

Care and Support Charging and Financial Assessment Framework consultation
24th September – 3rd December 2019

Frequently Asked Questions – updated 11.11.19

About the consultation

How many people are you supporting in BANES?

There are approximately 2,100 people receiving care and support services either within residential care or at home.

Will it be possible for service users to help shape the framework?

Definitely. Whilst some areas within the framework are set out in the Care Act, we do have discretion for others and these are the areas we are consulting on. We want to hear from people about our proposals as we aim to provide a fair and consistent process for everyone.

The points you are consulting on seem reasonable, is there an appeals procedure if people are not happy with the process?

Yes, the appeals process will not change.

Is the appeals process the same for Virgin Care?

No, the appeals process relates only to the Financial Assessment and Charging Framework. Any appeal in respect of Virgin Care should be made directly to Virgin Care, this will not change.

What are the actual changes proposed?

There are 10 areas within the Framework that the council is consulting on. These are explained more fully in the consultation document – found here www.bathnes.gov.uk/cas-charging-consultation.

Is it as result of the Care Act that you are able to charge these specific amounts?

No, the council has been able to charge for services for many years, however some amounts we can charge and the way in which the financial assessment is carried out is set out in the Care Act 2014.

Have you contacted everyone who is affected by these proposals?

Yes. Everyone receiving care and support has received a letter. These letters were sent out two weeks prior to the consultation starting.

What support do you have in place for people with Autism or Dementia to take part?

There are a number of public events planned throughout the consultation including specific events with Dimensions and the Carers Centre. In addition, Swan and Your Say Advocacy organisations will provide assistance to anyone that requires support with participating in the consultation.

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Where can I get help to take part in the consultation if I need support with this?

Swan and Your Say Advocacy organisations will provide assistance to anyone that requires support with participating in the consultation. To arrange please contact us by email cafaconsultation@bathnes.gov.uk or by telephone on 01225 477810.

When will the changes for new service users come into place?

The changes will come into effect from the 6th April for existing and new service users.

Is there a feedback form on-line?

You can take part by completing an on-line survey which is available via the following address: www.bathnes.gov.uk/cas-charging-consultation or you can request a paper copy of the survey, by contacting us by email cafaconsultation@bathnes.gov.uk or by telephone on 01225 477810.

Do you have the information available on other languages?

We will arrange translation for anyone that requires the information in other languages. To arrange please contact us by email cafaconsultation@bathnes.gov.uk or by telephone on 01225 477810

What happens when the consultation closes?

We will review all the consultation results and make amendments to framework, where necessary. The final decision made by Full Council in early 2020. The policy will be implemented from the 6th April 2020

I'm assuming that once the policy is in place, service users will receive information.

Yes, everyone will be contacted prior to the policy being put into place.

Will all existing clients be notified of the final changes and what support is available for people?

Yes. The Care and Support Charging and Financial Assessment Framework, if approved by Full Cabinet in early 2020 will allow a transition period of around 3 months where we will be able to apply the policies to existing people and notify them of any alteration to their assessed weekly charge. Advocacy support will be offered to people including support from their social workers.

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Process for Financial assessments

Are there changes to the financial assessment?

No, the way in which financial assessment will be carried out will not change but the amount payable may change.

If someone was already in receipt or had just had their financial assessment, will they be required to have a review?

No, not everyone will require a re-assessment. If there is a need for a re-assessment the Council will notify you.

Will that mean everyone will be reassessed?

No, we will contact any person who requires a re-assessment but not everybody will.

If someone is in a care home will they have a financial assessment?

Yes, everyone receiving care and support who wants financial assistance from the Council will require a financial assessment.

When somebody identifies as in need of a care package, what is the timeframe that should be expected from the Council in providing the support and what is the process if those timescales are not met?

The usual timeframe for the care and support assessments is 28 days from the date of request. The usual timeframe for the Care Finance Officer to contact the person is within a few days of the referral from the social worker requesting the financial assessment. How long it then takes for the financial assessment to be completed will depend on individual circumstances. If the timeframes are not met this will be reviewed with the teams.

Who does the actual financial assessment?

A Care Finance Officer will carry out the financial assessment.

I don't understand the difference between the social worker and the finance routes.

The assessments are carried out separately and by separate people. The first assessment is carried out by the social worker who will visit the person who is in need of care to identify the person's care needs. This is called a Care Needs Assessment. A Care Finance officer will then visit the person and undertake a financial assessment.

Who decides how much the Council will pay?

This will depend on a number of factors including what income the person receives including any benefits and property, savings and other assets they own.

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So, it's not a case of yes or no to care but what people can afford to contribute.

The council has a duty under the Care Act and is required to identify what care is needed and work out how much that care will cost. The Care Assessment and the financial assessment are provided free of charge and the care will be provided even if the financial assessment shows the person cannot afford to contribute anything.

Are you open to changing the two week notice period?

We will consider all the feedback we receive during the consultation and where necessary we will amend the proposals.

Is it an arbitrary two weeks or is it based on other research with other organisations?

We have done research looking at timeframes other local authorities allow. Most other authorities local allow 2 weeks.

New charging rates

Are you still going to include cleaning costs for a home?

This will depend on the financial assessment and the care and support needs. The Disability Related Expenditure Factsheet will explain what rates are proposed to be applied in the future. More information is found here: www.bathnes.gov.uk/cas-charging-consultation.

What about short term measures if someone becomes suddenly incontinent?

This is a health need and the social workers will be able to assist by signposting you to the correct health provider.

Who decides what is discretionary?

The social workers will need to evidence any disability related expenditure in the care and support plan, depending on the nature of the need this may then have to be signed off by their manager.

Are you suggesting that people give examples of other disabilities as part of the consultation?

We are keen to hear from anyone who has any suggestions about what other areas that should be included.

How are you dealing with utilities at the moment?

Utilities are an allowance within the non-residential assessment this Care and Support Charging and Financial Assessment Framework is looking to make it very clear what the allowed rates are.

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The water allowance will depend on if your water is provided by Wessex Water or Bristol Water and if you are on a meter or not:

Service Provider	Price per annum 2019/20	
	Metered	Non Metered
Wessex Water Fresh Water	£24.00	£7.00
Wessex Water Sewerage	£56.00	£7.00
Total Standing Charge	£80.00	£14.00

Service Provider	Price per annum 2019/20	
	Metered	Non Metered
Bristol Water Fresh Water	£41.00	£33.00
Wessex Water Sewerage	£56.00	£7.00
Total Standing Charge	£97.00	£40.00

This rate will be reviewed every April in line with the water companies possible annual increase date.

Gas and Electricity will be the actual amount paid for the standing charge as shown on your bill. If you are a current service user and we have not had sight of your bill we will allow the standard tariff British Gas Rate of £1.83 per week for gas and £1.83 per week for electricity until such time as you provide us information of your current actual charges.

If you have expensive heating bills, will it be considered if it's a health need?

This will depend upon your Care and Support plan. Usually additional heating considered, if appropriate, as a disability related expenditure.

Dietary needs are not included in DRE Factsheet, is this one of the grey areas?

Yes this would be for the social worker to evidence such a need may be a social care need or a health need.

Would the figures show utilities on the financial statement?

Yes, this is set out within the financial statement.

The £5 for laundry and extra bedding – is this a new amount?

This is an increase to the current allowance of £3.75 per week

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How is the allowance for transport needs calculated?

This will be for the social worker to evidence in the Care and Support and plan, the Care Finance Officer will then confirm the cost when the financial assessment is carried out.

How will people pay for the usage costs of their utility costs?

The Government allows £189 per week (the minimum income guarantee) for those aged over 60 this is to cover daily living costs including usage of utilities.

What is a person's set amount for daily living costs?

The Government allows £189 per week (the minimum income guarantee) for those aged over 60. This figure is reviewed annually by the Government in April.

Is there a different rate for disabled people Minimum income guarantee?

No, there is a different rate for those aged 18-25 and 25-60.

My wife goes to the day centre, our funds are so low, is there a charge?

This will depend on the service and your Care and Support plan.

My brother attends a day centre, will the costs of the transport be covered?

This will depend on the Care and Support plan and what benefits the person receives.

Do you have any idea of the extra amount that you will clawback from people?

The Care and Support Charging and Financial Assessment Framework is about creating transparency and an equitable procedure for all not about costs savings.

Are there many self-funders who ask the Council to arrange for their care?

No, it is a relatively small number.

Is this a new service that was not there before?

No the council currently offers this but does not charge. The Care Act allows Councils to make an administrative charge to cover the costs of carrying out the work but B&NES have not done this to date.

Will any of the fees be back dated?

No. Any changes will come into effect from the 6th April.

Will the fees referred to in the consultation be uplifted annually, perhaps in-line with RPI?

The fees will possibly be uplifted annually, this is something we will consider as part of the consultation.

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Will the administration fee for self-funders be charged each time a self-funder asks the Council to arrange care and support?

Yes the fee is charged each time the Council is required to carry out work to find a care and support provider or care placement.

Additional benefits

Do you know how big a problem unclaimed benefits area across BANES?

We do not know within B&NES and it is not possible for us to obtain this information from our systems.

Will there be support for service users applying for the additional benefits?

Yes, the Council's benefits team can assist as well as Age UK and the Citizen's Advice Bureau.

I presume that those people receiving an attendance allowance will be taken into account when the financial assessment is completed?

Yes attendance allowance is taken into account in the financial assessment.

You are assuming people will be able to get Pension Tax Credit, I applied as I was told by someone I would be eligible, but I wasn't. How will you ensure that people will not be disadvantaged?

The new system will use the same parameters as the DWP so should only identify those people who should be entitled but if we thought someone was entitled and they turned out not to be if they let us know we would not take the benefit into account.

Who is likely to be eligible for pension credit?

Pension Credit is a benefit entitlement for retired people with an income within certain parameters set by the DWP. It is a means tested benefit but this means test is limited.

Regarding the additional benefits, does that mean when they come to retirement they get less pension?

No, the additional benefits are available for people that meet certain parameters set out by the Government. This would be in addition to the state pension.

Will the Employment and Support Allowance (ESA) be taken into account?

ESA is being phased out and if you apply now you would apply for universal credit. If you are currently in receipt of ESA this is taken into account.

If you support someone at home will your household expenses be taken into account?

That will depend on the individuals personal circumstances.

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Could you explain Disability Living Allowance?

Disability Living Allowance is money for people who have extra care needs or mobility needs as a result of a disability. You can no longer make a new claim for DLA if you are 16 or over. You may be able to claim Personal Independence Payment (PIP) instead.

Are you able to confirm whether the mobility aspect of the allowance is not changed?

This will depend on the care and support package and assessment carried out by the DWP.

You mentioned the allowance for people with Creutzfeldt-Jacob Disease, why is this singled out?

This decision was made by the Government.

Agreements for Third Party Top Up

Is the Third Party Top Up agreement compulsory?

Yes. Where a family member or friend is requesting a placement that requires extra funding, they will be required to agree and sign the Third Party Top Up agreement.

Is the third party top up agreement new?

No, we are putting in place more formal arrangements.

Presumably the agreement will also offer a safety net for service users?

The agreement will ensure that all parties understand their commitments.

Is that why the light touch financial assessment is required?

The financial assessment is necessary to ensure the family member or friend understands fully their financial commitment.

If you were topping up for an elderly person, what happens if you have financial difficulties?

The agreement will set out clearly what is expected from the person who has agreed to pay the addition fees and the council will undertake a light touch assessment to see if they can afford to pay. If circumstances change then the placement would be reviewed by a Social Worker and the service user may be moved depending on the outcome of the review by the Social Worker.

Who can top up?

Anyone, a family member, friend, or organisation.

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Aren't Third Party Top Up agreements going on already?

Yes, however this policy aims to formalise the arrangements to ensure that all parties understand their commitments and ensure the person making the payment is fully aware of the costs involved and when this may be reviewed.

Does the Third Party Top Up agreements affect those people already in care homes?

No, this will only apply to new people.

Does there have to be a financial link with the individual?

No, however they will need to agree to a light touch financial assessment being undertaken.

Amendment to Q5

The details of the fees proposed set out in Question 5 were incorrect. It should read:
The council is proposing that the annual fee will increase from £30 to £105 and the set-up fee will not change.

Deferred Payments

What was the original fee for Deferred Payments?

We are proposing to increase the fee from £30 to £105. This is an annual charge until the home is sold. This is an average of other local authorities in the area.

With the new procedure for Deferred Payment Agreements, will the fees be annually?

Yes the fee is an annual fee and will be added to the statement and paid when the agreement ends.

Will the fees go up for existing service users who have Deferred Payment Agreements?

No, any agreement completed before the 6th April 2020 will incur the fee of £30 per annum.

If the situation arises, can we get advice from the Council regarding a Deferred Payment Agreement?

Yes, you can contact the council the details of who to contact can be provided by the Care Finance Officer. However we can only advise on the procedure we cannot provide legal advice and would always encourage you to seek independent legal advice.

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If you don't have anyone to help you in relation to a deferred payment, who can help?

If you do not have capacity your social worker will make a referral to the B&NES Deputyship team who may, depending on your circumstances become your deputy, or they may ask the Court to appoint a solicitor as your deputy. If you have capacity you can if you wish appoint a solicitor to act for you.

Does the Deferred Payment Agreement (DPA) still allow for 12 weeks grace?

Yes the Care Act requires the property to be disregarded for the first 12 weeks from the date the person first resides in a residential placement. If a person is resident in a care home as a self-funder for more than 12 weeks before a request for funding from the Council is made then the 12 week disregard does not apply as they have already had this time.

What is the interest paid on DPA?

Interest is payable and is currently set at 0.15% above the gilt rate and is currently 1.45% until the 31st December 2019. All fees are added to the debt. A six month statement is sent to service users.

What assets are connected to deferred payments?

For the purposes of deferred payments, assets are defined as your property. the charge secured by the deferred payment agreement is secured against the property.

If a house was sold for £200,000 and the care home fees were £400,000 would the Council pick up the difference?

The equity limited is estimated in the Deferred Payment Agreement, this is then reviewed annually once the equity limit is reached the Council will pay the costs that were being deferred and service user will continue to pay there assessed weekly charge based on their income.

What would happen if there were no beds available in a care home at the fairer price of care rate, what would the Council do?

The Council must fund the placement at the rate available on the day, so if on the day only a home a higher rate was available the Council would fund this placement subject to the service users financial assessment. if however a person wants a more expensive home than a home available on the day the difference between the available rate and the higher rate would need to be paid via a top up.

Does the deferred payment agreement come into play if a couple lives in the house?

If one of the couple will remain at the property and is aged over 60 or in receipt of incapacity benefits then the property will not be taken into account, if both people go into

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residential care then the property will be taken into account 50% for each person (subject to any different percentage split being noted on the Land Registry).

If an elderly couple lives in a home, one needs to go into a home, will the property be taken into account?

If one of the couple remains at the property and is aged over 60 or in receipt of incapacity benefits then the property will not be taken into account, if both people go into residential care then the property will be taken into account 50% for each person (subject to any different percentage split being noted on the Land Registry).

We have a three bedroom house in joint name and I still live at home, my wife is in a care home. If I wanted to move into a flat will the property be taken into account?

If you sold the property the 50% of the proceeds of sale would go to your wife and depending on how much that was she may become self-funding for a period of time, you could then use your 50% share of the sale proceeds to buy another property.

My daughter is in supported living with a private company and doesn't own her own home, will these changes impact on her and will her fees go up?

With a private company they will determine the fees and rent charged. Whether the changes will impact on the amount of her weekly assessed care charge will depend on her individual circumstances.

If someone was a self-funder can the debt be attached to their home?

If the person is a self-funder then the Council would not be funding and there would be no debt.

You mentioned if you own your own home, if another family member is living at home how does that work? This is a real worry if you have a dependent child?

This would depend on the circumstances, but if an adult child was resident in the home and in receipt of disability benefits it is probable that the property would be disregarded.

Some people put their property in Trust for family members. Does it have to be put in place for 7 years?

No the Trust can be put in place at any time. The 7 year rule does not apply to funding for care and support.

If a person is already in care, can they then put their property in Trust?

This may be considered as a deprivation of assets. This means that someone has made a gift or transfer of assets to a third party, usually a relative, to avoid or reduce their liability to pay for care.

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Interim Funding Policy

I don't really understand what is meant by unregistered properties in relation to the Interim Funding Policy.

If a property is not registered with the land registry it is unregistered, since 1992 on sale it has been compulsory to register your property but there are still some properties that are unregistered and if you want to apply for a deferred payment agreement you will need to apply to the land registry for first registration of the property.

Pre-payment Cards

I don't understand how the prepayment card will work?

The pre-payment cards are not compulsory. They can be used to pay personal budgets to people who have been assessed as eligible for direct payments.

If we do not bank on-line how would the pre-payment cards work?

You do not need to bank on-line for prepayment cards to work as far as we know but the plan to introduce pre-payment is at a very early stage so once we have further information we can let people know.

What are the benefits of the pre-payment card?

They should reduce the amount of paperwork that the person administering the direct payment needs to send into the Council so the account can be audited.

Are there any other ways the pre-payment cards can be used, can they be used for day to day expenditure?

Yes they can be used like a bank card so any day to day costs of the care can be paid for using the card.

What support would be available to support people who move to the use of pre-payment card?

The implementation is at a very early stage but once we have more information we will let people know.

Can small amounts of cash be withdrawn using a pre-payment card?

Yes, it will work in the same way as a bank card.

What if a person that doesn't get the mobility element of the relevant benefits needs transport costs, they just need to use a wheelchair friendly car, can they still get the costs paid?

This will depend on the care and support plan.

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Direct Payments Policy

What is the change to Direct Payments?

There are no changes to the way in which Direct Payments are paid, we have updated our policy and provided some more detailed guidance. The Council is exploring introducing pre-payment cards the details of which are currently being drawn up, however this will not be compulsory.

Does this impact on direct payments?

Yes, the Care and Support Charging and Financial Assessment Framework will apply to anyone in receipt of funding for care and support.

Who will help with Direct Payments?

The social worker, together with Virgin Hub will provide support.

When people are self-funding, can they get a direct payment?

No, self-funders are not eligible for direct payments as they are not receiving financial support from the Council.

My son moved from a commissioned service to direct payment (DP). On occasions the support is not given. Does the council review this?

Yes. The council would like to hear from any service user or their representative if there are any problems with the care and support they are receiving.

What is the difference between Direct Payments and Commissioned Services?

A commissioned service is when the Council arranges the care and a direct payment is when the Council give the person money to arrange the care themselves.

My son moved from a Commissioned Service to Direct Payment (DP). The DP service is not good. On occasions the support is not given. Does the council review this?

Yes the Council does undertake reviews. If you have concerns we do need to know about this, please do let us know and we can investigate it.

If someone is already in receipt of a Direct Payment Agreement that it will not change?

No there will not be any changes to the policy just clarifies what should be happening anyway. However, dependent upon the care and support plan there may be some changes and this will be subject to the Care and Support and Financial Assessment Framework being approved by Full Council.

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Are there any changes proposed to personal budgets?

The level of the personal budget would not change as this is set by the care and support plan but the amount of the weekly assessed care charge may change dependant on the financial assessment in line with the Care and Support Charging Financial Assessment Framework.

Please note the final Direct Payment Policy will include the following:-

Special Educational Needs and Disability Personal Budget

SEND Personal budgets, which can be paid as Direct Payments, are an allocation of the agreed funding made for children and young people with an Education, Health and Care Plan, after an assessment of their needs and will be outlined in the Plan. It should be noted that the allocation of an educational personal budget needs the agreement from the parents/young person, council and educational placement to release the allocated funding. Parents or young people can request a Personal Budget as part of an EHCP Needs assessment, once the decision has been made to issue an Education, Health and Care Plan. An educational and healthcare plan can remain in place up to the age of 25, provided that it is agreed by the council and they remain in education and make progress. A personal budget will cover aspects of the support outlined in the Plan and will not cover the cost of a named educational placement or any social care element which would be covered by any social care Direct Payment allocation.

Families can decide how they want it to be managed:

As a direct payment. (set out in 'Personal Budget Direct Payment Agreement')
The funding is paid direct to the family who will manage it to deliver support as set out in the EHCP.

As a 'commissioned budget' where the council manages the notional budget for the family.

By a provider (for example a school or voluntary service).

Or as a combination of the three options above.