Tax Benefit/exemption, or Income Support.
- If you are in receipt of disability related benefits, an allowance can be made for additional spending because of your disability. This is known as your Disability Related Expenditure (DRE) allowance. Your DRE is the additional costs you incur for items due to your disability or incapacity. In certain circumstances this can be payment that you make to informal carers and this includes your family as long as the support they provide is a part of your care plan. You must be able to provide proof of expenditure and we may ask to see receipts. We have the right not to make this allowance if your spending could be replaced or reduced by a reasonable or cheaper alternative.
- DRE – we maintain a table of default rates for DRE allowance. We will use the rates where we determine you have an entitlement to the allowance but no figures have been provided by you with supporting evidence such as receipts.

Your **Maximum Weekly Contribution** for care and support in your own home is then calculated as follows:

- Your total income is added to your tariff income from your savings. This equals your total assessable income
- **Your personal allowance** (Minimum Income Guarantee) - and **some housing costs** not met by Housing Benefit and any disability related spending (DRE) are then subtracted.

This gives your **Maximum Weekly Contribution**.

**Examples of calculating a Maximum Weekly Contribution follow:**

## **Example 1 - Single Person aged over 65**

### **Income**

Pension Credit & State Pension	£172.80
Occupational pension	£49.00
Attendance Allowance	£57.30
Total Income	£279.10

### **Savings**

Bank	£1345.00
Building society	£257.00
Total savings	£1,602.00
Less protected savings	£14,250.00
Net savings	£0.00
Notional income from savings (i.e. £1 per £250 or part £250)	£0.00

Total assessable income: £279.10

### **Allowances**

Personal allowance	£189.00
Housing allowance	£9.00
Disability related expenditure	£12.00
Total allowances	-£210.00

**Maximum weekly contribution** £69.10

## Example 2 - Single Person - aged over 65

### Income

State retirement pension	£125.95
Pension Credit Guarantee (inc SDP)	£101.35
Attendance Allowance (Care)	£57.30
Total income	£284.60

### Savings

Bank	£8,000.00
Shares 250 @ £3.67	£917.50
Total savings	£8,917.50
Less protected savings	£14,250.00
Net savings	£0.00
Notional income from savings (Calculated at £1 per £250 or part)	£0.00

Total assessable income	£284.60
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### Allowances

Personal allowance:	£189.00
Housing allowance	£5.50
Disability Related Expenditure	£5.00
Total allowances	-£199.50

<b>Maximum Weekly Contribution</b>	<b>£85.10</b>
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The weekly charge you are required to pay is either:

- the full cost of the care and support you receive to meet your assessed needs
- or your assessed financial contribution.

**You will pay whichever is the lower of the two figures.**

If you have savings over the Governments funding threshold you will be required to pay the full amount for the care and support you receive as your contribution. You will be expected to make the full contribution during any week in which you receive any service. No contribution for non-residential care and support will be required for any full week, starting on a Monday, when you do not receive any service.

Your Maximum Weekly Contribution is the maximum amount you can be expected to pay for your care and support, although you will also have to pay any standard charges, for example:-

- Food at Home Service (Community Meals)
- Emergency Communication Systems, such as:-

Piper Lifeline, Care Line and Telecare  
CarelinePlus, Telecare using Careline Plus  
Initial Installation cost

## **Self-funders who ask us to arrange their care**

You are known as a 'self-funder' if you have assets above a certain amount. This is known as the funding threshold and in **2018** the amount is £23,250. Some of your assets (also known as capital or savings) may not count towards this figure. If you are unsure please ask us and we will check and let you know.

Self-funders are free to make their own arrangements to meet their care needs. However, we can support self-funders to arrange care to meet their needs as long as these needs are for non-residential care and support i.e. in your own home. If you ask us to make non-residential arrangements, also known as 'home care', on your behalf we will ask you to pay an administration fee.

- If you are a self-funder we will charge an administration fee if you ask us to arrange for a non-residential service on your behalf. This will only apply if you do not meet the eligibility criteria for financial support and are required to pay for the full cost of the care and support.
- The administration fee is charged at a rate of £150 and will be invoiced when your service starts. We will regularly check this rate to make sure it is below or in line with similar rates for other local authorities. This charge is only intended to recover our costs when we set up services for people who are not eligible for financial support but who ask us to set up a service on their behalf.
- The charge is a 'one-off' and will be applied when a service starts. It will only be applied again to you if your service completely stops and you later start a new service.

In all cases other than care home accommodation you can ask us to manage the arrangements for you by entering into a contract with the care provider. We will pay the service provider and then invoice you for the care provided to meet your needs. If you ask a provider to give you additional support for which you have not been assessed, we cannot get involved in any of the arrangements.

With care home accommodation you can ask us to sort out the arrangements with the care home on your behalf but you must finalise the payment arrangements directly with the care home.

## **General conditions**

This leaflet does not give full details about the Government's charging regulations. Its purpose is to give general guidance and information and it is a statement of our care and support charging policy. Please seek independent advice to help you make the right financial decisions.

### **Can I give any money away?**

- There is nothing to stop you giving money away. If you do, we have to be sure you have not done so to avoid paying charges. The transfer of your home, other property or savings to a friend or relative could be regarded as a way to avoid paying charges. If we decide that this has occurred: we could continue taking the amount or the value of the property given away into account in calculating your weekly charge.

- We also have legal powers to recover the amount from the person or persons who received it.

## How can I pay my charge?

### If you receive a non-residential service

- If you receive a Direct Payment (DP) we will deduct the amount of your charge from the payment we make to you. This payment is made into a special bank account that you open for the DP. You will be expected to pay your charge into the same bank account to make sure that you have sufficient money to pay for your care and support. From 2017 Bristol City Council has been able to offer people, who receive Direct Payments, the option to have the money paid into a bank account linked to Payment Cards. We can make arrangements to have the accounts opened.
- If we arrange care and support in your own home for you we will send you an invoice every four weeks showing you how much is due for the period. The invoice will also give you details of how payment can be made.

### If you live in a care home

- If it was for a temporary period you or your representative will get an invoice from Bristol City Council. Under no circumstances should you make a payment directly to an independently run care home if you are only there **temporarily**. These stays are sometimes also known as Fixed Term Placements or Short Stays. You will receive an invoice after your stay ends.

If you are a **permanent** resident once we have told you of your charge we will ask you to pay your contribution directly to the owner of the Care Home. This includes any arrears. Only in exceptional circumstances will we ask you to pay them directly to us.

The methods of payment of Bristol City Council invoices are listed on the reverse of the invoice and are:

- Direct Debit or Standing Order
- At a Bristol City Council customer service point (CSP)

- At any Post Office - we will provide you with a special payment card
- By post, either by cheque or postal order
- 24 hour automated telephone payment line: 0870 707 7776
- Online payment by debit/credit card at our website [www.bristol.gov.uk/pay](http://www.bristol.gov.uk/pay)

Your invoice will contain details of the services you received during the period and the charges being made. **We are unable to cancel invoices. If you are due a credit it will be shown as a negative amount on a later invoice. This means you must pay the original invoice in full.**

**There may be a delay in telling you your charge, but you should remember to save enough to pay.** Please contact our Finance Office if you want a preliminary financial assessment.

### **What can other people do to help if I cannot deal with my own financial affairs?**

- If you are unable to manage or you want someone else to act on your behalf you can appoint them through a Lasting Power of Attorney.
- People unable to manage due to mental health problems can be assisted by a Department of Work and Pensions (DWP) appointee for their state benefits and by the Court of Protection if they have other financial resources.

These are complex matters. Our Finance Officers can give you more details and advice. Or you can contact the Court at:-

Enquiries Section, Office of the Public Guardian  
PO Box 16185, Birmingham. B2 2WH

Telephone: 0300 456 0300 (9am - 6 pm)

Email: [customerservices@publicguardian.gsi.gov.uk](mailto:customerservices@publicguardian.gsi.gov.uk)

## **How can I appeal if I disagree with the charge?**

If you disagree with the charge or want more details about how it was worked out you'll need to contact our Finance Team. Contact details will be in the letter that tells you about your charge. We'll try to sort out the problem informally with you but if we can't then we will explain our complaints procedure.

If you have a complaint about any aspect of the financial assessment or how Bristol City Council has chosen to charge please contact the Payments, Charging and Financial Protection Manager. If you wish to take the matter further please make a complaint online at:

**[www.bristol.gov.uk/complaints](http://www.bristol.gov.uk/complaints)**

Alternatively you can request a complaint form by:

Email: [complaints.feedback@bristol.gov.uk](mailto:complaints.feedback@bristol.gov.uk)

Tel: 0117 922 2723

Post: Freepost RTKJ-SGBZ-ULSH  
Customer Relations (100 TS)  
PO Box 3176  
Bristol BS3 9FS

## **Recovery of debts**

We understand that some people may have difficulties paying for their care. If that happens to you we will try to work with you to find a solution. We will be sensitive to your situation and we will ensure that your service continues to meet your assessed needs. Your wellbeing is our priority.

We know that there could be a range of reasons why a person does not pay their contribution. For example, there could be issues around diminishing capacity, an administrative error or the person may have needed to enter hospital and may not have been able to notify us of a change in circumstances, or are not easily able to arrange payments.

We follow principles of reasonableness when approaching the recovery of debts:

- We will seek to discuss the debt with you or your representative
- We will agree arrangements for debt repayments with you
- We will seek to ensure that repayments are affordable.

The Care Act enables a local authority to make a claim to the County Court for a judgement in order to recover the debt. Court action will only be considered after all other reasonable avenues have been exhausted. We will try and resolve the problems by personal contact, for example by telephone or a face-to-face meeting. We will seek to sort out the problem through:

- Negotiating an agreement. This could be done by talking with you or your representative. However in some cases it may be useful to involve an independent advocate to help you understand your options.
- Mediation: This is where an independent third party assists you to reach an agreement. This could be carried out by a professional mediation service, but could also be carried out by anyone who is not involved in the issue, such as an independent social worker or a local voluntary organisation.
- Arbitration: This involves an independent arbitrator hearing both sides of the issue and making a decision on behalf of all parties.

We appreciate that in some cases a debt may have accrued as a result of a person's diminishing or lack of mental capacity. If this is the case we will work with family or representatives to find a solution within the legal options. We may even approach the DWP and the Court of Protection to be appointed ourselves to help you. Only as our last resort will we consider other options such as County Court action or Section 423 of the Insolvency Act 1986.

## More information and who to contact

If you have **questions about how weekly charges are worked out or collected**, contact our finance team on telephone: **0117 903 7706**

This is our address

Client & Carer Financial Services (CH),  
Bristol City Council,  
PO Box 3176,  
Bristol  
BS3 9FS

'e' mail - **[ccfstriageteam@bristol.gov.uk](mailto:ccfstriageteam@bristol.gov.uk)**

For general enquiries about the council's **People Directorate**, or details of services:

Telephone: 0117 922 2700  
Textphone: 0117 903 6689  
Email: [adult.care@bristol.gov.uk](mailto:adult.care@bristol.gov.uk)  
Website: [www.bristol.gov.uk/adultcare](http://www.bristol.gov.uk/adultcare)

- If you have queries or questions for the **Department of Work and Pensions** telephone - **0800 731 0469**
- **NHS CCG Bristol** contact details: South Plaza, Marlborough Street, Bristol, BS1 3NX - Telephone: 0117 976 6600

### Useful web pages:

**Pay for care and support** - [www.bristol.gov.uk/payingforadultcare](http://www.bristol.gov.uk/payingforadultcare), contains a useful calculator tool to identify how much you could be asked to pay.

**The Care Act 2014** - [www.bristol.gov.uk/careact](http://www.bristol.gov.uk/careact), contains a link to a leaflet called 'External Resources' – giving details of external organisations which may be able to help you.

**Independent financial advice for adult care** - [www.bristol.gov.uk/social-care-health/independent-financial-advice](http://www.bristol.gov.uk/social-care-health/independent-financial-advice), provides details about sources of independent financial advice.

## Privacy Statement

Bristol City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on financial forms for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see:-

<http://www.bristol.gov.uk/nfi> - <https://www.bristol.gov.uk/data-protection-foi/fraud-prevention-and-detection> -  
<http://www.bristol.gov.uk/page/council-and-democracy/privacy-statement-what-we-do-your-personal-data>

Bristol City Council is the data controller for the purposes of the Data Protection Act 1998 and other regulations including the General Data Protection Regulation (Regulation (EU) 2016/679), which means it determines what your data is used for and why it is collected. The purpose of this Privacy Notice is to tell you about what finance information we collect about you when you use our service, how we use that information and who we may share it with. The contact details of the data controller are Service Director Care and Support – Adults

**Adults, Children and Education (ACE) Directorate PO Box 3176,  
Bristol City Council, Bristol, BS3 9FS**

What information we collect about you - for the purposes of calculating your charge (contribution):

For you • Name • Date of birth • Title • Marital status • Your address and contact details including email and phone numbers

- Your personal financial details
- Your National Insurance Number

For the calculation of Adoptive Parent allowances we also collect:-

- Full legal surname (derived from family, clan or marital association) of the child • Full given first name of the child • Date of birth • The child's current address and postal code

For the purposes of supporting you as DWP appointee and/or property and affairs deputyship officer (Court of Protection) we collect:-

Your personal financial details also details of any financial safeguarding actions related to supporting you with your finances – as well as your name, address, date of birth, title and marital status

Our legal basis for processing your data is:-

We collect this information to enable Bristol City Council to perform its statutory duties under the Care Act, 2014, Mental Capacity Act, 2005 - and adoptive parent allowance regulations. We are collecting this data because we are required to under health and social care law, or it is in the public interest to process this. In the case of Care Act related matters we may also need to process your bank details in order to provide appropriate services.

How long we hold your finance information for:

The general Bristol City Council retention schedule will apply and is available on the Bristol City Council website.

How we use your finance information:

The information you have provided will be stored on a database which can be seen by professionals involved in the calculation of contributions (charges) and allowances

Who we may disclose your finance information to and why:

The information you have provided will be shared with key partners such as the Department of Work and Pensions and the Court of Protection.

The right to withdraw consent at any time where relevant:

Where we process your finance information on the basis of consent you have the right to withdraw your consent at any time but this will not affect the lawfulness of processing based on consent before its withdrawal.

Your rights as the data subject:

You have the right to ask for access to your data and where data is found to be inaccurate to have that data corrected. In certain circumstances you have the right to have data held about you erased, or the use of it restricted. You may be able to object to processing and may also have the right to have your data transferred to another data controller. You also have a right of complaint to the Information Commissioner's Office (ICO) at [www.ico.org.uk](http://www.ico.org.uk) if you think we have not dealt with your information in a proper manner.

You can ask to see what information we hold about you and have access to it. You can do this by contacting:

Senior Data Protection Officer  
 Bristol City Council  
 ICT Commissioning and Information Governance  
 P O Box 3176  
 BRISTOL  
 BS3 9FS  
 Data.protection@bristol.gov.uk

## Glossary of terms

Word or term	definition
Annuity Income	In return for a lump sum, an annuity provider (insurance company) will give you an annual income.
Arrears	An amount of money that has built up – and is used as a term for unpaid debts
Assets	An item owned by a person regarded as having value
Compound Interest	Compound interest (or compounding interest) is interest calculated on the initial amount and also on the accumulated interest of previous periods of the DPA debt.
Direct Payment	Payments made directly to someone in need of care and support by their local authority to allow the person greater choice and flexibility about how their care is delivered.
Disregard	An asset or income item not to be included in the calculation of a contribution
Funding Threshold	An amount set by the Government. If you have assets with a value greater than the

	funding threshold you are not eligible to receive financial support from the Local Authority
Invoice	An itemised bill for goods sold or services provided, containing individual prices, the total charge, and the terms.
Means-Tested	The financial process of looking at your income and savings to decide how much you are required to pay as a contribution towards the cost of your care and support service.
Minimum Income Guarantee (MIG).	The personal allowance for non-residential services ie care in your own home. The rates are set by the Government.
Notional Capital	The nominal or face value of an asset you do not directly have but which you have a right to hold.
Notional Income	The nominal or face value of income you do not directly receive but which you have a right to receive.
Occupational Pensions	A pension paid by a former employer
Personal Expenses Allowance	An amount specified by the Government which is an element of your own income so that you have money to spend on personal items such as clothes and other items that are not part of your care.
Self-Funder	The term used if you are liable to pay for all your care and support
Third Party	A person other than you who is paying a part of your care and support charge
Top-Up	A part of the cost of a service that is not related to your Local Authority assessed care and support needs. This cost must be met by a third-party and it is not part of the means test. Only in very particular and limited circumstances can you pay your own top-up.