

Charging for community based care

April 2018 to March 2019

This booklet tells you how we charge for non-residential (community based) care services and how we work out whether you will be charged or not.

We use national guidance called Care and Support Statutory Guidance which makes sure that you do not have to pay more than you can afford for the services you receive. You can get an idea of whether you will need to pay towards your care costs on our website www.hertfordshire.gov.uk.

If you need help to understand this information, please contact us on **0300 123 4042**.

An interpreting service is available for those who need it. If you would like independent advice on funding your care please call HertsHelp on **0300 123 4044**. This booklet is a simplified summary of the financial assessment process not the full policy. If an item is not covered please get in touch with us for specific information.

Types of care and their charges

Hertfordshire County Council sets the charges for social care each year from April. The figures provided in this booklet are correct for the dates between 15 April 2018 and 13 April 2019.

Home care – Support at Home services

Home care and Support at Home services are charged at £19.48 per hour (£4.87 per quarter hour, or £9.74 per half hour). The following table shows how we work out the number of minutes to charge for (for each homecare visit), based on the number of minutes of care you have received.

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Visit duration			Charged as
From	To		
0	20	minutes	15 minutes
21	35	minutes	30 minutes
36	50	minutes	45 minutes
51	65	minutes	60 minutes

All of the care you receive in each week is then added up, and it is this amount that we will charge against, but limited to how much you can afford to pay.

Short breaks (respite care)

Short breaks are charged on a week by week basis (Sunday to Saturday) up to your maximum assessed weekly charge, as with all other community based care services. If your stay falls into two chargeable weeks you will be expected to pay up to your maximum assessed weekly charge for two weeks.

Day Services

Day care is charged in half day sessions at £20.77, or £41.54 per day. If you need the council to provide transport to the day service, the charge is £4 per day on top of your charge. The county council does not make reductions in your charge if you don't use the transport on some days. You can cancel your transport arrangement with us and make your own arrangements to travel to the day centre if you wish.

Flexicare/Supported Living

Charging for this care is based on three bands of need (low, medium or high). The provider may also charge you separately for housing related support. The rates for Flexicare and Supported Living are:

Banding	Flexicare	Supported Living
Low band	£55.77 per week	£26.97 per week
Medium band	£158.02 per week	£107.87 per week
High band	£278.85 per week	£251.69 per week

You will be charged based on the band you have been assessed as needing, regardless of how much care you receive in any given week.

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Direct Payments

A direct payment is a cash payment that we pay direct to you if you have eligible care and support needs. Instead of Hertfordshire County Council arranging your care, having a direct payment means you can have more choice and control over arranging your own care and support, including who helps you and at what time.

If you choose this option you will receive a payment every four weeks.

If you have to pay a contribution towards your care we will deduct this from the amount paid to you and you will need to pay your contribution into your direct payment account or onto your pre-paid card. Your social worker can provide more information on Direct Payments and how they operate.

We do not charge for:

- Carers' services (support for carers).
- Services to prevent admission to hospital arranged by Adult Care Services.
- Short periods of enablement.

The financial assessment

We use national guidance called Care and Support Statutory Guidance which makes sure that you do not have to pay more than you can afford for the services you receive.

We will send you a financial assessment form, which you will need to complete and return to us with evidence. Using the form and your evidence, we will work out how much, if anything, you will be charged.

We will also check whether you may be entitled to other benefits and arrange for someone, for example from the Department for Work & Pensions (DWP) or the county council's Money Advice Unit, to help you fill in the claim form. If you do not want to tell us about your finances we will charge you the full cost of the services you receive.

We will base your charge on a financial assessment of your income, benefits, expenses, capital and savings. We will send you a letter with a breakdown showing how we have calculated your financial assessment. You will be given the option of challenging your financial assessment or putting in an appeal if the charge is likely to cause you financial hardship.

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Charges for care should leave you with enough money to meet your essential household expenses, including any extra expenses relating to a disability.

You will not be charged for care services if:

- They are provided as part of an aftercare care plan following a compulsory stay in hospital in relation to a deterioration in your mental health (this is called Section 117 aftercare),
- You are in the final stages of a terminal illness (for example in a progressive state of decline with a life expectancy of less than 3 months). Your social worker will need to approve this before charges can be stopped,
- You are assessed as eligible for NHS Continuing Health Care. If a retrospective decision is made by the NHS to fund your care, and you have already paid care charges for that period, you will receive a refund.

Your savings and capital

If you own the home you live in, its value is not used when calculating charges for non-residential care services. However the value of any other property you own, whether in this country or abroad is taken into consideration as capital.

You will need to tell us about your savings and capital, even if we are going to disregard those savings or capital from your financial assessment.

If you have assets, savings and other capital over £23,250 you will pay the full cost of the services you receive.

If your assets, savings and other capital are £23,250 or lower, the charge will depend on the services you receive, how much savings and capital you have, as well as your income and outgoings.

If you have assets, savings and other capital worth more than £14,250 and up to and including £23,250 you will be assessed as being able to contribute extra to the cost of your care services. Your extra contributions will be worked out at the rate of £1 a week for every £250 (or part of £250) above £14,250. This extra contribution will be added to the rest of your income and taken into account in working out your charge. This is called tariff income.

Tariff income is meant to represent an amount that a person with capital over a certain limit should be able to contribute towards his or her care costs, not the interest earning capacity of that capital.

If you have assets, savings and other capital worth less than £14,250, your savings or capital will not affect the outcome of your assessment.

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Disposing of your savings or capital

If someone has disposed of savings, capital or income in order to avoid or reduce their charge for community based care, the county council is allowed by law, to treat that person as still having that asset.

This means that the value will still be included in their financial assessment calculation. The county council also reserves the right to take legal action against that person or the person who received the assets.

Disposing of assets can include:

- Transferring title deeds of a property to another person.
- Spending money on a valuable personal possession such as jewellery or a painting.
- Making large gifts.
- Paying off a debt that is not due to be paid by you.

When deciding whether someone has deprived themselves of assets in order to avoid or reduce their care charges we will take into account all their circumstances.

This includes:

- The reasons for the transfer of capital,
- The date that it took place,
- Whether the person was fit and healthy and did not foresee the need for care.

It will be for the person to prove that he or she no longer owns the asset and to satisfy us that the disposal of capital or income was not done to reduce care charges.

Your savings and Assets

Savings and capital includes (this list is a guide and is not exhaustive):

- Money held in bank, building society and post office accounts,
- Savings certificates,
- Stocks, shares, bonds and unit trusts,
- Premium bonds,
- Property in this country or abroad (other than where you live),
- Cash,
- Trust funds,
- ISAs.

We will need to verify your savings and capital and will ask to see paperwork such as bank statements.

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Your protected income (the Minimum Income Guarantee)

Everyone will have a certain level of income protected from social care charges. Your protected income is calculated using figures provided by the Department of Health, and takes account of:

- Your age,
- What benefits you are in receipt of, or could be in receipt of,
- Whether you are single or part of a couple,
- Whether you live alone or with somebody else,
- Whether you get, or could get, certain premiums in your state benefits. Examples include Enhanced Disability Premium and Carers Premium,
- Whether you are responsible for a child/children who also live with you.

As well as protecting a portion of your income, we will also ignore some types of income, including:

- Earned income, from employment or self-employment
- Savings Credit element of Pension Credit
- Disability Living Allowance (mobility component)
- Personal Independence Payment (mobility component)
- Armed forces Independence Payment (mobility component)
- Working Tax Credits
- Child Tax Credits and Child Benefit
- War Disablement Pensions
- War Reparations Payments (the first £10 is disregarded)
- War Widows Supplementary payments
- Certain charitable and voluntary payments
- Christmas bonus and Winter Fuel Payments

Income we count in full

- Employment and Support Allowance
- Attendance Allowance *
- Disability Living Allowance (care component) *
- Personal Independence Payment (daily living component)
- Income Support
- Guaranteed Credit of Pension Credit
- Incapacity Benefit
- Job Seeker's Allowance
- State Retirement pension
- Severe Disablement Allowance
- Widowed Parent's Allowance
- Occupational (work) or private pensions

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- Rental income from property (unless the capital value is taken into account)
- Universal Credit

Other income not specifically disregarded by legislation.

* If you receive the High Rate of Attendance Allowance or Disability Living Allowance (Care Component), we will make an allowance in your financial assessment of £28.30 per week. No such allowance is made if you receive these benefits at any other rate. No allowance is applicable if you receive Personal Independence Payment (daily living component).

Living as a couple

Income and capital held in your name and half of any income or capital held in joint names, will be taken into account. However, if it would leave you better off, we can assess you as a couple. In doing so, we conduct two financial assessments (a single persons assessment and a couples assessment), and offer the assessment with the lower charge. If you have a partner and they do not wish to disclose their financial circumstances, we can only offer you a single persons assessment.

Your essential living expenses

Essential living expenses include costs such as:

- Rent payments (net of housing benefit)
- Ground rent
- Service charges
- Council Tax (net of Council Tax reduction)
- Additional heating costs arising from your disability (see Disability Related Expenses below)
- Mortgage payments not covered by benefits (conditions may apply)

We will consider making an allowance for reasonable expenditure where you have no choice other than to meet the expenses in order to maintain independent living.

We ask for evidence of any expenditure you ask us to take into account.

We will not take telephone rental costs or contents insurance into account as these are expenses faced by everyone, whether they have a disability or not. These are expected to be paid out of income, including benefit income.

We will deduct the money you need to meet your essential expenses from the income we take into account for charging purposes.

If this leaves you with an amount that is equal to, or less than, your Protected Income (see page 10), you will not be charged for your care and support services, unless you have savings over the capital limit of £23,250.

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If you are left with more than your Protected Income, the difference between the two is called your Maximum Assessed Contribution.

The amount you will be charged will be the lower of:

- your maximum assessed contribution, and
- the weekly cost of your services.

Disability Related Expenses (DRE)

We may allow up to £20 of disability related expenditure (DRE) if you provide receipts when we do your financial assessment. If you feel that your DRE is higher than £20 a week, you will be asked to submit an appeal (which you can do at the same time as your financial assessment). An appeal panel can then consider making a higher allowance.

Details on how to appeal will be provided on request and are available on www.hertfordshire.gov.uk. When on the website search for “Paying for care” to get to the financial assessment pages. If you want the Council to consider making an allowance for disability expenses not previously allowed, you will need to send a letter or email with copies of receipts attached, asking for these expenses to be taken into account. In your letter or email, you will need to explain why you feel the expenses should be considered to be disability related (i.e. you will need to explain how the expenses meet the costs of having a disability). You will also need to show the cost of each expense and how frequently these expenses are incurred.

Your request will be reviewed by a senior operational manager, who will determine whether your additional expenses can be allowed. Sometimes, the amount the Council will allow is capped (for instance, if there is a cheaper alternative available, we may only allow an amount equal to the cheaper alternative). If we cap the amount we allow, we will tell you why when we write to you with our decision. If you are not happy with the outcome, you have the right to make a complaint.

There is no definitive list of allowable disability related expenses. This is because an expense may be considered disability related for one person, yet not disability related for another person. Each expense you claim for must be a reasonable expense needed to maintain independent living, which you have little or no choice other than to pay. We must take into account:

- your needs and capacity,
- the circumstances, needs and health of others living in the household,
 - any help available in your community,
- your actual expenditure and whether a cheaper alternative is reasonably available to you.

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Some items of expenditure are already included in your protected income (see page 10). For example, you should be able to pay normal water costs and energy costs from your protected income. This means the Council will not make an allowance for normal costs. If your (metered) water costs or energy costs are higher than average, we will only make an allowance for the excess amount (i.e. the amount that is over the average).

If you would like the Council to consider making an allowance for water or energy costs (electricity and gas), you will need to provide evidence that shows how much water or energy you use over a whole year. This is because usage fluctuates over the year, and we will need to work out your average weekly cost. You will also need to tell us what type of property you live in (e.g. a flat, semi-detached, detached) and how many people live in your property.

If you would like the Council to consider making an allowance for regular purchases, you will need to explain how frequently the expense is incurred, as well as providing evidence on the cost. Without knowing the frequency, the Council cannot work out the weekly average to allow in your assessment.

If you would like the Council to consider making an allowance for larger disability equipment, you will need to demonstrate that you have explored free or cheaper alternatives. For example, there are grants you may be able to apply for if you need to put in a wheelchair ramp. If you don't apply for a grant where it is available, we may not make an allowance in your assessment. Before purchasing any disability equipment over £1,000 or before making adaptations to your property, please contact your social worker or call 0300 123 4042 for advice on what help may be available.

Examples of a financial assessment

What 'Your maximum assessed contribution' means

We will send you a calculation sheet showing how we have worked out the amount that you need to contribute towards your services.

Your 'maximum assessed contribution' is the most that we calculate you can afford to pay towards the services you receive each week. This amount is compared with the cost of services you receive each week, and the Council charges the lower amount.

The following examples explain this.

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Example 1

Mr A has 1 hour home care, 1 day each week at a day centre and transport to and from the day centre.

The weekly cost of Mr A's services is £65.02 (£19.48 for 1 hour home care, £41.54 for 1 day at a day centre, £4.00 for transport there and back).

Mr A's calculation sheet shows his 'maximum assessed contribution' is £68.00. At the moment Mr A will only pay £65.02 for his services because this is less than his maximum assessed contribution.

If Mr A needs to increase his home care to 3 hours each week the weekly cost of his services will increase to £103.98 but he will only pay £68.00 because that is the most that we calculate he can afford to pay.

Example 2

Mrs B has 4 hours home care per week and 2 days at a day centre (but doesn't use our transport).

The weekly cost of Mrs B's service is £161.00.

Mrs B's calculation sheet shows that her maximum assessed contribution is £101.50. Mrs B will pay £101.50 per week as that is the most she can afford.

If Mrs B decides to go to the day centre just once a week she will still pay £101.50 because the cost of her services (£119.46) is still higher than her maximum assessed contribution.

If Mrs B decreases her care to 3 hours of home care and 1 day at day centre the cost of her services will be £99.98. She will then pay this lower amount per week because it is less than her maximum assessed contribution.

Example 3

Mr C has a direct payment of £150 per week.

Mr C's calculation sheet shows that his maximum assessed contribution is £85

Mr C will pay £85 per week as that is the most he can afford.

He will get £65 per week paid into his direct payment account by Hertfordshire County Council and needs to pay £85 from his own money into that same account

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bringing the total to £150. This will ensure there is enough money available to pay the carer/s.

How you can pay your care charge

A. Managing your finances yourself

If you can manage your own financial affairs we will contact you directly to carry out the financial assessment to work out how much you have to pay towards the cost of your care.

B. Handling your finances – other arrangements

If you cannot manage your own financial affairs, or you would prefer someone else to deal with them please speak to your social worker.

We can sometimes help with this, or signpost to other organisations that can help. Once we have completed your financial assessment, we will send you a letter telling you what you can expect to pay each week. If you believe that the financial details are incorrect, please telephone the number given in the letter and tell us why. We will then review the assessment (a review is not the same as an appeal, and is generally dealt with much quicker).

If you have to pay for your services, we will send you an invoice every four weeks. You will have 21 days to pay your invoice before a reminder is sent to you. You can pay online at <https://www.hertfordshire.gov.uk/actweb/payments/invoicepay.cfm> or by cheque, direct debit, standing order, credit or debit card. Every invoice that we send you also explains how payment can be made.

If there are changes to the care services you receive

If, for example, you don't receive care services in a given week, perhaps because you go into hospital or go on holiday, you will not be charged for that week. If you get a reduced care service in a particular week, we will only reduce your charge if the total cost of the services actually provided in that week is less than the weekly charge you have been assessed to pay.

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If you receive an invoice for a service you have not had

If your invoice is wrong because you have been charged for a service you have not received, please call 01438 843 434 (choose option 1, then option 2, then option 2 again) as soon as possible. We will make an adjustment on the next invoice, to credit you for the services you have not received. You will still need to pay the original invoice.

What to do if you think your charge is wrong

Our contact details are on every letter we send you. You can ring us on 01438 843 434 if you do not have one of our letters to hand. If, after we have responded to your query, you are still not satisfied, you have the right to appeal. Details on how to appeal are described in the section on Disability Related Expenses on page 9.

Annual review of your charge

Each year, we reassess the amount you will have to pay and let you know of any change to your charge. This reassessment is an estimate and may not always be accurate. As such, this is a good time to check your assessment and see if your details are up to date. A correction form is sent to you as part of the annual review and you can use this form to tell us if your circumstances have changed.

You are required to let us know of any change in your financial circumstances as it may affect your financial assessment. If you do not inform us of a change in your circumstances, the Council reserves the right to do a retrospective financial assessment which may result in a backdated charge to you.

Confidentiality and privacy

We will treat the information you give us as confidential. We will not share your information with other organisations without your permission, except for the purposes of the detection and prevention of fraud, including benefit fraud, or where statute requires us to share your information.

Having your say

We would like you to tell us how well Hertfordshire County Council's Adult Care Services has worked with you and what you think of our care services. Our staff will ask you for your views at various stages in your contact with us.

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We really do care how satisfied you are with our services. Please ask for a Have Your Say form to tell us confidentially what you think. Your comments are important to us so that we can check whether people are satisfied with the service they receive and if not we will look to make improvements.

Where to get help with common queries

Charges

- I have a question about my financial assessment. Contact the Income Team on 01438 843 434 (choose option 1, then option 2, then option 1),
- I think you have charged me for the wrong services or charged for a service not received. Contact the Care Payments Team on 01438 843 434 (choose option 1, then option 2, then option 2)

Services

- I have an issue over the standard of care that I am receiving, or
- I want to change the services I am currently receiving.
- Speak with your social worker if you have one, or the social care helpline if not. The social care helpline number is 0300 123 4042.

Bills

- I want to speak to someone about paying my bill (you can also check the back of each invoice you receive for options),
- I want advice about paying my bills by Direct Debit or some other method,
- I am having problems paying my bills,
- I have received a reminder about paying my bill and want some explanation.
- Contact Serco on 01992 555 341. Serco collect payments on our behalf.

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Contacts

Age UK Hertfordshire

Advice, support and services for older people in Hertfordshire

Telephone: 0300 345 3446

www.ageuk.org.uk/hertfordshire

Society of Later Life Advisers

Independent Financial Advice signposting

Telephone: 0333 2020 454

societyoflaterlifeadvisers.co.uk

Department for Work & Pensions

For benefit information and advice

www.gov.uk/browse/benefits

Carers in Herts

Confidential advice, support and information for carers

01992 586969

www.carersinherts.org.uk

Citizens Advice Bureau

Free, independent advice, offices in most large towns – see phonebook or search their website

www.citizensadvice.org.uk

Mental Capacity Act

Making decisions for someone else, information about the Mental Capacity Act, Lasting Power of Attorneys, Court Appointed Deputies.

www.gov.uk/make-decisions-for-someone

Independent Age

Advice line

0800 319 6789

www.independentage.org

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Contact us

For adult care services and to comment or complain:

Web: www.hertfordshire.gov.uk/adults E-mail: contact@hertfordshire.gov.uk

Telephone: 0300 123 4042 Textphone: 01992 555506

British Sign Language (BSL) video interpreting service available.

Find a local community service: www.hertfordshire.gov.uk/directory or drop into your local library

Call HertsHelp for independent information and advice:

Telephone: 0300 123 4044

E-mail: info@hertshelp.net

Text: Text Herts help to 81025

Textphone: 0300 456 2364



If you or someone you know is at risk of abuse or neglect:

Call us on 0300 123 4042 (24 hours a day)

Calls to 0300 cost no more than a national rate call to a 01 or 02 number