



Care and Support Charging and Financial Assessment Framework

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Part A: Financial Assessment Policy

1: Summary

Care and Support is not a free service like the NHS. While some types of care and support are free, many services are subject to a charge – based on what an individual can afford. Councils are required to carry out a financial assessment to work out what an individual can afford. Contributions collected from individuals are reinvested in care and support services.

Information regarding this subject is available in large print, braille, easy-read or in another language, to obtain please contact the [Integrated Customer Engagement Team](#).

2: Care and Support Services provided free of charge

Assessments of need and care planning are always provided free of charge, and Councils are not permitted to charge for any service or part of service which the National Health Service (NHS) is under a duty to provide - this includes:

Continuing Healthcare, and the NHS contribution to Registered Nursing Care.

After care services under Section 117 of the Mental Health Act 1983.

Services provided to people who have Cruetzfeldt Jacob Disease (CJD).

Services provided as part of Intermediate Care, for **up to** the first 6 weeks **only**.

Community equipment and minor adaptations - small items of equipment or gadgets or small modifications designed to help service users stay active and carry out everyday tasks without help from others.

Stabilise and make safe (SAMS), Trafford Care at Home Services and Discharge to Assess Services are non-chargeable for up to 3 weeks **only**.

Services provided to a person, and anyone who is caring for them, under the age of 18 years.

Carers that receive a service in their own right, to assist them with the care needs of another service user.

3: Chargeable Care and Support Services

Charges for the following services are based on an assessment of your financial situation. For further details see section [Care and Support Financial Assessment Policy](#).

Permanent care home accommodation

If a service user's capital is above **£23,250**, the Council will assess them as being able to pay the **full cost** for their care home accommodation.

If a service user's capital is below **£23,250**, the Council will carry out a financial assessment to work out the assessed weekly charge for care home accommodation. For further details see [Financial Assessment and Charging for Care Home Accommodation](#) and [Social care - charging for care and support](#).

Short Term / Respite stay(s) in care home accommodation

A service user's placement is treated as temporary if there is an expectation that they will return to their own home. A service user's placement can be treated as temporary up to a period of 52 weeks.

If a service user's capital is above **£23,250**, the Council will assess them as being able to pay the **full cost** of the Short Term/ Respite stay in the care home accommodation.

Non-residential Care and Support

Non-residential care and support means the care and support services needed to help service users stay living safely in their own home and to keep involved in community activities.

Depending on the financial situation the Council may ask for a contribution towards the non- residential care and support.

If a service user's capital is above **£23,250**, the Council will assess that they are required to pay the **full cost** of their care and support services.

If a service user's capital is below **£23,250**, the Council will carry out a financial assessment to work out the Assessed Maximum Weekly Contribution for non-residential care and support services. For further details see [Financial Assessment for Non Residential Care Services](#) and [Social Care - charging for care and support](#).

Direct payments

Following a social care review to assess eligible needs, a Personal Budget can be given to spend to meet care needs and improve quality of life.

A Personal Budget is made up of the amount it would cost to meet agreed support needs. This money is paid as a Direct Payment so that a service user can arrange their own care and support.

Direct Payments are only available for Non-Residential care services.

Where a Direct Payment is proposed, the payment will be made net of the assessed client contribution. For further details see [Financial Assessment for Non Residential Care Services](#).

The user or financial representative will be required to pay their assessed contribution directly on to their Pre-Payment Card, into the dedicated Direct Payment Bank Account, Managed Account Service or Suitable Person to ensure that service user's assessed need is met fully.

Supported Accommodation

A financial assessment will be carried out to calculate the service user's weekly maximum charge in the same way as any other Non-Residential care services. For further details see [Financial Assessment for Non Residential Care Services](#).

Transport

See [All Age Travel Assistance Policy](#).

Flat-rate charge services

Flat-rate charge services include meals (collected by provider).

Flat-rate charge services are not included in the financial assessment.

If a service user receives both assessed charge services and flat-rate charge services, then they will be charged for both, subject to the outcome of their financial assessment for assessed charge services. If that assessment results in a nil charge then they will be charged just for the flat-rate charge services received.

4: Mental Capacity to Manage Finances

The Mental Capacity Act 2005 sets out people's rights and what happens when a person has lost the capacity to manage or make decisions about their finances. It also sets out how they can plan ahead to appoint someone, whilst they still have capacity, in order to appoint a person to make decisions for them in the future if they lose capacity. [Apply to become a Deputy](#)

Individuals who lack capacity to manage their finances

Acting as an attorney or Deputy:

If a person has been legally appointed to act for someone the Council are arranging ongoing care and support for and they lack mental capacity to manage their finances, the Council must be provided with the following:-

Evidence of the legal authority to act as the financial representative for that person such as a copy of:

A registered Lasting Power of Attorney; or

A registered Enduring Power of Attorney; or

A Court document appointing Deputyship

Any financial information required to carry out a financial assessment for the person needing care and support

The Council will then:

Send any correspondence in relation to service user to the legally appointed person.

Require them to sign any financial documents or contracts on behalf of the person they represent.

Require them to settle any invoices for care charges raised in the name of the person they represent.

If a person is required to act for a service user with care and support needs who lacks mental capacity to manage their finances:

Contact the Department for Work and Pensions (DWP) in order to be appointed to deal with the state benefits for the service user (an 'appointee for benefits').

An 'appointee for benefits' has authority to deal with state benefits only for that person and may not have access to other financial income or assets records belonging to that person. Where state benefits are the only source of income, and there are no other financial assets (such as savings, investments, property) it will usually be possible for a financial assessment to be completed. For further details see [Become an Appointee for someone claiming benefits](#).

If the person who lacks mental capacity has other assets (such as private income, savings, investments, property) a suitable representative will need to make an application to the Court of Protection to become a deputy to be able to deal with that person's financial and property affairs. For further details see [Apply to become a Deputy](#).

If an application has been submitted to the Court of Protection, or it is intended that an application will be sent to become a deputy, the Department for Work and Pensions should also be contacted in order to manage the person's state benefits.

If the Council is arranging care and support for a service user who lacks capacity to manage their finances we require knowledge of what steps are being taken for a person to become legally appointed. We will ask you to confirm this in writing in order to confirm your intent to become the legally-appointed financial representative.

If the appointee and/or deputyship is obtained and the responsible party has not paid, Trafford will enforce the debt outstanding against the Deputy .

5: Care and Support Financial Assessment Policy

What is a Financial Assessment for Care and Support?

This Financial Assessment Policy sets out the national and local rules that we use to work out how much an individual can afford to pay for care and support services arranged through the Council. It has been drawn up in accordance with 'The Care and Support (Assessment of Resources) Regulations 2014' and the 'Care and Support Statutory Guidance' which are issued under section 17 of the Care Act 2014.

Information that applies to all financial assessments

A financial assessment is a way of looking at a service user's financial situation to decide how much they can afford to pay towards their care and support.

Where the service user or their nominated representative declares on the Financial Assessment Form that they do not wish to divulge details of their finances, they will be charged at the maximum rate. If they later decide to complete a financial assessment form then any assessed charge will apply from the Monday following the

date that the completed financial form is received by the Council.

If the service user or their nominated representative fails to complete the Financial Assessment Form or the relevant declaration then they will be charged at the maximum rate for services received. If they later complete the form, then any assessed charge will apply from the Monday following the date that the completed financial form is received by the Council. In some circumstances the Council may use its discretion to backdate an assessed charge to the date that charges started, dependant on the merits of each individual case.

Where a service user receives income as part of a couple, the starting presumption is that the cared for person has an equal share of the income, however the Council will also consider the implications of charging for the income and savings left available to their partner.

The financial assessment will be calculated on the basis that the Service User is receiving all the means tested benefits that they have been identified as being entitled to, i.e. if the service user is entitled to receive Income Support, Employment and Support Allowance or Pension Credit, but is not claiming those benefits, the financial assessment will assume that those benefits are in payment at the correct amount. The service user will be offered a referral to the DWP in order to ensure they are receiving the correct benefits. The assessment calculates a weekly charge, which is the maximum amount that a service user will be asked to pay for any combination of assessed charge services. The weekly assessed charge is then compared with the maximum charge for the services received and the service user will be charged whichever is the lower of the two figures.

The person's capacity will be considered and appropriate action taken where necessary. See [Care and Support Statutory Guidance](#)



Capital Limits

The government sets upper and lower limits on capital as a way for councils to consider when a person can afford to pay towards their care and support out of their capital resources. The current upper limit is **£23,250** and the lower limit is **£14,250**.

See [Care and Support Statutory Guidance Annex B Treatment of capital](#)

What is capital?

Capital resources are assets such as money in a bank or building society account, investments, stocks and shares, buildings, land, and so on. Some capital resources are disregarded (ignored) within the financial assessment and the detail of this is set out in [Care and Support Statutory Guidance Annex B Treatment of capital](#)

If a service user has a partner, and they hold a capital asset in joint names they will be treated as having an equal share of that capital asset.

If the value of a service users capital resources is lower than £23,250 the Council will complete a full financial assessment to work out what a service user can afford to pay towards their care and support. If the value of the capital is between the £23,250 and £14,250 the financial assessment may include a contribution from their capital resources. This is known as 'tariff income'. To calculate tariff income, £1 per week is assumed for every £250 (or part of) between £23,250 and £14,250.

If the value of a service users capital resources is below £14,250 the Council will disregard (ignore) it in the financial assessment. The financial assessment will be based on how much they can afford to pay from their income.

Deprivation of Assets

Deprivation of assets occurs where a person or person(s) have intentionally reduced their assets such as money, property or income in order to reduce the amount they will be charged towards their care.

In deciding whether a deliberate deprivation of assets has occurred the following two points will be considered:

- 1) At the time the assets were reduced there was a possibility that care and support was needed and
- 2) There was knowledge that there would be a cost to the care provided

There are several different ways a person, or person(s) officially acting can be treated as depriving themselves of an asset, a few examples are given below:

- Gifting an amount of money
- Transferring a property, including the family home.

If it is deemed that the deprivation of assets has occurred, the value of these assets will be included within the financial assessments as if the deprivation hadn't occurred. This is known as notional capital.

Recovery of charges can be directly from the recipient of the asset(s). This is referred to as a Third Party Debt Order.

For further information see [Care and Support Statutory Guidance Annex E: Deprivation of Assets](#)

'Light Touch' Financial Assessments

There are some situations where the Council will not need to carry out a full financial assessment of a service user's ability to pay for care and support. Instead a *light touch assessment* can be completed which involves treating a service user as if they have already been financially assessed. The Council will use this approach if it is satisfied that a person can afford and continue to afford any charges due or where the service user is in receipt of means tested benefits as confirmed by the Department for Works and Pensions.

Treatment of Couples

According to the Care Act 2014, only the income of the cared for person will be considered as part of the financial assessment.

Where a service user receives income as one of a couple the Council will assume that the cared for person has an equal share of the income.

If a service user has a partner, and they hold a capital asset in joint names, they will be treated as having an equal share of that capital asset.

Capital held by the service user, who receives the service, is taken into account. If savings are held jointly, and the other person does not receive care the savings are

halved. The Council will however, undertake a better off calculation in the case of couples – assessing the user as both as single and as part of a couple. Disregarded income will be either partially or fully disregarded. In all cases employed and self-employed earnings are disregarded. Where a cared for person receives income as one of a couple the starting presumption is that the cared for person has an equal share of the income.

If both members of the couple are receiving a service then they will both pay 50% of the assessed couple's rate.

Informing Service Users

At the completion of a financial assessment the service user will be notified in writing of their maximum assessed charge and the date from which this is applicable.

A breakdown of how the assessed charge has been calculated and how it should be paid will be sent to the service user or their nominated representative.

Where a service user lacks capacity the Council will follow the guidance, which states that where possible it will work with someone who has authority to deal with the service users finances.

The Council will require evidence of any form of authority such as Power of Attorney, a Deputy appointed by the Court of Protection or Appointee for Social Security Benefits or someone who has the legal right to access the person's bank accounts.

If there is no such person to act on the service user's behalf, a Social Worker may carry out a decision specific capacity assessment to inform whom the service user needs to involve in financial decision-making. This may involve an appropriate person becoming a Power of Attorney or Deputy but will be dependent on the financial circumstances of the service user.

Changes of Circumstances

If the service user's financial circumstances change then they must inform the Financial Assessments Team as soon as is reasonably practicable.

Any change, which results in a reduction in the assessed charge payable, i.e. where the service user is paying less than they did before the change will only take effect on the financial assessment from the Monday following the date we were informed.

A change that results in a higher charge payable will be applied from the actual date of change.

Where the change results in backdated charges exceeding 6 months and the service user or their representative could not have reasonably expected to know that they would have increased charges to pay, then the Council can consider charging from the beginning of the financial year that the change was notified.

Where a service user lacks capacity to manage their finances and a legal representative is appointed, the Council will allow one calendar month from the date of appointment to be notified of any changes. Changes notified after this time period will be treated as above.

The Council reserves the right to use discretion in deciding whether to backdate charges, depending on the individual circumstances. To avoid the accrual of historical debt it is important that the Council is notified immediately of any changes.

Annual Re-assessments

The service user's contribution will be re-assessed at the start of each financial year in order to take account of changes in benefits, private pensions and the cost of living.

For most service users, the Financial Assessments Team will complete the re-assessment automatically. However, some service users may be asked to provide updated information, dependent on the types of income and capital involved in their assessment. The service user must not rely on this automated process if they have had a change in their circumstances they must advise us as per the above

Charging for Service Delivery

The service user will be charged for actual services received only and not contracted or planned services. Exceptions may be made where service is cancelled by the service user at short notice, subject to the circumstances in each case.

If there are any discrepancies in the hours that have been provided the service user should contact their provider in the first instance

Where home care service involves two carers, the service user will be charged for two carers.

6: Financial Assessment and Charging for Care Home Accommodation

Residential Care refers to services provided in a residential setting such as a Care Home on a long-term, short-term or temporary basis.

If a service user has savings or capital above £23,250, they will be charged the full cost of Residential Care services received.

If your capital is mostly due to a property asset, there are rules around whether this counts within your capital assets. See if you own your own property

Permanent Care in a Residential Setting

A service user's placement is treated as permanent if there is no expectation that they will be returning to their own home.

Once a service user is classed as a permanent resident of a Residential Care setting then they are entitled to a 12-week property disregard from the first day they entered.

It is anticipated that this disregard period will allow the service user or their representative enough time to make a decision on how to fund their ongoing placement

How the Assessed Weekly Charge is calculated

The calculation of your Assessed Weekly Charge for your care home is shown as:

Regarded weekly Income + 'tariff income' on savings/investments
Personal Expenses Allowance
Savings Disregard (where this applies)
Allowable expenses (where these apply)
= Assessed Weekly Charge

Regarded Weekly Income: - This is the amount of income included within the financial assessment. The income is converted to a weekly figure in the financial assessment. The Council use the [Care and Support Statutory Guidance Annex C: Treatment of Income](#) when working out how much income should be regarded in the financial assessment for permanent care home accommodation.

Tariff Income on savings/investments: This is a weekly amount calculated from capital assets (such as savings and investments) that are not disregarded. The weekly amount is added to the regarded income in the financial assessment. The way in which 'tariff income' is calculated is shown in the [Care and Support Statutory Guidance Annex B: Treatment of capital](#).

The Council uses the national rules set out in the [Care and Support Statutory Guidance: Annex B: Treatment of Capital](#) when working out how much capital (such as savings and investments), should be regarded in a financial assessment for permanent care home accommodation.

Personal Expenses Allowance: The financial assessment will always make sure a service user is left with an amount for them to use for their day-to-day personal expenses in the care home. There is a standard amount for this Personal Expenses Allowance set out in [Social Care - charging for care and support](#)

Savings Disregard: If you are aged 65 or over, and you have more than a basic pension income, or savings, you may be given an additional allowance called a 'Savings Disregard' allowance. This is calculated using [Social Care - charging for](#)

care and support

When a service user owns their property

The value of property owned or part owned by the service user will be regarded as capital for financial assessment purposes.

Once a service user is classed as a permanent resident of a Residential Care setting then they are entitled to a 12-week property disregard from the first day they entered.

It is anticipated that this disregard period will allow the service user or their representative enough time to make a decision on how to fund their ongoing placement

At the end of the disregard period, the property will be included in the financial assessment and the service user will be charged the full cost of the placement. At this point the service user can pay the care home directly, enter into a Deferred Payment Agreement [see Part B Debt Recovery Policy](#) or enter into an alternative payment arrangement, such as a solicitors undertaking or an interim payment agreement see Part B Debt Recovery Policy

The Council will apply the disregard for all homeowners in Residential Care from the first day of their placement in a Care Home. Those residents who were previously funding their own care will not be entitled to a 12-week disregard from when the Council start to fund their placement.

If a service user's placement is deemed as temporary at any time within the first 52 weeks of placement, their financial assessment will be amended to disregard their property for the whole period and the Council will make allowances for housing related expenditure.

Deferred Payment Agreements and Alternative Funding Arrangements

The Deferred Payments Scheme is designed to help if a service user has been assessed as having to pay the full cost of their residential care – but cannot afford to pay the full weekly charge because most of their capital is tied up in their home. By entering into a deferred payment agreement with the Council, the equity in the home can be accessed without having to sell it during the service users lifetime. [See Part B debt Recovery Policy](#)

An Interim Funding arrangement is where Trafford Council agrees to pay the cost

of care home accommodation to your care provider on your behalf for a short (interim) period of time until a longer term funding arrangement is in place. [See Part B debt Recovery Policy](#)

Property Disregards

The value of a service user's main home is disregarded in the following circumstances:

Where the person is receiving care in a setting that is not a residential care home

If the person's stay in a care home is temporary and they:

- (a) Intend to return to that property and that property is still available to them; or
- (b) Are taking reasonable steps to dispose of the property in order to acquire another more suitable property to return to.
- (c) Where the person no longer occupies the property but it is occupied in part or whole as their main or only home by any of the people listed below, this disregard only applies where the property has been continuously occupied since before the person went into a care home
- (d) The person's partner, former partner or civil partner, except where they are estranged
- (e) A lone parent who is the person's estranged or divorced partner
- (f) A relative of the person or member of the person's family who is:

Aged 60 or over, or

Is a child of the resident aged under 18, or

Is incapacitated

The Council will disregard the value of a person's main or only home when the value of their other assets is below the upper capital limit for 12 weeks in the following circumstances:

- (a) When they first enter a care home; or

(b) When a property disregarded other than the 12-week property disregarded unexpectedly ends because the qualifying relative has died or moved into a care home.

Temporary or Respite Care in a Residential Setting

A service user's placement is treated as temporary if there is an expectation that they will return to their own home. A service user's placement can be treated as temporary up to a period of 52 weeks

While the service users' placement is temporary, the Council will allow housing related expenditure including mortgage/rent, water rates, Council Tax, Buildings Insurance etc. We will also disregard the value of their usual place of residence/home.

Any Attendance Allowance, the Care component of Disability Living Allowance, or the daily living component of Personal Independence Payments will be disregarded in full.

Where a service user is placed in respite care for less than 7 consecutive days, the Council will complete a non-residential financial assessment.

Top-Up Payments for Residential Care Services

Giving people choice about their care and support is important, working with families, carers and staff to make decisions about meeting care and support needs is the best way for service users to lead healthier and more fulfilling lives.

Each service user will be assessed in terms of their **needs** and the Council's funding will reflect that **need** and choices of accommodation will be offered on the basis of care and support need.

The circumstances where people can **choose** more expensive accommodation is if they can show that they or someone they know is willing and can afford to pay the difference between the LA's rate and the actual cost of the accommodation of choice.

The difference between the level of Local Authority (LA) funding and the actual cost of a Care Home which charges above the LA rate is known as a 'Top-Up'.

First Party Top Up

A Service User can only pay a Top-Up from their own income or capital if they are

liable for the full cost of care or they have entered into a Deferred Payment Agreement with the Council.

If a service user is entitled to Section 117 aftercare after a stay in hospital they will be allocated a choice of care homes at the agreed funded rate the NHS and Adult Social Services agree. However the service user can choose a more expensive care home and can pay for the 'top up' out of their weekly income.

Third Party Top Up

In all other cases, the Council will expect the payment to be made by a Third Party, for example a family member.

The Council will require a Third Party to sign a legally binding agreement to pay before the resident is placed.

The legally signed agreement will require the Third Party to prove that they are willing and able to make payments. This then is a formal financially binding contractual agreement which the Council can enforce (as detailed in the debt recovery part of this policy) [Part B care and residential debt management](#)

7. Financial Assessment and Charging for Non-residential Care and Support

If a person has care and support needs while living at home or living in supported accommodation in the community (including short stays in care homes for respite care), they may need to pay something towards their care and support.

If a service users savings and investments are above £23,250 they will need to pay the full cost of your care and support see link to capital

When total savings and investments are less than £23,250

If the value of a service users capital assets are less than £23,250 the Council will carry out a financial assessment to work out how much they can afford to pay towards their care and support.

The Council will apply a Minimum Income Guarantee (MIG) as prescribed in [Social Care - charging for care and support](#) when calculating a service user's contribution towards their Non-Residential care services.

The purpose is to promote independence and social inclusion and to ensure services users have sufficient funds to meet basic needs while still living at home.

The MIG will be calculated after any housing costs and any disability related expenditure. See Housing Expenses and DRE

How the ‘Assessed Maximum Weekly Contribution’ is calculated

The financial assessment will be completed in accordance with [Social Care - charging for care and support](#)

When calculating a service user’s assessed charge, the Council will consider their weekly income and then any allowable disregards or allowances. The remainder is considered as the affordable weekly amount that is available to put towards the cost of the services provided.

If the total disregards are higher than the weekly income, the person will not be asked to contribute towards their care.

The affordable weekly amount that the service user is regarded as having available will be calculated as follows:

Regarded weekly Income + ‘tariff income’ on savings
Housing expenses
‘Minimum Income Guarantee’ for basic living costs
Allowable expense commitments
Disability related expenses
= Assessed Maximum Weekly Contribution

Regarded weekly income This is the amount of income included within the financial assessment. The income is converted to a weekly figure in the financial assessment. The Council use the [Care and Support Statutory Guidance Annex C: Treatment of Income](#) when working out how much income should be regarded in the financial assessment (Any earned income received is disregarded). See

Tariff Income on savings/investments : This is a weekly amount calculated from capital assets (such as savings and investments) that are not disregarded. The weekly amount is added to the regarded income in the financial assessment. The way in which ‘tariff income is calculated is shown in the [Care and Support Statutory Guidance Annex B: Treatment of capital](#)

Housing Expenses –see [Housing Expenses](#) are allowed for in the financial assessment

Treatment of Income

The weekly income that is taken into account in all financial assessments is net of tax and national insurance and includes:

- All DWP (social security) benefits, allowances and pensions.
- All private and occupational pensions.
- All 'tariff income'.
- Income from trusts except those derived from personal injury compensation

Some types of income are disregarded when calculating the charge. The guidance contains a full list of the monies that are disregarded the list includes the following:

- Earnings
- Child Tax Credit
- Disability Living Allowance Mobility Component
- Personal Independence Payment Mobility Component
- War Disability Pension
- War Widows Pension
- Savings Credit element of Pension Credit
- Personal Injury compensation/trust, including those administered by a Court
- Armed Forces Independence Payments and Mobility Supplement
- Child Support Maintenance Payments and Child Benefit

The Council has used its discretion to disregard the following income, which the guidance says may be taken into account.

- The difference between the higher rate and the lower or middle rates of Disability Living Allowance and Attendance Allowance and the enhanced and standard rate of Personal Independence Payment, Daily Living Component (unless the service user receives night care service)
- Working Tax Credit

Housing Expenses

The Council can make an allowance in the non-residential financial assessment for housing costs. This ensures that a service user can allocate a portion of their income to cover housing costs before being asked to make a contribution towards the cost of their care and support.

If you share a household with other adults, the amount of the housing cost item that is allowed for in your financial assessment will be on the basis that the costs are shared.

Allowances are made depending on your housing tenure and circumstances, including: rent/mortgage/Council Tax

Disability Related Expenditure (DRE)

Where disability-related benefits are taken into account, the Council will make an assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which are not being met by the local authority. See [Appendix 1 DRE policy](#)

8. Appeals

A service user or their representative is entitled to request a review of their financial assessment. They must submit the reasons for the review request to the Financial Assessments team in writing within one calendar month of being notified of their assessed charge or as soon as is reasonably practicable thereafter.

If a decision is reviewed and the service user still does not agree with the decision, then they can request a further review which will be considered by Council Officers not involved in the original decision making. This further review request must be submitted in writing to the Financial Assessments team within one calendar month

9. Complaints

The Council is committed to providing the best possible standard of service and we value any complaints, comments and compliments.

A complaint regarding the quality or amount of care should be directed to the Integrated Customer Engagement Team, see link [Integrated Customer Engagement Team](#)

A complaint regarding the financial assessment should be directed to The Corporate Complaints Team, Trafford Council, Waterside House, Sale M33 7ZF See link [Complaints](#)

If the Council response is not satisfactory, the Ombudsman may be able to help. A complaint can be sent to the Ombudsman at any time but the complaint is not likely to be considered if it has not been through the Council complaints process. They investigate complaints of injustice caused by 'maladministration' and 'service failure.

Further information can be found on their website [Local Government Ombudsman](#)

10. Data Protection Act 2018

In accordance with the Data Protection Act 2018 this authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided to us 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 on data matching to prevent and detect fraud and corruption see the [Council's Level 2 National Fraud Initiative Privacy Notice](#).

For further information you can also refer to [Trafford Council's own Privacy Notices](#).

Good information governance is vital in ensuring Trafford Council meets its responsibilities under GDPR, Freedom of Information Act 2000 and associated legislation. We are committed to ensuring that organisations keep personal data secure, whilst still meeting the expected standards of transparency expected in the

public sector.

11. Policy Review

The Council reserves the right to review or amend this Policy at any time, subject to changes in circumstances, legislation or in conjunction with any other policies relating to fees and charges. Any significant changes or extension of the charging policy, other than to the annual fees and charges, would normally be submitted to the Council's Executive Group for approval and may also require a period of consultation dependent on the changes involved.

Appendix 1

Disability-Related Expenditure (DRE)

The Care Act Statutory Guidance states that:

‘Where disability-related benefits are taken into account, the local authority should make an assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which are not being met by the local authority.’

‘Disability-related benefits’ means Attendance Allowance, Disability Living Allowance (DLA) or Personal Independence Payment (PIP). ‘Disability-related expenditure’ includes payment for any community alarm system, costs of any privately arranged care services required including respite care, and the costs of any specialist items needed to meet the adult’s disability.

Trafford Council includes any income a person receives from Attendance Allowance, the care-component of DLA or the living component of PIP when assessing how much a person can afford to contribute within their financial assessment. DRE is a disregard of that disability-related benefit, where the amount disregarded is dependent on how much you spend on necessary expenditure related to your disability. See example below-

Example

If £60 per week Attendance Allowance is received and £40 per week of that income is used to meet disabled needs (where those needs aren’t met by Trafford Council), £20 of that income will be taken into account within the financial assessment.

Standard DRE

If a service user is in receipt of one of the qualifying disability related benefits detailed above and does not live in a Supported Living setting, the Council will automatically include a standard DRE allowance in the financial assessment. The current rate is £10 per week - A full DRE assessment can be requested at any time by completing a DRE form and sending it to the Council with any necessary evidence.

Service users living in a Supported Living setting do not qualify for the standard DRE allowance of £10 per week, but they can request a full DRE assessment as with any other Social Care Financial Assessment.

What does the Council class as DRE?

There is no specific list of what can be counted as DRE – it can be different for each person dependant on their individual circumstances. The Council will consider something as DRE if the following conditions are met:

The extra cost is needed to meet specific needs due to a medical condition or disability, as identified in the Care Plan assessment of needs or supported by additional medical evidence (e.g. a GP letter); and

The cost is reasonable and can be verified (evidence will be required); and

A reasonable alternative is not available for free or at a lower cost. If a reasonable alternative is available at a lower cost, the lower amount will be considered as DRE rather than the amount spent.

A guide listing some DRE items is included in Appendix 2 [DRE Guide](#), along with details of the evidence that might be supplied to verify these costs. This list is not exhaustive – it is based on the list included in the Statutory Guidance on DRE. Each person's needs are different and any other items of expenditure that meet the above criteria may be considered as DRE.

This guide is reviewed annually every April in line with the Department for Works and Pensions increase.

The following items are excluded from being considered as DRE:

Any expense not being paid for by the service user This includes any items or services being paid for by a grant (e.g. Disabled Facilities Grant), but also includes anything that is being paid for by family or friends;

Any item not yet being paid for – this includes any item that a service user is a saving up to buy or any item that they will expect to start paying for in future (once the items are being paid for a request for a review of the DRE may be considered);

Items of general expenditure which would be used by other members of the general population;

The difference between the actual cost of an item, and the lower cost of a reasonable alternative.

How is DRE calculated?

Once the Council has determined what items of service users expenditure can be considered as DRE, a DRE figure will be calculated to be included within the Financial Assessment. This will be calculated on a weekly basis, where an item is not paid for on a weekly basis the will be converted as follows:

Frequency	Conversion to weekly DRE
Fortnightly	Divide by 2
Four-weekly	Divide by 4
Monthly	Multiply by 12 then divide by 52
Yearly	Divide by 52

If an expense is paid for regularly with a frequency that is a multiple of one of the above this will be divided accordingly before applying the appropriate conversion to weekly. For example, if an item is bought every two months we would divide the amount by 2 then apply the conversion from monthly to weekly (i.e. multiply by 12 and divide by 52).

If an expense is paid for regularly with some other frequency this will be divided by the total cost of the expense by the number of days between purchases and multiply by 7. For example, if an item is bought every 25 days we would divide the amount by 25 and multiply by 7 to get a weekly figure.

For items that are purchased as a one-off expense, the Council will consider the expected lifetime of the item in order to convert it to a weekly amount. As a general rule the following guideline will apply:

Cost of Item	Expected lifetime
Less than £200	1 year
£200 - £1000	5 years
More than £1000	10 years

This is a guideline only – the Council will only consider the amount of time an item is expected to last when calculating DRE.

A letter explaining the calculation of your DRE will be sent once a decision has been made.

How much DRE can be received?

Once the Council has determined which expenses are allowable as DRE they will be converted to a weekly figure. Usually the weekly DRE will be the sum of all of these weekly figures, but the following conditions apply:

For some expenses there is a maximum amount that we will usually allow, as shown in [Appendix 2 DRE Guide](#), however, we will take individual circumstances into account and we may allow more than the maximum in certain cases.

If a particular item of expenditure includes an element of general expenditure as well as an elements which is to meet your specific, we will consider only those parts of the expense that are meeting specific needs. For example, if a service user pays a hair dresser, the hair washing costs will be considered as DRE if this task could not be completed themselves However, hair cutting costs would not be allowed, as this is a service used by the general population and is not a disability-related expense.

If the household is shared with other adults, and the expense relates to a service that supports the whole household, we will split the cost evenly between all adults in the household. Please note that if the service could be performed by another adult in the household for free we may not allow any of the expense as DRE.

In all circumstances, the total amount of weekly DRE that can be included in a Financial Assessment cannot exceed the amount of weekly disability-related benefit that the person receives.

If the total allowable DRE is less than the standard allowance that could be received (i.e. £10.00 per week for anyone not living in a Supported Living setting) the standard allowance instead will be added instead.

How will expenses be verified?

Evidence of an item of expenditure is required before it can be included as DRE. The DRE form includes details of the documents that the Council class as evidence.

Where an item is bought frequently more than one piece of evidence showing its purchase is required. The following is a guideline for the minimum number of pieces of evidence that you should provide:

Frequency of expense	Number of pieces of evidence
Weekly	5 pieces for recent consecutive weeks
Fortnightly	3 pieces for recent consecutive fortnights
Monthly	2 pieces for recent consecutive months
Yearly	1 piece (most recent)

If the expense fluctuates throughout the year more pieces of evidence are required so that an accurate DRE decision can be made. For example, gas and electric bills are usually higher for the winter months and lower for the summer months – evidence of these expenses should be provided ideally covering a full year so that the DRE can be accurately assessed.

When DRE allowance is first claimed for there may not be enough evidence for every expense. The claim for DRE should still be made for these items and as much evidence should be provided with an explanation of the evidence cannot be submitted. The Council will consider whether the expense is reasonable before including it in the DRE assessment.

Once a DRE decision has been made then any further evidence should be kept in order to support future applications. All letters that are sent to explain the DRE calculation explain that evidence of the disability-related expenditure should be kept in order to support future applications.

If unable to supply the evidence of an expense after having received the DRE calculation letters, the Council will not be able to include any DRE for that expense.

DRE reviews

The initial Financial Assessment will usually include the standard allowance of DRE. A review of this decision can be completed by submitting a DRE form with evidence of the amounts spent on disability-related items.

A review of the DRE can also be requested if there has been a change to the amount that is paid for disability-related items; this could be because something that is paid for regularly has changed in price, paying for something new or because payments are no longer being made.

The Council will also review DRE periodically. The amount of DRE that has been allowed will determine how often we ask for new DRE details:

DRE allowed	When we will review your DRE
Less than £30	A minimum of 2 years after your last DRE decision
£30 to £49.99	A minimum of 1 year after your last DRE decision
£50 or more	A minimum of 6 months after your last DRE decision

If there is a change in circumstances and the amount being spent is more or less than originally advised then the Council must be notified straight away. Any delay could mean that the assessed charges are incorrect.

If a completed DRE form is not returned within one month of the date on the form, the DRE will be reduced to the standard allowance. A review of this decision can be requested by providing a new DRE form with evidence of the amount spent on disability-related items.

What date will the DRE decision apply from?

The date a new DRE figure will be applied to the Financial Assessment depends on the circumstances in which they are being requested. The general rule is that the new DRE amount will be included in the assessment from the Monday following the date the completed DRE form is received.

However, there are a number of other circumstances in which we will apply the new DRE decision from a different date.

Circumstances

If the Council receives the request for a DRE review within one month of the date of the initial financial assessment notification letter the DRE amount will be backdated to the date the Financial Assessment began.

If the request for a DRE review is received over a month after the date of this letter, the new DRE amount will be applied to the financial assessment from the Monday after the date the DRE is been requested.

If there is a change to the Financial Assessment that results in the contribution towards care charges increasing the DRE form should be submitted within three months of the date the new assessment is made. This will result in the new DRE amount being added to the increased financial assessment. If it is received outside of the three months the new DRE amount will be applied to the financial assessment from the Monday after the date the DRE was requested.

If the Council are reviewing a DRE assessment and send a form to a service user to complete, the form must be returned within one month of the date it has been sent. The new DRE amount will then be added to the financial assessment from the Monday after the date the DRE form is returned.

If the form is not returned within one month of the date it has been sent The DRE amount will be reduced to the standard rate of £10 from the Monday following this month.

Occasionally the Council will update the DRE from a different date – e.g. if there is a good reason for not returning the form within the above deadlines, the Council may apply the new DRE amount from the earlier date nonetheless. Each case will be considered on its own merits.

Disagree with the amount of DRE

There are several circumstances in which a review of the amount of DRE can be requested see [DRE REVIEWS](#)

The Council will not always be able to include all expenditure that has been declared as disability-related as DRE within the Financial Assessment. This can be for several reasons; lack of supporting evidence, the Council does not consider that the item meets a service user's health or disability-related needs, there are cheaper alternatives to the item available, there has been a request for more than is received from the disability-related benefit etc. When the Council reviews the DRE they will send a letter that explains which items of expenditure have been allowed, which have been allowed with an amendment to the amount requested and which items haven't been allowed as DRE.

If a service user disagrees with a review of the DRE they can appeal against the decision. It is quite common for a service user to agree with parts of their DRE decision, even if they disagree with the overall assessment. A service user may have been allowed DRE for several items of expenditure exactly as requested, but disallowed DRE for other items. The appeal should only include the elements of the DRE decision that the service user disagrees with, and it should clearly indicate what these elements of the DRE decision are and why you think they are wrong. A service

user can appeal against the amount of DRE that has been allowed, and/or the date that the DRE has been included in the assessment.

Any time the Council reviews the DRE amount a form will be sent to out that should be completed if there is a request to appeal the decision.

If a service user requests an appeal it will be dealt with by the Adult Social Care Appeals team, unless it is to be treated as a review (e.g. when a service user has failed to return a DRE review form and the DRE has reduced to the standard allowance). They may ask the service user to supply further evidence or information in support of the appeal and give a deadline for providing this. The appeal documents will then be sent to the Assessments team in Exchequer Services and the Adult Social Care team to be discussed at the next DRE Appeals Panel.

The DRE Appeals Panel includes a senior member of the Assessments team and a senior member of the Adult Social Care team, and is overseen by a member of the Adult Social Care Appeals team. Decisions on each element of your appeal will be jointly made by the Assessments team and Adult Social Care team to ensure that your circumstances and expenditure are considered in as much detail as possible. The Adult Social Care team will ensure that each element of your appeal and all supporting information you have supplied has been considered.

The outcome of the DRE Appeal Panel may be:

- DRE appeal is allowed in full;
- DRE appeals is partially allowed; or
- DRE appeal is refused.

Alternatively, the DRE Appeals Panel may conclude that no decision can be made; you will be informed of this and asked to provide further information to be discussed at a later DRE Appeals Panel.

If the outcome is that the appeal is allowed in full, partially allowed or refused, this will be considered to have exhausted the Councils appeals process. This means that the service user cannot appeal these decisions again (though they can still review your DRE if there are changes in your circumstances, and appeal any new decision made on the DRE).

If you are not satisfied with the outcome of an appeal the service user has the right to refer your case to the [Local Government Ombudsman](#)

Appendix 2 – DRE Guide



Disability-related expense	Guidance	Maximum Amount ¹
Community Alarm System	Not allowable if included as part of Local Authority funded care package. Alarm systems included in rent are not allowable as DRE but will be included in financial assessment as Housing Costs.	Actual cost
Privately arranged care (for respite care/holidays see below)	Must be part of your care plan as an additional need that isn't being met by your care package. Local Authority funded care should be reduced accordingly.	Maximum amount is equivalent to 2 hours at current Local Authority commissioned rate
Privately arranged domestic help (e.g. house cleaning)	Must be part of your care plan as an additional need that isn't being met by your care package. There must not be any other person in the household that is capable of doing this work for it to be considered.	£15 per week
Garden Maintenance	There must not be any other person in the household that is capable of doing this work for it to be considered as DRE.	£15 per fortnight
Additional laundry and replacement of bedding	Where more than 4 loads of washing per week are required due to incontinence or other disability-related needs. This should be part of your care plan	As per NAFAO ² guidance
Continence Products	Not usually allowable as DRE because they are available free of charge through NHS Continence Services. Only products not available through this service will be considered.	Actual cost
Specialist Dietary Requirements	Items purchased must be for a specific dietary requirement due to disability or medical condition. These must be confirmed on care plan or by NHS doctor/specialist.	Actual cost, where these are more expensive than standard items.
Specialist equipment purchased due to disability	Equipment must be an essential purchase related to disabled needs. Cannot be considered as DRE if supplied for free of charge (e.g. by Disabled Facilities Grant or Trafford Equipment and Adaptations Service).	As per NAFAO ⁵ guidance

¹ In all cases, we may choose to allow more DRE than the maximum amount stated for a certain item of expenditure where individual circumstances indicate this is necessary.

² National Association of Financial Assessment Officers provides yearly a good practice guide for a number of disability-related expenses based on average costs and yearly inflation.



Maintenance of specialist equipment	Cannot be considered as DRE if maintenance is supplied free of charge (e.g. by Disabled Facilities Grant or Trafford Equipment and Adaptations Service).	Actual cost
Specialist footwear or more frequent replacement of clothing/footwear	Must be confirmed by care plan or NHS doctor/specialist. Expenditure must be above average for an amount to be allowed as DRE. Evidence of total cost of clothing expenditure should be provided with details of how much of this is due to disability. Usually no more than 50% of total expenditure will be allowed for frequent replacement of clothing/footwear.	Expenditure over £30.00 per pair of specialist footwear. Up to £5.77 per week for more frequent replacement of clothing/footwear
Additional fuel/water costs	Gas and Electric costs must be averaged over a full year. Only above average costs are allowed, where average costs are taken from NAFAO Good Practice Guide ³ . If you receive a Winter Fuel Payment this will be deducted from your total bill before calculating DRE. Water charges must be a metered service to be considered for DRE and above average cost for household ⁴ . You must not be eligible for WaterSure scheme.	Actual cost less average costs and any other financial assistance towards these costs.
Travel costs incurred due to disability	Travel costs must be incurred solely or mainly due to disability related needs, which should be part of care plan.	Actual cost, net of any income received from mobility component of DLA or PIP
Prescriptions, chemists and medical costs	Must be part of care plan. Only allowable if not provided free of charge through NHS. Extra spending on glasses above value of NHS Optical Voucher will not be considered as DRE. Chiropody will be considered if NHS chiropodist is not available.	Prescriptions: Cost of annual prescription prepayment certificate divided by 52. Glasses: Up to value of NHS Optical Voucher (unless you qualify for one). Other costs: Actual cost

³ NAFAO Good Practice Guide provides average combined fuel costs for various sizes of property, single or couple occupancy (couple rate will be used for any property with more than one adult occupier whether or not they are partners) and in various regions of England.

⁴ United Utilities is the water supplier throughout Trafford, and the average household charge is available on their website. Their WaterSure charge is based on the average household charge.



Holidays and privately arranged respite care	<p>Only the additional cost⁵ of going on holiday due to the person's disability-related needs will be considered. Respite care funded by a Direct Payment will not be considered.</p> <p>Any amount allowed for holidays will contribute towards the maximum allowance for privately arranged care.</p>	Maximum of £10.00 per week (£520.00 per year)
Other disability-related expenses	Other disability-related expenses may be allowed where they are part of the care plan or confirmed by an NHS doctor/specialist and evidence of the expense is provided.	Generally actual costs will be allowed. If expense is for an item of general expenditure, but there is an additional cost due to disability or health related needs, average cost for the item will be deducted.

⁵ For example, paying for a carer accompany you on holiday or specialist accommodation that costs more than standard accommodation.

PART B

CARE AND RESIDENTIAL SERVICES DEBT MANAGEMENT AND RECOVERY

1: Introduction

This part of the policy is specific to the debt management and recovery of the Council's care and residential/nursing services charges and describes the approach that the Council will take in carrying out this function. The debt management and recovery processes described in this section will be adopted for all the services and charges as described in [Financial Assessment Policy](#)

The Key Principles are:

1. **Collection of all money due** quickly, efficiently and economically taking into account the financial circumstances and mental capacity of the client.
2. **Prevention of debt and arrears** by prompt billing and collection of money due, alternative funding arrangements, affordable repayment plans and early intervention when a client is in arrears.
3. **Provision of a legal framework** to enable legal enforcement (where necessary) to recover debts.
4. **Compliance** with the Council's Financial Regulations and Standing Orders.

2: Collection of charges Appendix 3

For services commissioned by the Council the charges will be invoiced on a four-weekly basis, in arrears, for services received.

The Council reserves the right to vary this schedule subject to circumstances such as late notification of service delivery from providers or other factors that may affect the ability to produce invoices every four weeks.

Invoices are required to be paid in full within 14 days from the billing date.

Service Users are encouraged to make contact if they have difficulty paying the charges. Arrangements to pay arrears by instalments can be made subject to evidence being required relating to income and expenditure matters.

However, continued failure to make payment will result in action being taken to recover the debt in accordance with this Policy.

If services are arranged through a Direct Payment then the service user is required to regularly pay their assessed charge directly to their Pre-Payment card or dedicated bank account.

3: Deferred Payment Agreements

The Deferred Payments Scheme is designed to help if a service user has been assessed as having to pay the full cost of their residential care but cannot afford to pay the full weekly charge because most of their capital is tied up in their home. By entering into a deferred payment agreement with the Council, the equity in the home can be accessed without having to sell it in the service user's lifetime.

There are two types of agreements, one is for situations where the local authority is contracting directly with the care home on the person's behalf (and is deferring charging the person), often referred to as a charging or 'traditional' deferred payment agreement (DPA); the other for situations where the person is contracting with a care home themselves and the local authority is effectively 'loaning' them the money to pay their care home costs. Both agreements require the individual to meet the eligibility criteria for the deferred payment scheme as described below.

Eligibility Criteria

The Council will offer a deferred payment to service users who meet the eligibility criteria set out below:

Anyone whose needs are to be met by the provision of Residential /Nursing care permanently within a care home;

Anyone who has less than £23,250 in assets excluding the value of their home (i.e. in savings and other non-housing assets); and

Anyone whose home is not disregarded, for example it is not occupied by a spouse or dependent relative as defined in regulations on charging for care and support (i.e. someone whose home is taken into account in the local authority financial assessment and so might need to be sold)

The property must be registered with the Land Registry

The service user must have a beneficial interest in the property

There should be no outstanding mortgage or loans against the property

There should be no-one living in the property

The adult or their legal representative must consent to the agreement

The deferred payment agreement must be signed by a person with capacity to make the decision or their legal representative.

How does the ‘traditional’ DPA scheme work?

If a service user is eligible for the scheme the agreement will usually start 12 weeks after they have entered a residential care home. The Council will place a legal charge on the property. There will be an administration fee payable upfront once the charge has been placed. We will carry out a financial assessment based on on-going income and savings to determine a weekly assessed contribution. An invoice will be sent for this amount every four weeks and this amount must be paid as it cannot be offset against the value of the former home. The weekly cost of the care home that is not covered by the weekly assessed contribution will be deferred against the value of the property. The Council will in effect charge the full cost of the residential care placement, however the four weekly assessed contribution during the duration of the agreement will need to be paid.

How does the ‘loan-type’ scheme work?

If a service user is eligible for the scheme they would have the responsibility to pay the care provider for the care and the Council will loan the cost of care in instalments less any contributions that can be made from their income. The Financial Assessments team will complete an assessment to work out how much this will be.

The Council can refuse a deferred payment agreement if it is not satisfied that its financial interest is secure.

If accepting a property as security, the Council will check if it is able to place the first legal charge on the property’s Land Registry entry.

The Council will only accept a deferred payment agreement where at least 12 months’ worth of funding is available in the property value, less costs and the lower capital limit (currently £14,250).

If a spouse or dependent relative moves into the property following entry into the deferred payment scheme, the Council will review eligibility.

If the property is subsequently disregarded (and the service user qualifies for local authority support as a consequence) then the deferred payment is frozen and interest will continue to accrue. The Council will expect the client or family/legal representatives to start sale proceedings at this time.

The Council will ask the person to complete an application for the scheme.

Refusing a deferred payment agreement

The Council will refuse a deferred payment if they cannot obtain a legal charge by way of mortgage on the property.

The Council can refuse a deferred payment if the person lacks capacity and there is no appointed deputy to make such a decision.

The Council may also refuse a deferred payment where someone is seeking a top up; and/or where a service user does not agree to the terms and conditions of the agreement, for example a requirement to insure and maintain the property.

The Council can consider entering into an Interim Funding Agreement secured by a legally binding agreement.

Information for cared-for persons

The Council will ensure that service users considering entering residential care are made aware of the ability to defer charges against their property for their care.

The Council will advise the service user or their representative that there is an administration charge when entering into an agreement and the deferred payment is subject to interest charges.

The Council will advise the service user or their representative, that interest will be applied from day one of the agreement. The 12 week property disregard must be allowed where appropriate.

The Council will advise the person of the criteria that is attached to eligibility for the Deferred Payment Scheme.

The Council will advise people wishing to enter in to a deferred payment agreement that they may wish to seek independent financial advice.

The Council will advise the client if the property value falls below the recoverable value and give written notice that the agreement is to cease. At this time Trafford would expect the client or their family/legal representative to sell the property.

Deciding not to sell and refusing a Deferred Payment Agreement

If the service user does not want to sell their property and also chooses not to enter in to a deferred payment agreement, they will be deemed to be able to pay the full cost of their care and will be invoiced as such, following the debt recovery process in the usual way if invoices are not paid within 14 days.

Renting the property out

A service user may rent out their property during a deferred payment agreement but only on a short term basis, maximum 6 months tenancy, and permission must be sought from the Council before renting the property out. If rental income is paid to the service user the Council will request a copy of the tenancy agreement.

The Council will request the rental income to be paid to Trafford to reduce the amount of the accruing deferred payment debt.

Types of property ownership

Sole ownership- This situation arises where a service user owns their property outright, with no other owners. This is the most straight-forward case to handle and requires no special treatment.

Jointly owned- To access the deferred payment scheme all parties will have to agree to the charge being placed on the property.

Tenants in Common - To access the Deferred Payment Scheme this will require the original charge (i.e. tenants in common restriction) to be removed from the land registry title of the property and an agreement between the legal owners of the property that a charge will be secured against the property by Trafford Council.

Refusal of a deferred payment agreement described above means the scheme cannot be accessed. The service user will be made aware that they will be charged the full cost of their care and will be advised to seek financial advice.

To support a future claim, if non-payment occurs regular invoices will be sent to the service user or their representative for the care they have received.

Valuation of Property / Securing the DPA

The Council will accept a first legal mortgage charge as adequate security to enter into a deferred payment agreement. That is to say, if the person owns the property outright without a mortgage or another charge on it.

The purpose of the valuation is initially to establish whether the available equity is greater than the upper capital limit which will make the resident self-funding; however the value of the property will also inform the limit on the amount of equity the person can draw. This will be set at:

Value of the person's share in property less 10% (to cover legal fees) less £14,250 (capital below the lower capital threshold in the assessed charge means test should always be disregarded)

Where appropriate, the valuation will be net of any outstanding loan/mortgage on the property and of any repayment requirements of the property if it was purchased through "Right to Buy".

The property value is set at current market value and not that of the original purchase.

The Council will confirm the approximate value that is being taken into account in a financial assessment with the person.

A professional valuation will be asked to provide a current market valuation of the property in all cases of dispute for both parties. The service user or their representative will be asked to provide this. The Council can do this but at a cost which will be recharged back to the service user and added to the deferred charges.

Deferred Payments and the 12 Week Disregard

A 12 week property disregard will be applied and the scheme will be available subject to the appropriate eligibility criteria for all people whose savings and capital other than their former home total less than £23,250.

A service user already in residential care who may need to access local authority funding i.e. people already self-funding are not entitled to the 12 week property disregard.

Statement of Accrued Debt

The Council will inform the person every four weeks about the current level of the outstanding debt.

The Council will conduct valuations of the property annually and give an estimate of the length of time of the remaining equity.

Increased Personal Expenses Allowance

The Council expects a contribution from income to meet the costs of the person's care but they will always be left with the prescribed minimum allowance.

The costs involved in maintaining property e.g. insurance and repairs must be met by the person. Trafford can use its discretion to increase the expense allowance for a person; this is known as the Disposable Income Allowance and will be considered upon request on a case by case basis.

Notification on reaching the maximum deferred amount

When the deferred debt is reaching the maximum amount that can be deferred the council will advise as soon as is reasonable practicable.

Terminating the deferred payment - sale of property before death

If the service user has placed the property for sale from admission or chooses to sell at a subsequent date the accrued debt must be repaid upon the sale in order for Trafford to remove the charge.

Sale of the property is one of the agreed reasons for termination of the agreement. This will terminate the Deferred Payment Agreement and the service user will become self-funding. The service user must give 30 days' notice in writing of any such decision.

The actual sale price will be used for a final calculation of the debt and if appropriate, to identify when self-funding status ended.

Terminating the deferred payment - sale of property after death

Calculating the Debt – the accrued debt will be added to any other outstanding amount due to identify the final debt that is payable.

Lodging a Claim – the Executor of the estate will be notified within a reasonable time after the LA is notified of the death, with the actual or provisional debt. The Council will seek information on the approximate value of the estate to confirm previous financial assessment declarations. The debt is due from 90 days after death.

Debt Collection – If the debt has not been cleared within 4 weeks of the expiry of the 90 day period a reminder will be sent confirming the rate of growth of the debt and requesting a progress report. If no response is received the Council will follow its debt recovery process.

Calculating the Interest – The interest rate able to be charged is that as detailed in the Care and Support (Assessment) Regulations 2014. However, if a debt is not paid and requires County Court action, this will attract a higher rate of interest.

Removing the Charge

A charge will take between 7 and 10 days to remove. In order for a property be sold it will be necessary for the person's Solicitor to give the Council a written undertaking that they will discharge the debt. The Council can then give the Solicitor an undertaking that the charge will be removed. This will ensure that the sale can go ahead.

2: Alternative Short Term Funding Arrangements

In situations where a service user does not want to enter in to a Deferred Payment Arrangement, or cannot due to the eligibility criteria, then the Council can enter in to an alternative funding arrangement, which is seen as short term whilst alternative funding is released and/or court applications are processed for family members to officially act.

Solicitors Undertaking

Where a service user's house is already on the market then it may not be

appropriate to enter in to a Deferred Payment Agreement, in particular where a sale has already been agreed. However, the Council needs to ensure that the payments it has made and is due to make until the property is sold is secured and collected promptly.

The Council can therefore arrange a Solicitor's undertaking which is a legal document that is signed by your conveyancing solicitor confirming funds owed in outstanding care fees will be paid out of the proceeds of sale before funds transferred.

The cost of providing this service is charged back to the service user; see the Council's website for current fees and charges rates [Fees, charges and allowances](#)

Interim Funding Arrangement

An Interim Funding arrangement is where Trafford Council agrees to pay the cost of care home accommodation to your care provider on your behalf for a short (interim) period of time until a longer term funding arrangement is in place.

There will be occasions when a person entering a care home, who would be financially assessed as able to meet the full care home fees, is unable to pay those full costs immediately, and is not eligible for a Deferred Payment Agreement (for example, because they lack mental capacity to enter into a legal agreement and they don't have a financial representative who can access their financial assets).

This arrangement primarily relates to adults who lack mental capacity to manage their financial and property affairs and who:

- Do not yet have a legally-appointed representative to deal with their financial affairs; **AND**
- Have capital assets above the upper capital limit (which may or may not include a property); **AND**
- Have needs identified as being best met in a care home on a permanent basis; **AND**
- Do not have access to any other short term arrangements to cover their care home fees

There may be occasions where the Council will consider offering Interim Funding for other short-term situations where it has not been possible to enter into a Deferred Payment Agreement due to factors that are in the process of being resolved. For

example, where an individual is seeking a Deferred Payment Agreement, but is currently unable to due to issues around the registration of their property which they are actively taking steps to resolve.

The cost of providing this service is charged back to the service user, see the Council's website for current fees and charges rates [Fees,charges and allowances](#)

Eligibility Criteria

The Council may consider Interim Funding for a service user if:

- Their identified needs can only be met in a care home on a permanent basis; **AND**
- Their financial circumstances indicate that the service user is responsible for the full cost of their care home accommodation under the Council's Care and Support Financial Assessment and Charging Policy; **AND**
- They lack mental capacity to manage their finances; **AND**
- Their representative is not yet legally-appointed to manage their financial affairs; **AND**
- Their representative has not been able to make an arrangement with their care home to defer your care fees until they become appointed; **AND**
- Their representative has no other interim funding alternatives available to them while they wait for the Court to appoint them as deputy; **AND**
- Their representative is willing to provide a written undertaking that they are applying to the Court of Protection to become deputy and that once they are appointed deputy by the Court they will either discharge the deferred care fees or (where eligible) enter into a Deferred Payment Agreement with the Council

The Council may consider other situations to offer Interim Funding if a Deferred Payment Agreement is temporarily not available to a service user due to factors that are being actively being sought to resolve (for example, if the service users property is unregistered). These will be considered on a case-by-case basis.

The Council will carry out periodic checks on the interim funding arrangement and if no update has been received for three months we will contact the financial representative to request an update.

Once the financial representative has obtained the legal power to act for the service user and provides evidence to the Council, we will write to the financial representative to confirm that the Interim Funding will cease and either the accrued debt (including interest and any administration charges) will need to be paid in full, or the financial representative will need to enter into a Deferred Payment Agreement on the service users behalf, secured by a legal charge against the resident's property.

Conditions Placed on Interim Funding

Interim funding is provided subject to the following conditions:

The person acting for the service user will take all reasonable steps to acquire the legal authority to act. This includes applying to the Department for Work and Pensions to become appointee to manage the service users state benefits.

The portion of the charge relating to the service users state benefits will be paid promptly by their financial representative once they have been appointed to deal with their state benefits.

Once legal power to act is granted, the Interim Funding agreement will either be converted to a Deferred Payment Agreement or the balance of accrued charges including interest and administration charges is paid in full.

3: Interest charges; calculation; fees

The Deferred Payments regulations set the maximum interest rate that can be charged on deferred payments. The Council will charge the maximum rate of interest for Deferred Payment Agreements and Interim Funding Agreements. This maximum rate is fixed for periods of six months, and changes every 1 January and 1 July.

The maximum interest rate for deferred payments is based on the cost of government borrowing – more formally, the 15-year average gilt yield, as set out by the Office for Budget Responsibility twice a year in their Economic and Fiscal Outlook report.

The interest rate is derived by adding the gilt yield rate for the year in which the period starts to the default component.

The Council will apply compound interest every day following the start of a deferred

payment agreement/interim funding agreement and 90 days after the termination of an agreement.

The Council will apply an administration fee for arranging the deferred payment/short term alternative funding arrangements. This is payable at the start of the agreement (except where a court order is pending to access funds) and the agreement will not be set up without it. Trafford will apply further costs if it needs to undertake a revaluation of the property. This is set by the Council each year see website for current rates [Fees, charges and allowances](#)

4: Continuing Health Care (CHC) Funding

The deferred payment arrangement will not cease if a person is awarded CHC funding. Although, no further payments for care will be due to the Council, voluntary payments will be expected to reduce the outstanding deferred debt and it is expected that the property will be sold.

The Council will continue to charge interest until the debt is cleared.

5: First and Third Party Payments and Top Ups

If a client chooses residential care provision that is more expensive than those rates set by the Council, then a Top Up is required see [First and Third Party Top Ups](#)

The Council will not agree to any Third Party Top Up arrangement unless the legal agreement has been signed and agreed, therefore, if there are arrears on a Top Up account, the Council will commence the legal debt recovery process enforcing the legally binding agreement that was entered when the placement commenced.

6: Overpayments to Residential Care Homes

Whilst attempts are made to minimise the number of overpayments being made, it is sometimes unavoidable that payments have been processed before notification to terminate the placement has been received. For example, date of death, discharges and timing of payment cycle etc.

The Council will deduct and claw back any overpayments from future payments that are made to the care home.

7: Mental Capacity Act - see Mental Capacity Act

People who are acting in an official capacity for another person who fails to comply

with the agreement and make regular payments of client contribution will be viewed as not safeguarding the interest of the cared for person.

8: Debt Recovery Methods

In all debt recovery matters the Council has a public, legal duty to collect the charges it is owed and therefore all available Enforcement options available to the Council will be used including:

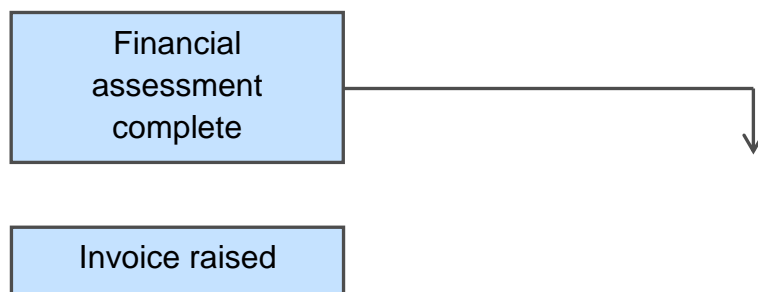
- Warrant of execution leading to Enforcement Agent action;
- The client being required to attend court for an oral examination of means;
- County Court Judgement
- Charging Order;
- Bankruptcy; or
- Third Party Debt Order.

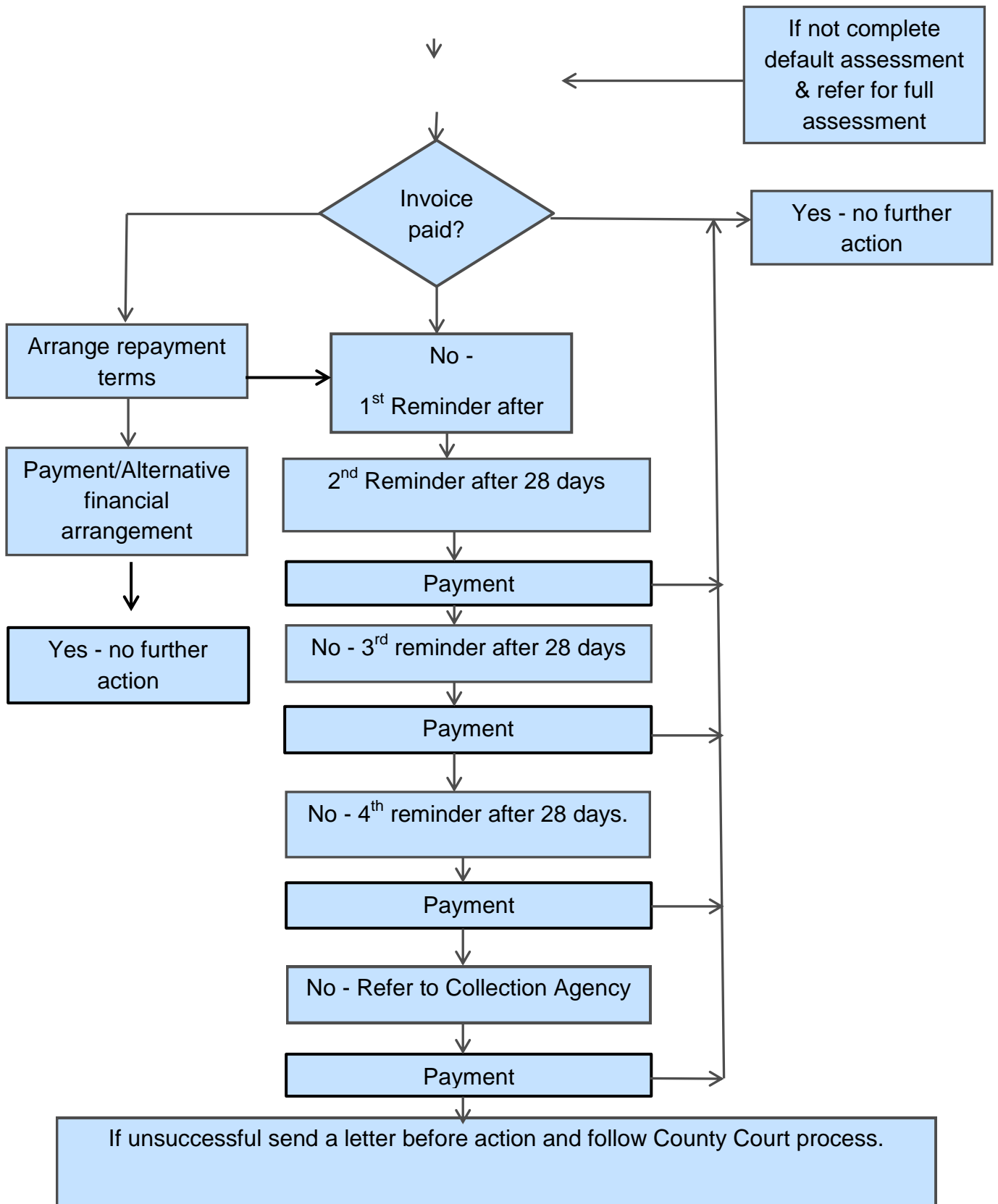
9: Policy Review

The Council reserves the right to review or amend this Policy at any time, subject to changes in circumstances, legislation or in conjunction with any other policies relating to fees and charges. Any significant changes or extension of the charging policy, other than to the annual fees and charges, would normally be submitted to the Council's Executive Group for approval and may also require a period of consultation dependent on the changes involved.

Appendix 3

VERSION APRIL 19





Part C

AMENDMENTS TO HOUSING ASSISTANCE POLICY 2011

1: Introduction

The quality of a home has a substantial impact on health; a suitably adapted, warm, dry and secure home is associated with better health. This revision sets out additional financial assistance, updates the final assistance offered in the Trafford Council Housing Assistance Policy, 2011 and outlines the introduction of land charges into the Disabled Facility Grant application procedure.

This revision to the Housing Assistance Policy, 2011 aims to:

- Help the residents of Trafford, who are disabled or who have a long term health condition, to live independently and to carry out essential day-to-day activities;
- Enable residents to continue living independently, comfortably and safely in their own home; and
- Provide financial support to assist moves to properties better suited to their needs.

Purpose

The purpose of this amendment is to update the Housing Assistance Policy, 2011 and outlines other assistance the Council delivers via both mandatory and discretionary Grants, designed to assist the residents of Trafford to remain in their own home or offer moving support.

Housing solutions have a fundamental part to play in the prevention agenda and the Council recognises that poor quality and/or poorly adapted housing can have an adverse impact on the health of the occupants, particularly those classified as vulnerable.

In addition to this, the loss of independence can result in people prematurely entering long term care when, with the right support, they could have remained in their own home. Helping residents of the borough to remain living independently in their own homes has been a long standing objective of Trafford Council and is part of a renewed emphasis on preventative care.

The aim of the amendment is to update the assistance that the Council is able to offer to vulnerable groups to undertake adaptations to their current home or support them to move properties better suited to their individual living needs, to support independent living.

Context and Regulation

- The Regulatory Reform (Housing Assistance) (England and Wales) Order, 2003 repeals the existing legislation covering Renovation etc. Grants and Group Repair on 18 July 2003 and replaces it with a single power for local authorities to provide assistance.
- Before an authority can exercise that power, it must publish a policy for the provision of assistance.

Assistance can take the form of grants, loans, loan guarantees or indemnities, provision of materials or labour or by incurring expenditure in other ways. They have the power to set the conditions under which any financial assistance should be repaid and the period over which those conditions should apply. Where they choose to give a loan or to attach conditions to a grant or loan, authorities have the power to waive any requirement to repay it or to reduce the amount they require to be repaid.

These powers apply when supporting people to move to an adapted property rather than adapting someone's existing home or where they wish to offer the applicant a choice of housing options within the borough.

The main legislation and strategy governing the delivery of the Housing Assistance Policy is as follows:

- Housing Grants, Construction and Regeneration Act, 1996;
- Regulatory Reform (Housing Assistance)(England and Wales) Order, 2002;
- Housing Act, 2004;
- Care Act, 2014;
- The Better Care Fund Policy Framework;

Housing Grants, Construction and Regeneration Act

Trafford Council, in its role as a Local Authority, is under a statutory duty by virtue of the provisions of the Housing Grants, Construction and Regeneration Act 1996 (the Act) to provide Disabled Facilities Grants (DFGs) where the appropriate legislative conditions are met.

The Act provides legislation for the provision of grant aided adaptations for disabled persons' properties within the UK. The Act allows for provision of adaptations to disabled persons' homes to reduce both the need for people to relocate to facilities which provide full-time care and to reduce the amount of care needed in people's homes.

Regulatory Reform (Housing Assistance)(England and Wales) Order 2002

The Regulatory Reform (Housing Assistance) (England and Wales) Order, 2002 sets a requirement for a Private Sector Housing Assistance Policy. The Order repealed the former prescriptive legislation with flexible and wide-ranging powers to provide assistance for housing renewal based on local circumstances and needs.

The Regulatory Reform Order (RRO) gives Local Authorities wider powers for providing assistance for repairs, improvements and adaptations. The assistance may take the form of a grant, loan, equity release, or more practical methods of assistance.

This Order has important implications for local housing authorities because it repeals much of the existing prescriptive legislation governing the provision of renewal grants to homeowners and replaces it with a new wide-ranging power to provide assistance for housing renewal.

Housing Act 2004

The Housing Act, 2004 is the main legislation covering housing standards and conditions and the enforcement regime relating to these issues. Relevant to this policy the Act introduced the Housing Health and Safety Rating System (HHSRS). HHSRS is the risk assessment procedure for residential properties introduced by the Housing Act 2004. A risk assessment is carried out under the system, which looks at the likelihood of an incident arising from the condition of the property and the likely harmful outcome.

Care Act 2014

In May 2015, the Care Act passed into English law, and fundamentally changed the way in which social care is delivered. It identifies housing as a social determinant of health, with a major impact on community health and wellbeing.

The Care Act 2014 builds on recent reviews and reforms, replacing numerous previous laws, to provide a coherent approach to adult social care in England. Part One of the Act (and its Statutory Guidance) consolidates and modernises the framework of Care and Support Law. It also sets out new duties for local authorities and partners, and new rights for service users and carers.

The Act places new responsibilities on Local Authorities with regard to improving the health of their residents supported by existing expertise within the Council. The Act places a new duty on Local Authorities to take such steps as they consider appropriate to improve health, including through giving information, services or facilities to promote healthy living and incentives to live more healthily.

The Better Care Fund (BCF)

The BCF was announced in June 2013 to drive the transformation of local services to ensure that people receive better and more integrated care and support. The combination of an ageing population and an increasing number of people with one or more long term conditions has been the driving force behind the implementation of the fund.

The BCF is a programme spanning both the NHS and local government. It has been created to improve the lives of some of the most vulnerable people in our society, placing them at the centre of their care and support, and providing them with 'wraparound' fully integrated health and social care, resulting in an improved experience and better quality of life. The BCF is a crucial part of delivering the aims of the Care Act and prevention.

Additional Types of Housing Assistance offered from the 1st April 2019

Following a consultation process, completed in 2018, the Council will revise the financial support offered through a Disabled Facility Grant and offer new financial assistance in the form of a Moving Assistance Grant.

2: Disabled Facilities Grant

The purpose of disabled facilities grants is to improve the dwellings of disabled people so that it is easier for them to use their properties. This could be in the form of enabling disabled people to be more able to care for themselves or making it easier for carers to look after a disabled person. These grants remain mandatory and the Council is required to administer DFG's in accordance with the Housing Grants, Construction and Regeneration Act 1996. The need for the adaptation will be determined by an Occupational Therapist (OT). Trafford Adaptation Officers will only act upon the recommendations detailed in the OT report, and provided the work is considered reasonable and practicable, will devise an appropriate scheme and administer the DFG. A financial test of resources (TOR) must be undertaken in accordance with the legislation. The TOR will identify any contribution required by the applicant towards the cost of the grant. The means test does not apply for requests for children.

The Council's Housing Assistance Policy, 2011 (section 8.26 and 8.27) offered up to an additional £15,000 for adaptations above the £30,000 Disabled Facility Grant threshold. This revised policy increases the financial assistance to an additional £20,000. This increased financial assistance reflects the growing need for more complex adaptations as people are living longer with increasingly complex medical living requirements.

The decision to offer increased assistance will be judged on a case by case basis as to the specific medically assessed needs of the client and the adaptation required.

3: Disabled Persons - Moving Assistance Grant

Trafford Council recognises that it is not always possible or cost effective to adapt a home to meet the requirements of the home owner or allowed by the respective Landlord. The purpose of this policy is to assist Trafford residents to move to an alternate property where a member of the household has been assessed as requiring major adaptations to their current home.

The Moving Assistance Grant will be available in one or more of the following circumstances:

- Where it is not reasonable and practicable to carry out the works recommended by an Occupational Therapist to the applicant's current home;
- Where the current home does not meet the long-term accommodation needs of the household;
- Where the residents move to an already adapted property or one that can be better adapted to meet their needs is the most cost-effective solution.

The following eligibility criteria and conditions will apply:

- The applicant must live in the Trafford local authority area;
- The resident has been referred to the Trafford Adaptations Team by an Occupational Therapist, for adaptations to their current property;
- The Moving Assistance Grant is to be used to fund moving support to a suitably adapted or adaptable property following an OT assessment and cannot be used to provide additional home improvements. The Moving Assistance Grant will cover expenses such as estate agent costs, conveyancing, packing and removal costs;
- The Moving Assistance Grant will be determined by the Adaptations Manger at the point of application and capped at an upper limit of £3,000;
- The Moving Assistance Grant does not prevent applications under a Disabled Facility Grant (DFG);
- If a Moving Assistance Grant has been provided to help the applicant move to an adapted property, any subsequent application for a DFG Grant, for the same adaptation at the property, may be refused;
- The Council may wish to investigate or formally verify any information provided in relation to a Moving Assistance Grant and false applications may result

in prosecution.

4: Introduction of Land Charges

From the 1st April 2019 the Council will place a Land Charge on every owner occupier property which is subject to a Disabled Facilities Grant. If such a property is sold within a 10 year period, starting on the date of completion of the work, the Council will use its discretion to reclaim the funding that exceeds £5,000, but may not require a repayment exceeding £10,000. This new policy is to reflect the increasing cost and number of adaptations across the borough and allow for fee recovery and for the recovered fees to be re-invested in adaptations in the borough.

Before a Disabled Facility Grant can be approved the applicant must complete the relevant application paperwork and agree to the Land Charge fees otherwise the Disabled Facility Grant will not be approved. All applicants will be advised to seek appropriate independent advice related to the nature and obligations of the Land Charges placed on a property.

In applying its discretion, the following criteria will be considered:

- The extent to which the recipient would suffer financial hardship if the grant were reclaimed;
- Whether the disposal of the property was to enable the recipient to take up employment, or change the location of their employment;
- Whether the disposal of the property is made for reasons of the recipient's mental or physical health or well-being;
- Whether the disposal is made to enable the recipient to live with, or near, any person who will provide care for the recipient by reason of their disability.

Part D

Client Services

1. ELIGIBILITY CRITERIA

To be eligible for services **all** the following criteria need to be met:

- The individual must be a resident of Trafford Council or be in receipt of services funded by Trafford Council.
- The individual is eligible for a social care service or has received a Trafford discretionary award or has been identified as an individual who is the subject of a safeguarding enquiry and Appointeeship/Deputyship is a required action;
- The individual lacks the mental capacity to manage their financial affairs; or
- The individual has capacity but is subject to or at risk of financial abuse (managing their financial affairs will form part of their protection plan). The individual must then consent to Trafford Council managing their finances.
- The individual does not already have an Appointee or Deputy or did not appoint a Lasting Power of Attorney (LPA) before becoming unable to manage their finances;
- The individual has no appropriate family, friends, associates or access to organisations who will be able to help them with their finances;
- Any cases involving income other than Department of Work and Pensions or capital held in accounts will require a Deputyship application.
- The individual must remain as an open case with Adult Social Services for the duration of the Appointeeship.
- Where an individual is the subject of a safeguarding enquiry and is not eligible for any care services, the case must remain open for the duration of the Appointeeship.
- **Individuals that do not meet the above criteria will need to be referred by the Care Coordinator to an independent advice service.**

2. INELIGIBLE CASES

- Any complex cases which are described as follows:-
Those with property, capital over £16,000, and any other circumstances deemed by the Client Services Team Manager as complex will not be eligible for Trafford's service. This will be decided on a case by case basis. The Care Coordinator will need to refer the case to an independent advice service.

3. REFERRALS

- For all cases the appropriate referral form and Mental Capacity Assessment (MCA) form must be fully completed and all financial information provided by the Care Coordinator (i.e. Social Worker, CPN etc.)
- In Safeguarding cases a copy of the protection plan needs to be included and a signed letter of authority where the individual has capacity.
- In the case of Deputyship referrals, the COP3 Mental Capacity Assessment must be completed by a qualified Social Worker, CPN, Mental Health Practitioner or GP.

4. CHARGING

- Deputyship cases will be charged in accordance with the Court of Protection's Fixed Costs structure.
- All Appointee cases where capital of a pre-determined amount is reached will automatically be migrated over to a Deputyship case.
- Appointee cases will be charged in accordance with the Council's Charging Policy, see [fees and charges](#)

5. PERSONAL ALLOWANCE/WEEKLY EXPENDITURE

- All Appointees and Deputies requiring cash or retail purchases will be provided with a Pre-Payment Card, either given to the carer or service user. This will be predetermined by the Care Coordinator completing a MCA. The Service user's required payment frequency and personal allowance will be decided by the Service user, Care Coordinator and the Client Services Assistant.

Any requests for extra monies should follow as below:

- Extra Personal Allowance - Maximum of 1 request per week
- All requests will come via email to Client.Services@trafford.gov.uk from the Service Provider or the Care Coordinator, where no service is in place.

- **Requests for household items over £200.00**

All requests will come via email from the Service Provider or the Care Coordinator, where no service in place for the Client. The Service Provider/Care Coordinator must obtain 3 quotes and evidence of this in order to ensure best value for the Client.

Evidence of the Best Interest Assessment should be included.

- **Requests for £500 and Over**

All requests will come via email to Client.Services@trafford.gov.uk from the Service Provider or the Care Coordinator, where no service

6. CHANGES IN AN INDIVIDUALS CIRCUMSTANCES

- Anyone who becomes aware of any changes in circumstances affecting the Service User will inform the Client Services Team. This will include those changes that may affect their benefits as well as those of their general well-being, e.g. change of address, hospitalisation, change of dependants, or the death of service user
- The Client Services team will write to inform the relevant parties (e.g. Court of Protection, Department of Work and Pensions) where there is a change in service user's circumstances. From 1st October 2012, the DWP introduced imposing fines should they not be notified of any changes in circumstances.

7. REVIEWS

- It is the responsibility of the Client Services Assistant to ensure that they take account of Service Users' financial affairs at all scheduled (every April) and unscheduled Appointee/Financial reviews.
- The Appointee/Financial review should confirm that the service user continues to meet the eligibility criteria, and make sure that any changes in the service user's financial situation are anticipated and made known. The relevant review form should be completed.



In completing the yearly social care review the Care Coordinator will review the client's needs, feelings wishes, beliefs, interests and their capacity to handle money and return a copy of the MCA and Best Interest decision to Client Services for their records in accordance with the Deputy Standards stipulated by the Office of the Public Guardian.

8. RELINQUISHING APPOINTEESHIP

- If a request to relinquish the Appointeeship or transfer the role of Appointeeship from the Council to an individual/3rd party is received then the request must be discussed with a Care Coordinator and if appropriate the Safeguarding team. If there is not an allocated Care Coordinator then the case needs to be referred to the Screening team.
- If the request is deemed suitable then the request must be approved by the relevant Care Coordinator.
- If the request is considered unsuitable by the Care Coordinator then the grounds must be discussed with the individual/3rd Party. The Care Coordinator will write to the requester informing them of the decision and advise them if they wish to challenge the decision then can do so via the Council's Complaints Procedure.
- If an Appointee/Deputy client moves out of the Trafford Area and their care is being transferred to another Local Authority, the Council will relinquish the Appointeeship. The Care Coordinator should make a referral to the relevant Local Authority.

9. CLOSING ACCOUNTS OR DEATH OF A SERVICE USER

- All authority to manage a person's financial affairs is confined to their lifetime and ceases on the death of the Service User.
- The appropriate team should inform the Client Services team, immediately, or vice versa. They should liaise with administrators of the estate or next of kin, where appropriate.



- If there is no known executor or family member, the Client Services team will refer the case to an estate research company.
- In cases of intestacy when no beneficiary entitled at law to claim an estate can be found the Client Services team will liaise with the Solicitor for the Affairs of the Duchy of Lancaster.
- In such circumstances cases are administered by the Solicitor in accordance with the Administration of Estates Act 1925, the Companies Act 1985 and other relevant legislation.
- More information can be found at: www.bonavacantia.gov.uk

10. PROTECTION OF PROPERTY

- The Council has a responsibility under Section 47 of the Care Act 2014 to protect an adults property if it appears that there is a danger of loss or damage to movable property because the adult is unable (whether permanently or temporarily) to protect or deal with the property, and no suitable arrangements have been or are being made, the Council must take reasonable steps to prevent or mitigate the loss.
- Client Services must receive a signed consent form from the adult concerned.
- Where the adult lacks capacity to give consent, a Best Interest Decision must be made by the Care Coordinator and the evidence submitted to the Client Services Team.
- Two members of staff will complete a Protection of Property. They will complete an inventory, search the property for valuables and important documents and remove any items of value and put them in the Client Services safe. This is documented and signed for and reported to the referring Care Coordinator to ensure that the items are returned at a later time.



- The referring Care Coordinator must notify Client Services of any changes whilst they are holding the property.
- In the event that property is not returned within a year, a letter will be sent to the last known address of the adult and if no response the items will be donated to charity.
- There is also a charge for the completion of Protection of Properties. This is agreed by the Council each year as part of the Fees and Charges setting. [fees and charges](#)
- Disposal of Property
The Council would sell the items after 2 years (if not claimed)
A notice will be served to the last known address and if the items are not collected the ownership of the items would be transferred to the Authority and donated to the Lord Mayor's charity. Any medals held will be donated to the Imperial War Museum.

11. ANIMAL BOARDING

- Under Section 47 of the Care Act 2014 the Council also has responsibility to arrange for the collection and care of pets where a resident is admitted into hospital in an emergency and there are no other suitable arrangements.
- The Care Act 2014 also allows the Council to recover this cost directly from the client.
- If the collection and care of a pet is required, the Care Coordinator involved in the case will notify the client that there will be a cost for the service, where the client does not have capacity; a best interest decision will be made.
- The Care Coordinator will then contact the trusted provider and arrange for collection of the pet.
- The Care Coordinator will complete the referral form, collating all the relevant information and email this to client.services@trafford.gov.uk



- The Care Coordinator has a responsibility to monitor the time the client has spent in hospital and whether it is reasonable to determine if and when they will return home.
- Client Services will also monitor this to ensure that the animal boarding costs do not increase to an unmanageable amount for the client.
- The Council has a responsibility to protect the pet until the resident returns home, or can make other arrangements. If the pet is unable to return home, the Care Coordinator will discuss the options with the client or someone who is authorised to act on their behalf to talk through their options.
- The Council will not make a decision to permanently rehome the pet without consent from the client, the authorised representative, or by making a best interest decision where necessary.
- The Council will receive an invoice for the animal boarding costs once the client has been discharged, or the animal has been rehomed. The Council will then recharge the client for this. See [fees and charges](#)

12. LOCKSMITHS COSTS

- Under Section 47 of the Care Act 2014 the Council has a responsibility to arrange for a locksmith where forced entry into a property has been required to complete a mental health assessment.
- The Care Act 2014 allows the Council to recover this cost directly from the client.
- The Care Coordinator will make the necessary arrangements with a trusted provider and email the clients details to client.services@trafford.gov.uk
- The Council will pay for the services provided and then recharge the client once they have been discharged from hospital. Charges may vary for this service.

13. DEATHS IN THE COMMUNITY

- The Council has a responsibility under Section 46 of Public Health (control of disease) Act 1948 (replacing Section 50 of the National Assistance Act 1948) to arrange for the burial or cremation of a person found dead in the Trafford area (excluding deaths in hospitals), where it appears that there have been no suitable arrangements for disposal of the body.
- Client Services will receive a referral detailing name, date of birth, address and any other information from the local Coroner.
- Client Services will check with a genealogist company to confirm who the next of kin is.
- Where there is no known next of kin, two members of the Client Services team will complete a search on the property to see if there is a Will or details of any family members. They will complete an inventory, search the property for valuables and important documents and remove any items of value.
- If there is a Will the executor will be contacted.
- If there are no further details and still no known next of kin, the Client Services team will arrange and pay for the low cost funeral with a local funeral director.
- If a family member is located but they do not have the funds to pay for the burial or cremation, they will be advised to seek advice from <https://www.gov.uk/funeral-payments>
- If a protection of property is completed and there is an estate there will be a charge for this as agreed by the Council each year as part of the Fees and Charges setting. See [Fees and charges](#)
- If a funeral is arranged and there is an estate, there will also be a charge for this service as agreed by the Council each year as part of the Fees and Charges setting.
There will also be an invoice sent to recover the cost of the funeral to Trafford Council.