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## 1 Introduction

It is important that people engaging with Adult Social Care understand that they can be charged for the care and support they receive. Services provided through Adult Social Care are not free at point of contact, as may be the case with the National Health Service (NHS).

BCP Council's Charging Policy explains what care and support services a person may be charged for and how we calculate what is reasonable for a person to pay. We call this calculation a financial assessment.

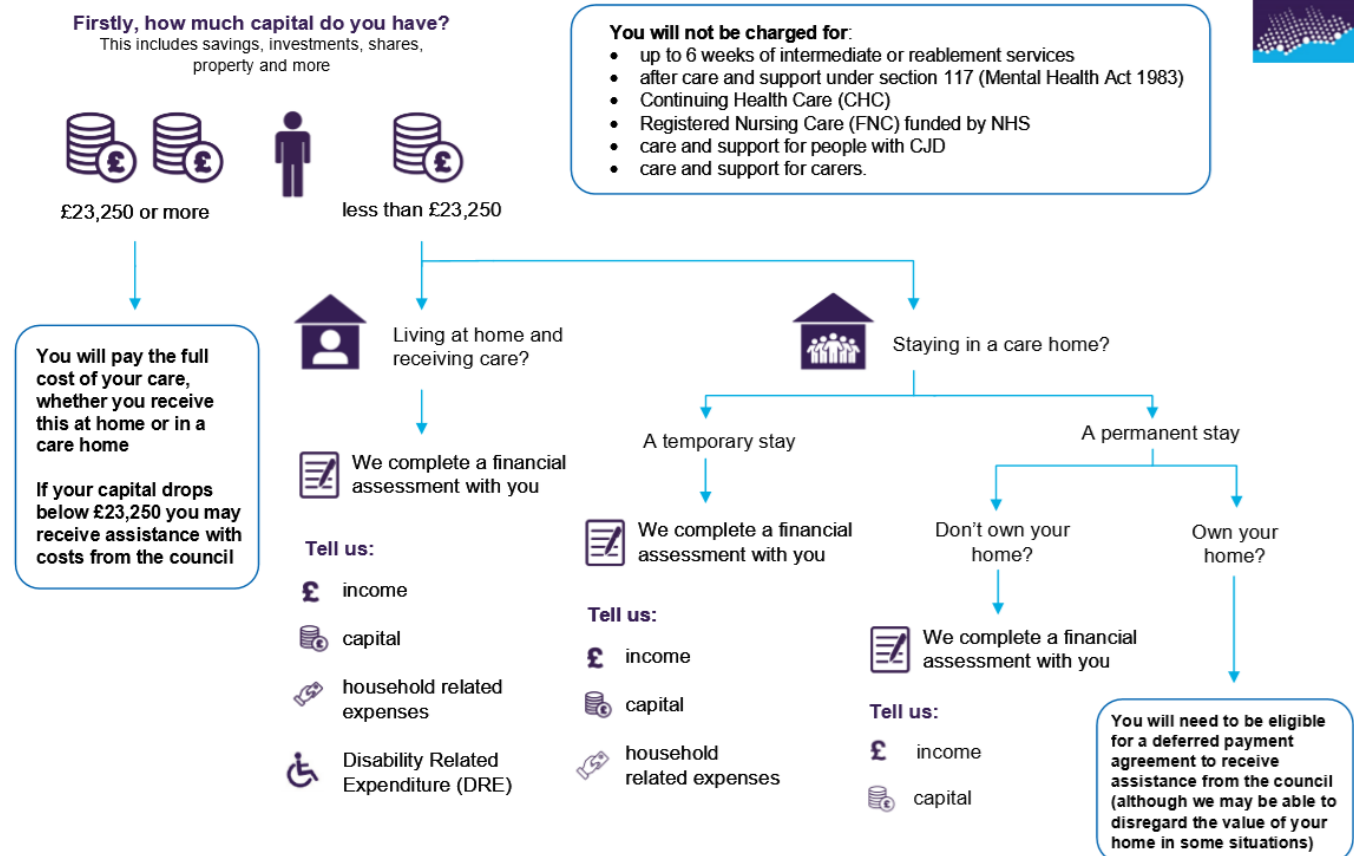
BCP Council's Charging Policy complies with the Care Act 2014. Our aim is to provide a consistent and fair framework for charging and financial assessment for all individuals who receive care and support services.

BCP Council may charge for other services provided by Adult Social Care that do not directly relate to care and support, for example the provision of training. The administration of these charges is dealt with in separate Adult Social Care policies or guidance.

**When we refer to 'we'** this means Adult Social Care Services, as part of BCP Council. We also mean other departments or organisations who are supporting Adult Social Care Services in providing care and support services.

**When we refer to the 'person'** we mean the person who is receiving care and support. Where someone has a financial representative, 'person' also refers to the representative who is acting on behalf of the person receiving care and support.

# How does BCP Council charge for the care and support I receive?



## The financial assessment (if you have £23,250 in capital, or less)



We complete a financial assessment with you to work out what you will contribute to your care and support costs



We will usually need to see evidence of your income, capital and expenses



### Living at home and receiving care?

- Income**  
We include most of your income, although we will not include some benefits and payments
- Capital**  
We will not include capital that you have under £14,250  
  
If you have capital between £14,250 and £23,250 we will include £1 for every £250 you have over £14,250
- Your main or only home**  
If you own the home you live in, we will not include it in the assessment
- Minimum Income Guarantee (MIG)**  
We will not include some of your income so that you have money to cover your normal living costs. BCP Council MIG rates are outlined in Appendix 1.
- Disability Related Expenditure (DRE)**  
We will also not include some of your income because you use this to cover extra expenses you have, due to a disability or longterm condition. Further information can be found via the link below.



### Staying in a care home? A temporary stay

- Income**  
We include most of your income, although we will not include some benefits and payments
- Capital**  
We will not include capital that you have under £14,250  
  
If you have capital between £14,250 and £23,250 we will include £1 for every £250 you have over £14,250
- Your main or only home**  
If you own the home you live in, we will not include it in the assessment
- Personal Expenses Allowance**  
£30.15 per week from your income will not be included. This covers your day to day costs
- Household related expenses**  
If you have expenses related to your usual home we will not include some of your income because you use this to cover these costs. For example, water bills



### Staying in a care home? A permanent stay

- Income**  
We include most of your income, although we will not include some benefits and payments
- Capital**  
We will not include capital that you have under £14,250  
  
If you have capital between £14,250 and £23,250 we will include £1 for every £250 you have over £14,250
- Personal Expenses Allowance**  
£30.15 per week from your income will not be included. This covers your day to day costs
- Savings Credit disregard**  
Depending on what savings you have, you may get a Savings Credit disregard, usually up to £6.95 per week for an individual (up to £10.40 per week for couples)
- Deferred Payment Agreements**  
If you own your home, or another property, then normally you will pay the costs of your care and support yourself. However, if you are eligible, a deferred payment agreement may enable you to receive 'a loan' from the council, using the value of your home as security.

[Disability Related Expenditure \(DRE\) Information - Care and Support Statutory Guidance \(Annex C - Paragraph 39 - 41\)](#)

## 2 Legal Framework and Principles

The [Care Act 2014](#) provides a single legal framework for charging for care and support.

Section 14 of the Care Act 2014 provides local authorities with the power to charge individuals who receive certain care and support services. Please see [4 When we won't charge](#) for a list of services that we do not charge for.

Section 17 of the Care Act 2014 allows BCP Council to assess a person's finances in order to confirm the amount an individual can contribute to the cost of meeting their eligible care and support needs. This is called a **client contribution** or an **assessed charge**.

BCP Council will refer to [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#) and the [Care and Support Statutory Guidance](#) issued under the Care Act 2014 in all regards for specific guidance relating to charging and financial assessment, and as such, these statutory regulations form the basis of this policy.

This policy is subject to any national changes in legislation and/or regulations. There may be occasions of unprecedented change to local or national circumstances which will require BCP Council to adapt its charging framework for Adult Social Care, in line with the latest government guidance or legislation. The impact of any changes will be fully considered, and decisions recorded, with the aim of upholding the principles below.

### 2.1 Principles

The principles underpinning this charging policy are:

- To ensure a fair, consistent and comprehensive charging framework, where all contributions towards the cost of care and support are based on what is reasonably practicable for the person to pay.
- To ensure that the charge is based on the actual cost of the service to BCP Council and is sustainable for us in the long term. Charges will therefore be reviewed annually and may be adjusted based on changes to the cost of services delivered.
- That our charging arrangements should support our work to promote wellbeing, as outlined in the Care Act 2014.
- That our charging arrangements are person-focused, reflecting the range of care and caring journeys an individual may experience and the variety of options available to meet their needs.
- To ensure that care and support needs are assessed separately from a person's ability to pay.
- To encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so.
- To support carers to look after their own health and wellbeing and to care effectively and safely.
- To be clear and transparent, so that people know what they will be charged and how their client contribution is calculated.
- That all efforts will be made to provide accessible information for every individual.
- To be fair and equitable to all.

This policy applies to charging arrangements for people previously assessed by the local authorities preceding BCP Council: Bournemouth Borough Council, Dorset County Council and Borough of Poole Council (from now on referred to as the Legacy Councils), as well as people coming to BCP Council Adult Social Care Services for the first time.

For Adult Social Care staff and Adult Social Care individuals' responsibilities, please see [23 Roles and Responsibilities](#).

### 3 How we charge: care and support received at home or in the community, residential care and support for carers

BCP Council calculates charges for care on a weekly basis, from Monday to Sunday.

For those receiving care and support at home or in the community, we will send an invoice to the person every four weeks.

Direct payments are paid to a person excluding their client contribution.

For people receiving care and support in a care home, we may pay the council's contribution to care homes directly, excluding the person's client contribution and any top-up that may have been agreed. We will inform the care home of how much the person's contribution is and they will then invoice the person directly for that amount. These payments are made every two weeks. Alternatively, the council can pay the care home the full cost of the care and then invoice the person every four weeks for their assessed client contribution.

Care providers or care homes may request that any payments made directly to them are at a different frequency, for instance monthly.

There are general rules as to how a person's capital and income are treated; the following sections will explain this. Later sections outline our position specifically in relation to:

- [14 Charging for care and support a person receives at home or in the community](#)
- [15 Charging for care and support a person receives in a care home or nursing home.](#)

We do not charge for services provided directly to carers.

#### 3.1 When will a person's contributions start?

A person's contribution is payable from the date their chargeable care and support commences. Should a person receive details of their client contribution after their care and support has started, they should expect that their contribution will be backdated to this date and that they will be required to pay their assessed contribution in full.

We aim to advise individuals of their assessed client contribution as soon as practicably possible. The speed at which we can do this will sometimes depend on additional questions we may need to ask of the person or their representative, and how quickly we receive information to support the financial assessment.

If a person is concerned that the backdated payment is unaffordable, we ask that the person contact us at the earliest opportunity to discuss the situation. For more information, please see [BCP Council Debt Management Policy](#).

### 4 When we won't charge

As outlined in the [Care and Support Statutory Guidance](#) (Chapter 8, paragraph 14), BCP Council will not charge for:

- intermediate care for up to 6 weeks
- reablement services for up to 6 weeks
- aids and minor adaptations (up to a cost of £1000)
- care and support provided to people with Creutzfeldt-Jakob Disease (CJD)
- after care services and/or support provided under section 117 of the Mental Health Act 1983
- any service or part service which the NHS is under a duty to provide. This includes Continuing Health Care (CHC) and the NHS contribution to Registered Nursing Care (FNC)
- interim care funded by the NHS pending the outcome of a full CHC assessment



- assessment of a person's needs and care planning (a person contributes to the cost of meeting their care and support needs; they do not pay for the time spent assessing what those care and support needs might be).

BCP Council has also made the decision not to charge for the following, although the Care Act 2014 allows us the discretion to charge:

- services provided directly to carers.
- administration costs relating to arranging care for those who have capital over the limit of £23,250, see [9 When a person is considered to be able to self-fund their care](#).

## 5 When we will charge

All other services arranged by Adult Social Care on behalf of BCP Council (i.e., those not showing in the above section) will be charged for. This may be the full cost of the service or a reduced amount, as decided by a financial assessment.

In some cases, a person may not be required to pay a client contribution because a financial assessment shows that their income is only just enough to cover their basic living costs, and their capital is lower than the lower capital threshold of £14,250. See [12.2 Capital limits](#).

## 6 Information, advice and engagement

Further to this policy, we will provide information explaining how we will conduct a financial assessment and what information and evidence we require from the person to do this. This will usually be in writing although we may also provide information and advice online, over the phone or in person.

We will always provide written confirmation of a person's assessed client contribution.

Where we identify that a person appears not to be receiving the benefits they are entitled to, we will inform them and advise where to make the application. In some situations, an increase in a person's income may result in an increase in their client contribution.

We look to provide information to the person using their preferred communication method. As outlined in our principles, we aim to make information accessible for all and will respond to individual requirements where we can.

We will consult people receiving care and support services arranged by us on any major changes to our charging framework. However, this does not apply to legislative or regulatory changes that may affect what we charge; for example, the Personal Expenses Allowance (PEA) is set annually by the Government.

## 7 Financial representatives

A person who has mental capacity to manage their financial and property affairs may wish to nominate someone to act as a financial representative on their behalf. We require the person to sign a declaration to confirm this. A person may have already arranged for someone to act under registered power of attorney, we will require evidence of this.

A person who lacks mental capacity to make financial decisions may have:

- previously arranged for a person to act under registered power of attorney for property and financial affairs
- been granted a deputy for property and affairs by the Court of Protection or,
- an appointee for benefits who deals with any income they receive from the Department for Work and Pensions (DWP).

We require evidence that a financial representative has authority to act on the person's behalf.

We strongly encourage people to consider appointing an attorney before they require the assistance of one. For more information go to [gov.uk/power-of-attorney](https://gov.uk/power-of-attorney).

## 8 Mental capacity considerations

BCP Council will need to establish whether or not a person has the mental capacity to make financial decisions. Either way, the person must still receive a financial assessment to confirm the contribution they should pay.

However, if we have identified that the person does not have mental capacity to make these decisions, they will not be able to consent to a financial assessment. We will talk with family and friends to identify someone to act as an authorised financial representative.

If the person who is deemed to lack capacity has no-one acting under registered power of attorney or as a deputy, then an application to the [Court of Protection](#) for deputyship may be required.

There may be occasions where we have cause for serious concern as to how a person's money is being managed. We have a duty to report these cases to the Office of the Public Guardian and will do so, as well as making a referral to the Adult Social Care Safeguarding team.

### 8.1 Interim funding: paying costs of care and support whilst an authorised financial representative is put in place

Where a person lacks capacity to make financial decisions and does not have an authorised financial representative, they may find themselves in a situation where they are unable to access their money. In these circumstances, BCP Council may consider temporarily meeting the full cost of the care service to ensure that a person's care and support is not put at risk due to non-payment.

We will make these payments on the understanding that:

- no other arrangements can be made to secure the care and support being received
- someone is applying to become an appointee and/or a deputy
- this person is treating the application as a priority
- the appointee/deputy will advise us promptly once they have the outcome of the application
- the appointee/deputy will complete a financial assessment for the person receiving care and support once they have been authorised as a financial representative
- the appointee/deputy will arrange repayment of the backdated assessed charge from the person's available finances.

We require assurances from the person seeking to become the authorised financial representative that the application is progressing. Failure to provide these assurances may result in BCP Council seeking an alternative financial representative to act on behalf of the person receiving care and support.

Once a person has been made an appointee or deputy, we require them to promptly complete the financial assessment form and promptly arrange repayment once we have advised them of the person's assessed charge.

## 9 When a person is considered able to self-fund their care and support

Where a person has £23,250 or more in capital, they will be expected to fund their care and support without the assistance of BCP Council. See [12 Capital and the financial assessment](#) for information as to how this is calculated and what is included.

In some cases, it may be determined that a person receives a sufficient amount of income to pay for their care and support without the assistance of BCP Council. See [13 Income and the financial assessment](#).

Where a person is able to fund their care and support themselves, the council can still meet eligible care and support needs if they are delivered outside of a care home setting and the person requests that we do so.



A care and support assessment will be needed to ensure that the care and support provided is necessary and/or appropriate. We will invoice the person for the full cost of the care and support provided. We will not make a charge for our administration costs.

Individuals who are self-funding their care and support may wish to approach the council for financial assistance once their capital drops close to £23,250. If contacted, we will look to complete a financial assessment to indicate what the person's client contribution may be if their capital drops below £23,250.

There may be occasions where a person is self-funding their care and support in a care home, and the cost of this is higher than our standard agreed rates with residential care providers. If a person becomes eligible for assistance from the council in this situation, they must bear in mind that they may have to either move to alternative accommodation or be able to arrange payment of a top-up. See [11 'Top-up' payments](#) for further explanation.

## 10 Carrying out a financial assessment

BCP Council will offer a financial assessment to everyone who is receiving, or is likely to receive, care and support services that we charge for. The financial assessment will confirm how much a person can afford to contribute to the cost of the services they receive.

We must complete a financial assessment to determine what a person's client contribution will be. We will complete this before the chargeable care and support begins, where possible.

In most cases we require evidence to confirm a person's capital, income and relevant expenditure. It is the responsibility of the person applying for assistance with their care and support costs to provide evidence to support the financial assessment.

Once a financial assessment is completed, we will provide the person with a written record of the assessment. We will also confirm in writing what the client contribution will be and how often it should be paid.

### 10.1 What is capital and what is income?

Capital is any financial resource available to use, even if not immediately available. This may be savings, land, property, stocks and shares, trust funds or cash. There are many other financial resources that may also be considered capital.

Income is usually money that is; earned, received as a benefit, or received from investments.

We will treat a person's financial resources as either capital or income. We will not treat a resource as both because this would disadvantage the person receiving the financial assessment.

When we determine whether a resource should be treated as capital or income, we will take into account whether the resource is paid for a specific period and/or is intended to be part of a series of payments.

Please see the [Care and Support Statutory Guidance](#) (Annex B, paragraphs 8 and 55 – 57) for more information as to which type of payments are considered capital, and which type of payments are considered income.

### 10.2 'Light-touch' assessments

In some circumstances we will not require a person to complete a full financial assessment to confirm their client contribution. This is because we are satisfied that the available information already confirms how much the person can afford to pay.

Examples of where a light-touch assessment may be appropriate include:

- Where a person has significant capital, savings and/or income, and does not wish to undergo a full financial assessment for personal reasons. Please see [12 Capital and the financial assessment](#) for more information.

- Where we charge a small or nominal amount for a particular service which the person is clearly able to meet the cost of and would have the relevant minimum income left.
- When we are provided with evidence that an individual is in receipt of certain benefits, or someone else receives a benefit for them.

The decision to complete a light-touch assessment is at the discretion of BCP Council. If a person does not agree with the outcome of a light-touch assessment they can ask for a full financial assessment.

### 10.3 Reviewing the financial assessment

Financial assessments will normally be reviewed annually. However, a person may request a review of their financial assessment at any time.

If a person has a change to their income or a significant change to capital at any time, the person must contact us so that we can arrange a financial reassessment. In most cases the change to a person's client contribution will take effect from the date the person's financial circumstances changed.

### 10.4 Where we are unable to complete a financial assessment

Where a person or their representative declines or refuses a financial assessment, BCP Council is entitled to require the person to pay for the full cost of their services.

In some circumstances, we may choose to base a financial assessment on the information currently available to us. This decision is at the discretion of BCP Council.

## 11 'Top-up' payments

Where possible, we will provide a choice of accommodation relevant to the person's eligible care and support needs and within the person's personal budget, as determined by their care and support assessment. BCP Council adheres to the relevant legislation governing choice of accommodation, as explained in the [Care and Support Statutory Guidance](#), Annex A.

However, a person may prefer a setting for their care and support that is more expensive than the choice of accommodation available within the person's personal budget, as outlined within their care and support plan. In accordance with the [Care Act 2014](#), BCP Council does not have a responsibility to meet the extra cost of this preferred accommodation.

A top-up payment will need to be arranged for the person to be able to move to, or continue to stay in, their preferred accommodation. This regular payment will cover the difference between the maximum rate stated in the personal budget, and the actual cost of the preferred accommodation.

A top-up may be paid by the person receiving the care and support, or by a third party. This will depend on the circumstances and is explained in the sections below: [11.2 First party top-up payments](#) and [11.3 Third party top-up payments](#).

Where we agree that a top-up arrangement is affordable and sustainable, we will place the person in their preferred accommodation, providing that:

- the accommodation meets the person's eligible care and support needs
- the accommodation provider will enter into a contract with us on the council's usual terms.

We will provide advice and information to assist the person in deciding whether a top-up arrangement is right for them. We also suggest that the person receives independent financial advice.

When a person enters into a top-up arrangement, they must sign an agreement. The agreement will include the details of the arrangement and the consequences of ceasing to make payment.

Please note, a top-up payment is paid **in addition** to a person's client contribution. Where a top-up payment is required, the client contribution is calculated based only on the maximum rate stated in the person's personal budget.

### 11.1 Agreeing a top-up payment arrangement

BCP Council has a responsibility to ensure, within reason, that the person who will pay the top-up payment is willing and able to do this.

We will refer to the [Care and Support Statutory Guidance](#) when we decide whether a top-up payment is affordable and sustainable. We may request information from the person who will pay the top-up to confirm their financial circumstances. This information will be processed in accordance with our data privacy notice.

We will advise the person who is to pay the top-up that they:

- must expect to be able to pay the top-up for the likely duration of the stay
- may be liable for any increases due to changes in the accommodation's fees or changes to the financial assessment
- must expect to be liable to repay any unpaid top-up payments to the council, where we have made payments to the provider to cover these unpaid fees
- may face legal action if they refuse to repay the council
- must expect that the person who the top-up is paid for may need to move to best value accommodation if the top-up is not paid or is no longer affordable.

The person who is to pay the top-up must agree to the above if we are to arrange care and support in the preferred accommodation setting.

We will review top-up arrangements periodically to ensure that they continue to be affordable and sustainable.

### 11.2 First party top-up payments

A person can only pay a top-up towards their own care and support if:

- they are subject to a [12-week property disregard](#)
- they have a deferred payment agreement in place with BCP Council (the council will pay the top-up element, the amount will then be added to the sum that is deferred; see [Deferred Payment Agreement Policy](#))
- they are in accommodation provided under section 117 of the Mental Health Act 1983 for mental health aftercare.

The above conditions are all subject to BCP Council agreeing that the top-up is affordable and sustainable, as explained in [11.1 Agreeing a top-up payment arrangement](#).

Where a person is paying a top-up from their capital during the 12-week property disregard, it should be noted that this will not reduce the level of tariff income that applies during those 12 weeks. See [12.4.1 Tariff income](#).

### 11.3 Third party top-up payments

A third party is not obliged under national regulations to provide their financial information and/or evidence to the council for the purposes of assessing their ability to pay a top-up. However, we may ask for information and evidence to support a person's top-up request.

The applicant should understand that providing information and/or evidence will help us in reaching a more accurate decision. Where we do not have enough evidence that a top-up is affordable, we are likely to turn down the request.

## 11.4 Paying the top-up

Once agreed, the person liable to make top-up payments can either:

- pay the top-up payment directly to the care home provider
- pay the top-up payment to BCP Council. We will pay this to the care home provider and invoice the payee for the arranged top-up amount
- have the agreed top-up amount added to their deferred charge. This only applies for individuals who have a deferred payment agreement; see [Deferred Payment Agreement Policy](#).

The arrangement will be agreed with the payee and the care home provider in writing. This will include frequency of payments.

## 11.5 Consequences of ceasing to pay top-up payments

BCP Council will ensure payments continue to the care home provider in the event of non-payment by the person who has agreed to pay the top-up. We will consider doing this as a short-term measure only, to ensure the person's living and care arrangements are secure whilst alternative arrangements are made.

However, we are not obliged to continue to fund the extra cost of the care where an alternative arrangement can be made. Should there be a breakdown in the top-up arrangement, we will investigate as to whether another person can make these payments. We will also review the person's care and support plan.

Where there is no option for a top-up payment to continue to be paid, the person in the preferred accommodation may need to move to an alternative setting. In making this decision we will take into account the outcome of the care and support plan review.

The Care Act 2014 gives BCP Council the power to recover any payments we have made to the accommodation provider due to unpaid top-up payments. The person who has agreed to pay the top-up is liable to make these repayments. We will therefore pursue repayment in these cases. This can also include legal action and we reserve the right to recover our legal costs. For more information, please see BCP Council Debt Management Policy.

## 12 Capital and the financial assessment

A person's capital is taken into account when financially assessing the client contribution that the person will pay. Firstly, we will identify whether the amount of capital a person has will affect their eligibility to receive financial assistance. See [12.2 Capital limits](#). Secondly, where a person is eligible for financial assistance, we will calculate how the amount of capital will affect how much the person's client contribution will be. See [12.4.1 Tariff income](#).

### 12.1 What is capital?

Capital is any financial resource available to use, even if not immediately available. This may be savings, land, property, stocks and shares, trust funds or cash. There are many other financial resources that may also be considered capital.

When deciding what should be treated as capital, we will consider the advice given in the [Care and Support Statutory Guidance](#) (Annexe B).

BCP Council will not include a person's financial resources twice in the financial assessment. For example, if a person has an annuity, we will not include this as capital and as income from payments.

### 12.2 Capital limits

When we assess how much a person can afford to contribute to their care and support, we will apply an upper capital limit of £23,250 and a lower limit of £14,250.

A person with capital over £23,250 will be considered able to self-fund their care and support without financial assistance from the council.

A person with capital between £14,250 and £23,250 will have the amount of their capital taken into account as part of the financial assessment. See [12.4.1 Tariff income](#).

A person with capital below £14,250 will not have the amount of their capital included in the financial assessment.

### 12.3 Who owns capital

Normally the owner of capital will be the person whose name the capital is held in. They are the legal owner. However, there are cases where someone may be a 'beneficial owner'. The [Care and Support Statutory Guidance](#) (Annex B, paragraph 10) explains further what we will consider when determining if a person should be considered a 'beneficial owner'.

In some cases, there may be a dispute regarding ownership of a capital asset. Where ownership is disputed, we will require written evidence to prove who the owner is. If it cannot be adequately proven that the person does not own the capital asset, is not a beneficial owner, or is legally unable to access the value of the capital asset, it will be included as capital in the financial assessment.

### 12.4 How we assess/treat capital

In general, the value of capital will be included at the current market rate or surrender value. For how we assess the value of a property, please see [12.5.2 How we financially assess property](#).

#### 12.4.1 Tariff Income

Where a person has capital between the lower capital limit of £14,250 and the upper capital limit of £23,250, we will include 'tariff income' in the financial assessment.

For every £250 of capital, or part of £250, we assess that a person can contribute £1 per week towards the cost of their eligible care and support. This is their tariff income. Please see the [Care and Support Statutory Guidance](#) (Annex B, paragraph 27) for an example.

#### 12.4.2 Treatment of investment bonds

Due to the range of investment products on offer, we may seek advice from our legal department if it is unclear as to how we should treat capital held in an investment bond.

#### 12.4.3 Capital held abroad

Where capital is held abroad and it can be transferred to the United Kingdom, we will assess the current value using the relevant exchange rate. Capital held jointly abroad will be treated the same as if it were capital held jointly in the United Kingdom.

Where capital cannot be wholly transferred to the United Kingdom, please see the [Care and Support Statutory Guidance](#) (Annex B, paragraphs 21 and 22) as to how this will be treated.

#### 12.4.4 Capital which is not immediately accessible

Where capital cannot be made immediately available due to notice periods, the current value will still be taken into account and at its value on the date of the financial assessment.

### 12.5 Property

Property is a form of capital and so may be included as part of the financial assessment. Property is usually a person's home, but may also be other buildings or land that a person owns, co-owns or has a 'beneficial interest' in. Where it is included in the assessment, the assessed value (see [12.5.6 How we financially assess property](#)) is taken into account from the date of the financial assessment, unless a 12-week property disregard applies (see [12.5.4.2 The 12-week property disregard: for individuals residing permanently in a care home](#)).



However, we will first establish if the property should be disregarded.

#### 12.5.1 When we disregard property

We will only consider disregarding a person's main or only home. Any other property, such as a second home, property that is let and/or land, will be included as part of the financial assessment. This includes property held abroad which must be declared.

The following sections explain when we will disregard a person's main or only home.

#### 12.5.2 How we treat property when a person receives care and support whilst living in their own home

We will disregard a person's main or only home in the financial assessment when someone receives care and support services whilst living in their own home.

#### 12.5.3 How we treat property when a person temporarily stays in a care home or hospital

We will disregard a person's main or only home when the person temporarily stays in a care home (including as a respite stay) or in a hospital, as long as the person:

- intends to return to this home (and it is available for them to return to) or
- is taking reasonable steps to dispose of this home so that they can buy a more suitable property which they intend to live in.

#### 12.5.4 How we treat property when a person permanently moves to a care home

Where a person moves permanently to a care home, we will normally include their former home as capital in the financial assessment, as explained in [12.5.6 How we financially assess property](#). However, we may be able to disregard the person former home in the circumstances explained below.

##### 12.5.4.1 Disregarding property when the main or only home is still occupied

Where a person has moved permanently to a care home, we may be able to disregard the property in the financial assessment if someone from the following list lives there (referred to as the occupier).

The disregard will only apply if the occupier lives at the property as their main or only home and they lived there before the person receiving care and support moved to a care home. If it is unclear, we will ask for more information and/or evidence in order to decide whether the person can be considered to occupy the property.

The occupier must be either:

- the partner, former partner or civil partner of the person receiving care and support (unless they are estranged)
- a lone parent if they are the person's estranged or divorced partner
- a relative (this must be a relative from the list below) or member of the relative's family, who is also either:
  - aged 60 or over
  - is a child aged under 18 of the person receiving care and support
  - is incapacitated.

When we refer to a 'member of the relative's family', we mean someone who is living with the relative as their partner or spouse.

When we refer to someone who is incapacitated, we mean someone who is receiving disability benefits or would receive a disability benefit if they applied for it. We may ask for medical evidence if it is unclear that someone should be considered incapacitated.



When we refer to a 'relative' we mean:

- parent (including an adoptive parent)
- parent-in-law
- son (including an adoptive son)
- son-in-law
- daughter (including an adoptive daughter)
- daughter-in-law
- step-parent
- step-son
- step-daughter
- brother
- sister
- grandparent
- grandchild
- uncle
- aunt
- nephew
- niece
- the spouse, civil partner or unmarried partner of the first 11 referenced above (from parent to sister).

#### 12.5.4.2 The 12-week property disregard for individuals who permanently live in a care home

During the first 12 weeks' stay in permanent residential accommodation, the value of a person's main or only home is disregarded where they have been assessed as having eligible needs for care and support, and the person is eligible for assistance with funding.

This will only apply from the date:

- the person first enters a care home as a permanent resident; for example, a 12-week property disregard does not apply if a person has been self-funding their care in a care home before approaching the council for assistance with funding
- the property disregard relating to the person's partner occupying the property ends. This may be because the partner has themselves moved to a care home or has died.

After 12 weeks, unless there is a statutory disregard of the property, the value of the property is included as a capital resource in the financial assessment. At this point BCP Council can only continue to assist with funding if a deferred payment agreement can be arranged. For more information regarding other disregards of property please see the [Care and Support Statutory Guidance](#) (Annexe B, paragraphs 34 – 42).

#### 12.5.5 Discretion to disregard property

There may be other circumstances where we will consider disregarding a property. The purpose for offering a discretionary disregard is to safeguard certain occupiers from the risk of homelessness.

We will determine whether there is a risk based on the information available and we reserve the right to refuse a property disregard if we do not consider it is appropriate. We will have reference to the [Care and Support Statutory Guidance](#) when making this decision.

### 12.5.6 How we financially assess property

Where property is not disregarded it will be included as part of a financial assessment. We will initially complete a light-touch assessment to confirm the likely equity in the property.

Once we have confirmed the amount of estimated equity, we will disregard 10 per cent of the figure to allow for expenses associated with selling property.

If it is clear from the light-touch assessment that the estimated equity, and any other capital the person holds, totals more than the upper capital limit of £23,250, we will confirm in writing that the person is not eligible for financial assistance from the council.

However, if the combined value is close to £23,250, or there is not enough information to complete a light-touch assessment, we will require more evidence. This will include:

- a land registry search
- a desk-top valuation
- evidence of any outstanding charges held against the property, such as a mortgage
- any other evidence that we consider required to complete an accurate assessment.

In all cases, we reserve the right to conduct a full assessment where we are not satisfied that a light-touch assessment is appropriate. If we feel the evidence provided is not sufficient to make an accurate assessment, we reserve the right to assume that the value of the property is higher than the upper capital limit of £23,250.

### 12.5.7 Property and a deferred payment agreement

A deferred payment is a way of deferring the costs of care and support against the value of an asset, usually the home of the person who is receiving care.

This means a person delays part of their payments towards their care and support costs by agreeing that BCP Council will pay this part now, and they will pay the money back later, usually when the deferred payment agreement ends.

A deferred payment agreement can only be considered in certain circumstances and only when a person is permanently living in a care home (and occasionally where someone is living in supported living accommodation). For more information, please see [Deferred Payment Agreement Policy](#).

## 12.6 Capital that is disregarded

We disregard some types of capital in the financial assessment. For a current list of capital that we must disregard under national regulations, please see the [Care and Support Statutory Guidance](#) (Annex B, paragraph 33).

Other capital may be disregarded for a limited time period. For a current list of capital that we will disregard under national regulations, and for how long the disregard will apply, please see the [Care and Support Statutory Guidance](#) (Annex B, paragraphs 47 – 52).

BCP Council will disregard capital that a person holds in a business for a reasonable period of time if we are satisfied that steps are being taken to obtain their share of the asset as soon as practicable. This is relevant where capital held in a business is not readily accessible. When making a decision as to whether this capital should be disregarded, and for how long, we will have due regard to the [Care and Support Statutory Guidance](#) (Annex B, paragraphs 50 – 52).

## 12.7 Capital available on application and notional capital

The [Care and Support Statutory Guidance](#) distinguishes between:

- capital already owned by a person, but for which they must apply in order to access the money (capital available on application) and
- capital not owned by the person, or not held directly in their name, but which would become theirs if they requested it (notional capital).

### 12.7.1 Capital available on application

Where a person needs to apply for capital but has not yet done so this will be treated as already belonging to the person, apart from the following:

- capital held in a discretionary trust
- capital held in a trust derived from a payment in consequence of a personal injury
- capital derived from an award of damages for personal injury which is administered by a court
- a loan which could be raised against a capital asset which is disregarded, for example the person's main or only home.

### 12.7.2 Notional capital

In some circumstances we may treat a person as having capital, even if it is not held directly in their name. This is called notional capital and could be capital which:

- would be available to the person if they applied for it
- is paid to someone else, although it is for the person
- the person has deliberately deprived themselves of to reduce the amount they have to contribute to the cost of their care and support.

We will include notional capital from the date that the person could have received it; for example, this may be based on the date that they were aware they could apply for the capital. Please see the [Care and Support Statutory Guidance](#) (Annex B, paragraph 60).

Where a person has been assessed as having notional capital, we reserve the right to include the maximum of what we consider could be available to the person.

The value of notional capital will then be reduced weekly by the difference between the weekly rate the person is paying for their care and support, and the weekly rate they would have paid if notional capital did not apply. For an example, please see the [Care and Support Statutory Guidance](#) (Annex B, paragraph 31).

More information on how notional capital is identified in deprivation cases can be found in [16 Deprivation](#).

## 13 Income and the financial assessment

### 13.1 How we treat income

To accurately assess how much a person can contribute to their eligible care and support needs we must know what their income is. We will gather this information, and evidence where needed, as part of the financial assessment.

Income will always be taken into account unless it is disregarded under national regulations. Please see [13.2 Income that is disregarded](#) and [13.3 Income that is partially disregarded](#).

The amount of income we include in the financial assessment will always be after the deduction of any income tax or National Insurance contributions.

Where a benefit payment has been reduced, for instance due to a previous overpayment, we will take into account the amount the person is entitled to before the reduction.

Only the income of the person receiving care and support will be taken into account in the financial assessment. Where this person receives income as one of a couple, we will assume that they have an equal share of that income.

Where a person lives with a partner or spouse and receives care and support whilst living at home, we will consider the impact of this on their financial situation.

#### 13.1.1 How we treat income from pensions and annuities

In most cases when we complete a financial assessment, the amount a person receives as a pension or annuity is taken into account in full as income. However, there are some exceptions.

In the cases below we will assess pension income differently, in line with the [Care and Support Statutory Guidance](#):

- Where a person has removed pension or annuity funds and placed them in another product or savings account, this will be treated according to the rules for that product.
- Where a person is only drawing a minimal income from an annuity product, or choosing not to draw an income, we may apply notional income. This will be the maximum income that could be drawn under an annuity product. Please see [13.4 Notional income](#).
- Where a person is drawing down an income that is higher than the maximum available under an annuity product, the actual income that is being drawn down will be taken into account.

#### 13.2 Income that is disregarded

We disregard employed and self-employed earnings in full. For what we mean by earnings, see the [Care and Support Statutory Guidance](#) (Annex C, paragraphs 9 – 13).

For a list of income from benefits that we will disregard under national regulations, please see the [Care and Support Statutory Guidance](#) (Annex C, paragraph 15).

We include Working Tax Credits when we assess what a person can afford to pay towards the cost of their care and support in a care home. However, we disregard Working Tax Credit when we calculate what a person will contribute to the cost of their care and support arranged other than in a care home.

An annuity will only be disregarded if it:

- was purchased with a loan secured on the person's main or only home
- is a gallantry award, such as the Victoria Cross Annuity or George Cross Annuity.

For a list of other income that we will disregard under national regulations please see the [Care and Support Statutory Guidance](#) (Annex C, paragraphs 29 – 32).

#### 13.3 Income that is partially disregarded

Where a person is in a care home and paying half of the value of their occupational pension, personal pension or retirement annuity to their spouse or civil partner, we will disregard this payment.

There are circumstances where we can disregard parts of income from an annuity purchased as a 'home income plan'. Please see the [Care and Support Statutory Guidance](#) (Annex C, paragraphs 22 – 25).

There are circumstances where we can disregard parts of income from a mortgage protection policy. Please see the [Care and Support Statutory Guidance](#) (Annex C, paragraphs 27 – 28).

For a list of other income that we will partially disregard under national regulations, please see the [Care and Support Statutory Guidance](#) (Annex C, paragraph 33). This includes information relating to savings disregards for individuals and couples.

### 13.4 Notional income

In some circumstances we may treat a person as having income, even if they do not receive it. This is called notional income and could be income which:

- would be available to the person if they applied for it
- is due to the person but they have not received it yet
- the person has deliberately deprived themselves of to reduce the amount they have to contribute to the cost of their care and support.

The above also includes where a person of qualifying age has a pension plan but has not purchased an annuity which would allow them to access the annuity income that would be available.

BCP Council calculates notional income from the date it could be expected the person would have begun to receive the income; for example, the date a person is made aware they could claim a disability benefit would be the date that they could apply for that benefit.

Where notional income is included in a financial assessment, we treat this in the same way as actual income. Therefore, we will disregard any notional income that would be disregarded as income in a financial assessment.

There are some sources of income that we will **not** treat as notional income:

- income payable under a discretionary trust
- income payable under a trust set up with a payment made as a result of a personal injury where the income would be available, but has not yet been applied for
- income from capital resulting from an award of damages for personal injury that is administered by a court
- an occupational pension which is not being paid because:
  - the trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources
  - the trustees or managers of the scheme have insufficient resources available to them to meet the scheme's liabilities in full
- Working Tax Credit.

## 14 Charging for care and support which a person receives at home or in the community

This section relates to charging for services such as:

- home care
- day centres and day activities
- bathing at a day centre
- transport to and from day centres
- supported living
- personal budgets and direct payments
- support in an extra care housing scheme that is not counted as home care
- Shared Lives scheme.

This section also relates to how we charge people in prison for care and support services arranged by BCP Council's Adult Social Care Services.

So that we can complete a financial assessment, we will ask about the person's income and capital. We will also ask about certain household expenditure and disability related expenditure that the person has.

For information as to how we treat capital and income, see [12 Capital and the financial assessment](#) and [13 Income and the financial assessment](#).

However, the value of a person's main or only home will be disregarded when we assess a person's contribution to the above types of services. Any other property they own will be taken into account, as explained in [12.5.6 How we financially assess property](#).

#### 14.1 Minimum income guarantee (MIG)

When someone is receiving care and support at home or in the community, we will ensure that a person keeps a minimum amount of their income, after paying towards the cost of their eligible care and support needs.

This is called the minimum income guarantee (MIG). The MIG should enable the person to cover their necessary living costs and assist them to live independently.

The Government publishes MIG rates annually, see [Social care charging for local authorities](#). BCP Council ensures these rates are applied as a minimum and annually reviews the MIG rates set. [Please refer to Appendix 1 for the BCP Council MIG Rates for 2024/25](#)

Where a person lives with a partner or spouse and receives care and support whilst living at home, we will consider the impact of this on their financial situation.

#### 14.2 Disability Related Expenditure (DRE)

When a person has a disability, or disabilities, they may spend extra money because of this; for example, they may spend extra on laundry, or have higher than average heating bills due to a disability. We call this Disability Related Expenditure (DRE).

As part of a person's financial assessment, we will ask a person to confirm their DRE if they receive a disability benefit. Every individual is different, and so their DRE will be too. We therefore consider the individual's circumstances, including their care and support needs, when deciding what can be considered as reasonable DRE, and how much to disregard from their disability benefit award.

Where necessary to support our decisions, we will consider the advice given in the National Association of Financial Assessment Officers' (NAFAO) Guide to Disability Related Expenditure. This guide is updated annually.

The NAFAO guide is just that. Therefore, in some circumstances we may consider allowing for items not included in the NAFAO guide or allow for a higher cost than suggested in the guide. Similarly, whilst an expense or allowance may be suggested in the NAFAO guide, we may consider that in certain individual cases, that it would not be appropriate to disregard the expense or allowance in the financial assessment. BCP Council decisions relating to DRE are made in line with the [Care and Support Statutory Guidance](#) (Annex C paragraphs 39 - 41.), evidence to confirm an expense may be requested.

The following principles will inform our decision as to what is considered as DRE:

- ~~• Only items where the person has to incur the DRE in order to maintain independence should be allowed.~~
- A DRE assessment will normally apply for a full year. However, it may be reviewed more frequently if the person requests this.
- We will consider the person's care and support needs when making a decision.
- ~~• Only the most cost effective and reasonable form of DRE will be allowed within the financial assessment.~~



- Consideration will be given to the reasonableness of disregarding this expenditure in relation to the person's circumstances.
- Evidence/receipts may be requested to verify the expenditure. It may be that items will not be included within the financial assessment if no evidence of expenditure is provided.
- Items will be allowed based on past expenditure not future expenditure.
- The costs of transport considered eligible as DRE can only be included if the amount paid each week exceeds the amount of the Disability Living Allowance or Personal Independence Payment mobility component that the person receives. Generally, the mobility component should cover the cost of transport.

A person can request their DRE allowance be reconsidered if they have concerns about the decision. Final decision-making authority rests with the Director of Adult Social Care Services.

## 15 Charging for care and support which a person receives in a care home

So that we can complete a financial assessment we will ask for details of the person's income, capital and value of assets they own. If someone is staying temporarily in a care home, we will also ask about certain household expenditure that the person has. See [15.2 Temporary and short-term stays in a care home](#) for more information.

For information as to how we treat capital and income, please see [12 Capital and the financial assessment](#) and [13 Income and the financial assessment](#).

We will take into account some state benefits a person receives, for example Attendance Allowance. This may be different to the state benefits we take into account when someone is receiving care and support in their own home. For a full list of benefits that we take into account, and what we disregard when someone is residing in a care home, please see the [Care and Support Statutory Guidance](#) (Annex C, paragraphs 14 – 16).

### 15.1 Personal Expenses Allowance (PEA)

When someone is receiving care and support in a care home, we will arrange that a person keeps a minimum amount of income, after paying towards the cost of their eligible care and support needs.

This is referred to as a person's Personal Expenses Allowance (PEA). The Government sets the amount of PEA annually. See [Social care charging for local authorities](#). A person should be able to spend their PEA as they wish.

Although national legislation advises councils that they must leave a person with the nationally set amount of PEA, this does not override our right to charge a tariff income or include notional capital or income in a person's financial assessment. Please see [12.4.1 Tariff income](#), [12.7 Capital available on application and notional capital](#) and [13.4 Notional income](#) for more information.

There are some situations where we would consider allowing more than the minimum PEA. Please see the [Care and Support Statutory Guidance](#) (Annex C, paragraph 46) for more information.

### 15.2 Temporary and short-term stays in a care home

Following the assessment of a person's eligible care and support needs, it may be decided that a person would benefit from a temporary stay in a care home.

A decision that a person should stay temporarily in a care home will be agreed with the person and will be written into their care and support plan.

#### 15.2.1 What is a temporary stay and what is a short-term stay?

A temporary stay in a care home is a stay that is intended to be for a limited period of time and there is a plan for the person to return home. Usually this would be for a stay of less than 52 weeks, although there may be exceptional cases where the stay may be longer.

There may be occasions where a person is staying in a care home on a permanent basis; however, a change in circumstances allows for them to return home. In terms of the person's financially assessed client contribution, we will treat the person as being a temporary resident from the date of admission in these cases.

Where a temporary stay becomes permanent, we will update the financial assessment from the date the care plan is amended and agreed with the person.

A short-term stay in a care home is a stay of no more than 8 weeks.

Charges for respite stays are dealt with separately to this policy as part of Adult Social Care respite arrangements.

### 15.2.2 How we charge for temporary stays

BCP Council will include a person's capital and income in the financial assessment, as explained in [12 Capital and the financial assessment](#) and [13 Income and the financial assessment](#).

However, certain disregards will apply because the person will have a main home to maintain whilst they are temporarily staying in a care home.

We will disregard the person's main or only home if the person:

- intends to return to this home (and it is available for them to return to) or
- is taking reasonable steps to dispose of this home so that they can buy a more suitable property which they intend to live in.

We will disregard part of their income to cover some costs relating to their home. What we allow is based on what we consider necessary so that their home is in a fit condition for them to return to, for example contents insurance.

Where they are not the only person living in their home, the amount disregarded will be based on what we would reasonably consider is their portion to pay, for example 50% of the council tax if they live with another adult who is liable for the council tax bill.

Where the person's partner or spouse remains at home, we will consider whether they have sufficient income to cover their necessary living costs. For example, we may disregard half of the private or occupational pension of the person who is temporarily staying in a care home, if the partner or spouse would normally rely on this income to meet their day to day living costs.

We will disregard Attendance Allowance, Disability Living Allowance and Personal Independence Payments if the person is receiving any of these.

We will also disregard certain payments the person receives, such as Housing Benefit, the housing element of Universal Credit and income from sub-letting part of their home. Where a person has income from a boarder, we will disregard the first £20 of the income, plus half of any balance over £20.

### 15.2.3 How we charge for short-term stays

Usually a person's contribution to a short-term stay will be financially assessed as above.

However, in exceptional circumstances we may consider that a person requires short-term residential care, due to difficulties in resourcing specific eligible care services to support and maintain the person living in their own home.

In these cases, we may assess and charge the person as if they were receiving the care and support they are eligible for in their own home. The decision to do so is at the discretion

of BCP Council, as outlined in the [Care and Support Statutory Guidance](#) (Annex F, paragraph 8).

### 15.3 Permanent stay in a care home

A person residing permanently in a care home is likely to contribute most of their income towards the cost of their care and support. As explained in [15.1 Personal Expenses Allowance \(PEA\)](#), PEA will be taken into account in the financial assessment.

Property will usually be taken into account, although certain disregards may apply. Please see [12.5.1 When we disregard property](#) and [12.5.4.2 The 12-week property disregard: for individuals residing permanently in a care home](#). Where a property cannot be disregarded, we will first determine whether the equity in the property will result in the person having over £23,250 in capital. See [12.5.6 How we financially assess property](#). If so, the person may have the option to pay for their care and support using a deferred payment agreement. Some information is provided in [12.5.7 Property and a deferred payment agreement](#); however, for more detailed information see [BCP Council's Deferred Payment Agreement Policy](#).

When a person begins a permanent stay in a care home, they will be entitled to a 28-day 'run-on' of Attendance Allowance and the care components of other disability benefits (although a run-on may not apply if the person was in hospital before moving to a care home). We will include the relevant benefits in the financial assessment for the time that the person is eligible to receive the run-on. We will then remove this income from the assessment. This will reduce the amount the person will be required to contribute to the cost of their care and support, in line with the fall in their income.

It should be noted that it is the person's responsibility to inform the Department for Work and Pensions (DWP), or other third parties, of changes in their circumstances. This includes if they move to a care home. It is not the role of BCP Council to ensure this has been done.

Where a person fails to do this, they may accrue an overpayment of benefits which they will have to pay back to the DWP. It is not BCP Council's role to inform third parties of a change in a person's circumstances.

## 16 Deprivation

When completing a financial assessment or review, BCP Council may identify circumstances that suggest a person has deliberately deprived themselves of capital or income. An example would be where a person gives away a large sum of money. There may be a valid reason for withdrawing this money.

However, the Care Act 2014 allows the council to include as part of the financial assessment any income and/or capital that we are reasonably satisfied:

- the person has deliberately deprived themselves of and
- that this was done to avoid or reduce their contribution to the cost of the care and support they receive.

BCP Council may conduct an investigation into whether deprivation of assets has occurred rather than relying on the declaration provided by the person. BCP Council will have regard to the use of powers in the Regulation of Investigatory Powers Act 2000 before considering any investigations.

BCP Council will also refer to the [Care and Support Statutory Guidance](#) when making a decision as to whether deprivation has occurred. Where there is information to suggest or suspect that an asset has been disposed of, it is for the person to prove to BCP Council that they no longer have the asset, or any beneficial interest in it.

Where BCP Council has decided that a person has deliberately deprived themselves of capital or income, the person has the right to request the decision be reviewed if they believe it is made using incorrect information. This can be requested via the [ASC Complaints procedure](#).

Where a debt to the council is accrued, we have the right to recover this, either from the person who has deprived themselves of their capital/income or from the third party who has received the asset in question.

### 16.1 Recovering charges from a third party

Section 70 of the Care Act 2014 gives BCP Council the power to recover care and support charges from a third party. Where a person has transferred capital and/or income to a third party to avoid or reduce their contribution, the third party is liable to pay BCP Council the difference between what we would have charged the person and what we have charged the person. This means we can send an invoice to a third party for money we have calculated is owed to the council.

This applies to every third party where capital and/or income has been transferred to more than one person. However, a third party is not liable to pay anything more than the benefit they received from the transfer.

For more information as to how we can recover money owed to the council, please see BCP Council Debt Management Policy.

## 17 Debt

The way we charge for Adult Social Care services adheres to the principles set out in this Charging Policy, namely that charging will be fair. Therefore, it is to be expected that any debt accrued will be repayable.

For more information as to how we will work with an individual to resolve a situation where debt has built up, please see [BCP Council Debt Management Policy](#). Particular attention should be given to the statements provided in the Appendix relating to Adult Social Care debt.

## 18 Safeguarding

Safeguarding concerns the protection of adults at risk from situations which may place them at risk of harm, neglect or exploitation. BCP Council policy and procedures on Safeguarding Adults will be followed.

We may identify situations where we have cause for serious concern as to how a person's money is being managed. We have a duty to report these cases to the Office of the Public Guardian and will do so, as well as making a referral to the Adult Social Care Safeguarding team. We will refer matters to the police if we suspect a crime has been committed.

## 19 Data protection

We are committed to protecting the privacy of people who use our services. For more information about how we use a person's personal information and protect privacy please visit [bcpcouncil.gov.uk/About-BCP-Council/Privacy](https://bcpcouncil.gov.uk/About-BCP-Council/Privacy).

## 20 Equality and diversity

The council is required to treat people fairly and is committed to principles of equality and respect for diversity. In line with BCP Council's [Equality and Diversity Policy](#) we will not discriminate against people who access our services, including in those circumstances where services are provided by third parties on our behalf.

## 21 Comments, compliments and complaints

Any adult or carer who is either entitled to or has a possible need for social care support can complain at any stage in their contact with the service, for example, at the point of referral, assessment, care planning or review.

BCP Council residents can submit [comments, compliments and complaints](#) in relation to Adult Social Care online.

Comments, compliments and complaints can also be sent to, and received by, any BCP Council member of staff who will pass it on to the relevant team to be processed as soon as they receive it.

A person can request their Financial Assessment be reconsidered if they have concerns about the decision. Final decision-making authority rests with the Director of Adult Social Care Services.

## 22 Roles and responsibilities

### Director of Adult Social Care Services:

- has the authority to review charges on an annual basis and adjust these based on changes to the cost of the services delivered
- has the authority to temporarily suspend a person's charge in exceptional circumstances
- ensures this policy is kept up to date and reflects national government legislation and regulations.

### Managers:

- ensure staff have read, understood, and comply with this policy in the context of their role within Adult Social Care
- ensure those involved in the financial assessment process uphold the principles within this policy
- where a person requests a reassessment of either their care and support needs or client contribution, consider the request equitably and provide a written response outlining the reasons for the decision (where not resolved, further requests are then dealt with through Adult Social Care's complaints procedure).

### All staff:

- read and adhere to this policy relative to their role within Adult Social Care
- ensure this policy is applied equitably across BCP Council
- ensure appropriate information and advice is provided to individuals, as outlined in this policy
- relative to their role, ensure that; the outcome of reviews, the impacts of changes to income, and uplifts in provider costs, are communicated clearly to the person.

### Individuals receiving our services and their financial representatives

If a person wishes to receive assistance from BCP Council towards the cost of their eligible care and support needs, the person (or their representative) is expected to:

- provide truthful and accurate information and evidence (to the best of their knowledge) to support the council in completing the financial assessment
- provide information and evidence in a timely manner to support the council in completing the financial assessment
- inform BCP Council promptly of any changes to their circumstances which may impact their assessed client contribution.

## 23 References and related information

[Care Act 2014: Sections 14, 17, 69 and 70](#)

[Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#)

[Care and Support and Aftercare \(Choice of Accommodation\) Regulations 2014](#)

[Care and Support Statutory Guidance: Chapter 8 and Annexes A to F](#)



[Social Care Charging for Local Authorities](#)

[Data Protection Act 2018](#)

[Debt Management Policy BCP Council](#)

[Deferred Payment Agreement Policy BCP Council](#)

[Equality and Diversity Policy BCP Council](#)

[Human Rights Act 1998](#)

[Regulation of Investigatory Powers Act 2000](#)

## Document Control

Version	Date	Details
1.0	31/03/2021	Final version following outcome of Charging Consultation and feedback from; the ASC Charging Board, Head of Strategic Development and Change Management, Head of Access and Carers Services, Head of Specialist Services, Financial Assessment, Support and Related Debt Manager, Senior Officer for Financial Assessment (SVPP), ASC Complaints Manager, ASC Finance Manager, Collection Services Manager (SVPP), Head of Long-term Conditions.  Reviewed at Health and Adult Social Care Overview and Scrutiny Committee on 28/09/2020
1.1	17/05/2021	Addition of Memorandum and update to Complaints section
1.2	25/03/2022	Update to rates as per Department of Health and Social Care (DHSC)
1.3	09/03/2023	Wording updated in 14.1 for clarity, minor update to complaints contacts, update to relevant national rates as per DHSC
1.4	09/06/2023	Memorandum removed and reference to waiving of charges amended
1.5	30/04/2024	Full review of policy. Wording updated to Section 14.1 (MIG) and 14.2 (DRE). Addition of BCP Council MIG Rates table (Appendix 1) Update to relevant national rates as per DHSC (page 4) Minor updates to Section 16 (Deprivation) and Section 21 (Comments, compliments and complaints)

## Documents this replaces

BCP Council Policy – Charging Policy for Adult Social Care V1.4 July 2023

Equality Impact Assessment: Assessment completed 11 September 2020 – 31 March 2021

Data Protection Impact Assessment: Assessment completed 16 November 2020

Review frequency: Annually – next review March 2025

Policy approval: Cabinet on 11 November 2020

Policy lead: Shelley Bambrey - Head of Direct Care and Support Services, ASC Services

Policy author: Lucy Russell - Policy Officer / Sarah Rose – Policy Officer, ASC Services

Target audience: All Adult Social Care Staff and BCP Council Residents

Contact information [ASC.policy@bcpcouncil.gov.uk](mailto:ASC.policy@bcpcouncil.gov.uk)



## Appendix 1 – BCP Council MIG Rates

### Local Minimum Income Guarantee (MIG) for Basic Living Costs

Eligibility Criteria	MIG - single/living alone	MIG - living with partner
A lone parent aged 18 or over	£110.60 per week	n/a
Age 18 or older but less than 25 <i>(this for people who are not receiving main phase of ESA (Employment and Support Allowance))</i>	£87.65 per week	£86.85 per week
Age 18 or older but less than 25 and in receipt of main phase of ESA (Employment and Support Allowance) *	£110.60 per week	£86.85 per week
Age 25 or older but less than qualifying Pension Credit age	£110.60 per week	£86.85 per week
Reached or older than qualifying age for Pension Credit	£228.70 per week	£174.60 per week
Responsible for, and a member of, the same household as a child	An additional £101.25 per week per child	
In receipt of, or BCP Council considers would, if in receipt of income support, be in receipt of Disability Premium (If in a couple, one member of that couple)	An additional £48.80 per week	An additional £34.80 per week
In receipt of, or BCP Council considers would, if in receipt of income support, be in receipt of Enhanced Disability Premium (If in a couple, one member of that couple)	An additional £23.85 per week	An additional £17.15 per week
In receipt of, or BCP Council considers would, if in receipt of income support, be in receipt of Carer Premium	An additional £52.35 per week	
People who receive the highest rate of Attendance Allowance (AA), Disability Living Allowance (DLA) Care component, or Personal Independence Payments (PIP) Enhanced daily living component	An additional £4.48 per week*	

\*This is a local offering

BCP Council Minimum Income Guarantee (MIG) Rates - Feb 2024

## Glossary

Word	Description
<b>accrue</b>	Here, this means when you build up an amount of money that you owe
<b>annuity</b>	Money paid out every year to someone; the money usually comes from an insurance policy
<b>appointee for benefits</b>	Someone who the Department for Work and Pensions (DWP) has agreed can receive and spend your benefits, if you are not able to deal with their finances
<b>assessed charge</b>	The amount of money we have financially assessed that you should pay towards your eligible care and support needs
<b>asset</b>	Here, this means income, savings, or things that you own which have value, for example property or investments
<b>beneficial ownership</b>	Where you enjoy the benefits of owning something, even if it is held in someone else's name. Or it may be where you have the power to influence a transaction regarding a particular asset, either directly or indirectly
<b>boarder</b>	Someone who pays you to live in your home. They should receive at least one meal a week as part of what they pay
<b>capital</b>	Money and other things you own (assets) that have monetary value
<b>care and support plan</b>	A written plan made with you after you have had an assessment. The plan says how your care and support needs will be met and what services you will receive
<b>client contribution</b>	The amount of money we have financially assessed that you should pay towards your eligible care and support needs
<b>defer</b>	Here this means to delay part of your payments towards your care and support costs by agreeing that the council will pay this part now, and you will pay them back later
<b>deprivation</b>	When you deliberately reduce the amount of savings, property or income you have, in order to qualify for help from the council with paying for care and support costs or to receive grants and/or benefits
<b>deputy/deputyship</b>	Here this means someone appointed by the Court of Protection to make decisions on your behalf if you lack capacity to make those decisions yourself and you have not already given someone power of attorney
<b>desk-top valuation</b>	Here this means working out how much something of value is worth by using information available on the internet. For example, the value of a property
<b>disregard</b>	Here this means not to include something in a financial assessment

<b>eligible care and support needs</b>	The needs you have for care and support that the council is required by law to meet
<b>equity</b>	The value of something (such as a house), less the money you owe on it
<b>financial assessment</b>	Where we look at your income, capital and individual circumstances to work out how much you can afford to pay towards your eligible care and support needs
<b>financial representative</b>	<p>A person that deals with your finances and financial decisions for you</p> <p>This might be an informal arrangement (you have agreed this with a family member or friend) or a formal arrangement (such as appointing a solicitor, giving someone else power of attorney, or where the Court of Protection appoints someone as your deputy)</p>
<b>intermediate care</b>	Care and support services aimed at keeping you at home rather than in hospital, or helping you to come home early from hospital after illness or injury
<b>market rate</b>	The usual price of something
<b>mental capacity</b>	Being able to make your own choices and decisions. To do this you need to be able to understand and remember information and tell people what you have decided. A person may lack capacity because of a mental health problem, dementia or learning disability
<b>minimum income guarantee (MIG)</b>	The amount of money you keep for your living costs when you live at home, after paying towards the cost of your eligible care and support needs
<b>personal budget</b>	The amount of money we have assessed is needed to meet the cost of your eligible care and support needs
<b>Personal Expenses Allowance (PEA)</b>	The minimum amount of money you keep for your own personal needs if you move into a care home
<b>power of attorney</b>	A legal decision you make to allow a specific person to act on your behalf, or to make decisions on your behalf, if you are unable to do so. You can arrange this so that someone can make decisions about your health and welfare and/or your property and finances. You can only arrange this if you have the mental capacity to do so
<b>preferred accommodation</b>	The place you would like to receive care, usually a care home that is more expensive than the care homes we offer you to support your eligible care and support needs
<b>reablement services</b>	A way of helping you remain independent, by giving you the opportunity to relearn or regain some of the skills for daily living that may have been lost because of illness, an accident or disability
<b>residential care</b>	Care in a care home, with or without nursing, for older people or people with disabilities who require 24-hour care

<b>respite care</b>	A service that gives carers a break from their caring responsibilities, by providing short-term care and support for the person with care needs. This may be in their own home or in a residential care home
<b>self-fund</b>	When you arrange and pay the full cost of your own care and support services and do not receive financial help from the council
<b>short-term stay in residential care</b>	A stay of no more than eight weeks.
<b>spouse</b>	A husband or wife
<b>surrender value</b>	The amount of money you receive if you cancel a financial product before it is due to end, for example a life insurance policy
<b>tariff income</b>	Here, this is an amount of money we include as income in your financial assessment because you have savings over £14,250. For every £250 you have between £14,250 and £23,250, we will include £1 as income
<b>temporary stay in residential care</b>	A stay that is intended to be for a limited period of time (less than 52 weeks) and there is an intention to return home
<b>third party</b>	A person or organisation that is not you and is not the council, for example a family member
<b>top-up</b>	The additional amount that must be paid by you or a third party if you choose to live in a care home that costs more than the council's standard rates
<b>uplift</b>	An increase in the agreed fees with care and support providers, to reflect an increase in their costs, if any. These are usually reviewed annually
<b>uprate</b>	A set percentage increase of certain benefits, state pensions and some occupational pensions