

Help to pay your non-residential social care and support costs

Information about how to pay for your services and
applying for financial assistance.

1st April 2019 to 31st March 2020



Leeds
CITY COUNCIL

Funding the cost of your care & support

This booklet explains the charges for non residential social care and support services and how to apply for financial assistance.

Your care and support costs are your responsibility. You are liable to pay the cost of your care and support up to a maximum weekly limit unless you qualify for financial assistance.

You must have a financial assessment to work out whether or not you qualify for financial assistance. Please see the examples of financial assessments on pages 22 to 26 to give you a basic idea of how financial assistance is calculated.

What are non-residential social care & support services?

These are adult social care services provided outside a care home setting. There are many different types of services. Some people have a mixture of services, but some people may only have

one type of service. You may be having or planning to have one or more of these services to help you remain independent in the community.

Service types

The services you have to pay for (subject to a financial assessment) include:

- Home Care.
- Residential College.
- Specialist Autism Services.
- Day Services.
- Community Support.
- Community Short Breaks
- Transport to Services.
- Supported Living.
- Telecare Pendant Alarm.
- Telecare.
- Shared Lives Sitting Services.
- Mental Health Day Services.
- Mental Health Housing Support Services.
- A Direct Payment for you to arrange your own services.

How much do social care and support services cost?

Different services cost different amounts depending on the cost of providing them. You cannot be charged more for social care and support services than they actually cost. Please see pages 3 to 5 for a full list of the standard rates for chargeable services.

Can I apply for financial assistance for all types of services?

Generally, yes, although there are some services for which you cannot claim any financial assistance. These are:

- Meals.
- Respite services.
- Telecare Pendant Alarm .

If you have a Telecare Pendant Alarm alongside other services, any financial assistance you may be entitled to will include this cost.

Is everyone responsible for paying all of their own social care and support costs?

There are some exceptions but in general, everyone getting a social care or support service is responsible for paying their own costs unless:

- Your services have been arranged and are provided under Section 117 of the Mental Health Act 1983.
- You have Creutzfeldt Jacobs Disease (CJD).
- You are receiving reablement support services **for a period of up to 6 weeks**. However, if it is decided that you need long term support before 6 weeks has lapsed you will become liable to pay your care and support costs from the date of that decision.
- You qualify for NHS Continuing Health Care Funding.

If your circumstances change your eligibility for Continuing Health Care Funding can be cancelled. If this happens you will be responsible for paying your care and support costs from the date the funding is cancelled.

Standard Rates for Care and Support

Using the tables below, simply add-up the cost of all the services you receive to see how much your weekly services cost. If you qualify for financial assistance, the total weekly amount you must pay may be less than the weekly cost of your services.

From April 2019, no one has to pay more than £453.00 per week no matter how many services they receive, regardless of their financial circumstances.

| Type of Service | Charge |
|---|------------------|
| Home Care and Supported Living | £15.90 per hour |
| Community Support | £15.90 per hour |
| Community Short Breaks (sitting service) | £8.75 per hour |
| Residential College (if not a permanent resident) | £15.90 per hour |
| Housing Support Services | £20.90 per hour |
| Day Centres | |
| Older People | £28.40 per day |
| Physical Disabilities | £49.90 per day |
| Learning Disabilities | £49.90 per day |
| Autism Services | £49.90 per day |
| Transport | |
| Transport to Service | £6.20 per day |
| Shared Lives Sitting Services | |
| Outreach daytime support | £8.75 per hour |
| Outreach waking night-time support | £8.75 per hour |
| Day Support Service | £8.75 per hour |
| Mental Health & Autism Services | |
| Day Services - staff-led group session | £10.50 a session |
| Day Services - one-to-one support | £20.90 per hour |

Standard Rates for Care and Support

| Telecare Services (weekly charges) | From 01/04/2019 | From 01/07/2019 |
|---|--------------------|--------------------|
| Telecare pendant alarm with additional Telecare sensors | | |
| Telephone monitoring of Telecare equipment | £3.40 | £3.60 |
| Mobile response service for Telecare equipment (only available for customers with no next of kin living in or near Leeds) | £3.40 | £3.60 |
| Telecare pendant alarm with additional Telecare sensors and 'GPS' systems | | |
| Telephone monitoring of Telecare and 'GPS' equipment | £10.20 | £10.50 |
| Mobile response service for Telecare and 'GPS' equipment (only available for customers with no next of kin living in or near Leeds) | £3.40 | £3.60 |

What is Telecare?

Telecare is a service that can support older and vulnerable people to live safely and independently in their own home through the use of simple sensors.

Telecare can monitor you, by raising an alert if the sensor detects any problems.

If a Telecare sensor activates in your home, an alert is automatically raised to a 24-hour response centre.

Staff at the response centre will contact you to check your safety. They will then respond appropriately - either providing reassurance or advice, or contacting a family member, mobile warden or emergency service.

More details about Telecare services are available online at:

www.leeds.gov.uk/assistedliving/telecare-services

Flat rate costs

If you receive any of the services shown in the table below you must pay a flat rate for them regardless of your financial circumstances.

Respite

Respite care charges are set at minimum prices based on minimum income levels.

Meals

Everybody has to pay for their own food. Therefore the cost of meals

must be met from the general cost of living allowance (see pages 18 & 19.)

Telecare Pendant Alarm only

The cost of monitoring a basic telecare pendant alarm is very low and is affordable even on a minimum income.

***However, if you have a Telecare Pendant Alarm alongside other services, you may qualify for financial assistance to cover this cost as well.**

| Respite Care | | Per week |
|---|--------------------|--------------------|
| State Pension Age (SPA) and over | | £142.35 |
| Aged 25 to SPA (disability/enhanced disability premium) | | £ 82.55 |
| Aged 25 to SPA (no disability premium) | | £ 48.20 |
| Aged under 25 (disability/enhanced disability premium) | | £ 67.35 |
| Aged under 25 (no disability premium) | | £ 33.00 |
| Meal Charges | | Per meal |
| Main meal including dessert | | £5.35 |
| Second meal (for tea-time) | | £3.00 |
| Telecare Pendant Alarm | From 01/04/2019 | From 01/07/2019 |
| Telephone monitoring of Telecare Pendant Alarm only* | £2.90 per week | £3.00 per week |
| Mobile response service for Telecare pendant alarm (only available for customers with no next of kin living in or near Leeds *) | £0.50 per week | £0.60 per week |

Financial Representation

If you have the capacity to deal with your own financial affairs, we will deal with you directly regarding your application for financial assistance.

I have financial capacity but I would prefer someone else to deal with my application for financial assistance.

If you wish to nominate someone else to deal with your application on your behalf, you must give your written consent. To do this both you and the person you nominate must sign a representative nomination form which must be witnessed.

Your social worker will provide you with this form and they can also sign it as a witness.

Your social worker will provide the Financial Assessment Team with a copy of the signed form so that we can legally deal with your nominated representative.

We will not be able to deal with anyone else (including your partner) unless you give your written consent.

It is a good idea to make a Lasting Power of Attorney whilst you still have the capacity to do so. See Page 8

What if I have lost capacity to deal with my financial affairs?

If you are no longer able to deal with your own financial affairs we can deal with someone else on your behalf but only in certain circumstances.

We cannot deal with anyone else unless they have the legal right to deal with your financial affairs.

Evidence of another person's legal right to act on your behalf must be provided before a financial assessment can be started.

Your social worker will verify any necessary documents.

Your social worker will provide the Financial Assessment Team with a copy of the documents so that we can legally deal with another person on your behalf.



Financial Representation

I have lost capacity. What evidence does my social worker need to verify before you can deal with someone else on my behalf?

If you have lost capacity to deal with your financial affairs, your social worker must verify one or more of the following original documents:

- A Lasting Power of Attorney for property and financial affairs
- An Official Deputyship Order
- Department for Work & Pensions (DWP) Appointeeship letter (BF57 form)

Can you deal with my DWP appointee in all cases?

No. If you have income and savings aside from any welfare benefits you get, we will not be able to deal with your DWP appointee. Your DWP appointee will need to apply to the Court of Protection to become your legal deputy so that they have the legal right to deal with all your financial affairs.

How does someone apply to become my legal representative?

There are different application processes depending on which type of legal representation a person applies for.

Appointeeship by the DWP

A person can apply for the right to receive and deal with the benefits of someone who cannot manage their own affairs because they are mentally incapable or severely disabled. The DWP would normally visit to arrange an appointeeship. The DWP confirms appointeeship by issuing a BF57 form. For more information go to:

www.gov.uk/become-appointee-for-someone-claiming-benefits

How long does it take?

The DWP will usually visit you and your representative within around two weeks.

Financial Representation

Lasting Power of Attorney (LPA)

If you **still have capacity** and you have already appointed an attorney, you must explicitly consent to your attorney acting on your behalf.

A Lasting Power of Attorney can be registered as soon as it is drafted, or at a time when you lose capacity. If you lose mental capacity, any existing LPA must be registered with the Office of the Public Guardian (OPG) before it becomes valid.

How do I draw up a Lasting Power of Attorney?

You can draw up a Lasting Power of Attorney agreement at any time, **providing you have the capacity to do so**. You can arrange this yourself by visiting:

<https://www.gov.uk/power-of-attorney>

or you can arrange this through a solicitor.

How long does it take to register and do I have to pay anything?

It can take up to 10 weeks for the LPA to be registered, and there is a registration charge to pay, unless you qualify for a reduction or exemption.

Can I draw up a Lasting Power of Attorney after I have lost capacity?

No. You must have full mental capacity at the time you draw up a Lasting Power of Attorney. If you have lost capacity you cannot draw up a Lasting Power of Attorney.

I did not draw up a Lasting Power of Attorney before I lost capacity. What other options are there?

If you have no Lasting Power of Attorney in place and a mental capacity assessment deems you as not having capacity, then someone else must make an application for Property and Affairs Deputyship to the Court of Protection.

Financial Representation

How to become a Deputy under the Court of Protection

If you have not made arrangements for others to manage your finances, and you lose capacity, then someone must apply for a court order to make decisions for you.

How long does it take?

Deputyship applications may take up to 16 weeks to be dealt with.

How to apply

If someone decides to act for you because you no longer have the capacity to make financial decisions, it is recommended that they seek legal advice. This is so that they fully understand their responsibilities, and that they are able to apply to become a deputy. The court order can be arranged through a solicitor or a person can apply to the court themselves by visiting:

www.gov.uk/becomedeputy/overview

Do I have to pay anything to apply for Deputyship?

Yes. Fees are payable to the Office of the Public Guardian by the person receiving the care and support. The fees are for application, supervision and annual report. Other fees are payable depending on circumstances. You are responsible for meeting all charges relating to deputyship that are set by the Court of Protection.

Who can apply to become my deputy?

Family members, friends or solicitors can apply to be your Property & Affairs Deputy.

I have no one to become my deputy. What other options are there?

Where there is no one capable, willing or able to manage your financial affairs, the Council may apply for both appointeeship and deputyship and make decisions on your behalf.

The Council makes a charge for providing this service.



Financial Representation

Is the Council always the last option?

Not always. Your social worker may refer your case to *Law Desk Legal* which is a group of solicitors who will be happy to apply to become your deputy.

Don't delay in organising financial representation if you need it.

The longer a person waits to apply for legal representation, the longer the delay in considering an application for financial assistance.

I need to pay my care and support charges but I cannot have a financial assessment until someone is appointed my deputy. What can be done?

The Court of Protection can grant an urgent/interim order or an emergency court order, in certain circumstances, e.g. when someone's life or welfare is at risk and a decision has to be made without delay.



Mental Capacity Act 2005

If the court agrees, the person applying for deputyship will be able to make necessary decisions on your behalf.

The urgent application must be for a specific decision that needs to be made without delay, e.g. to get money from the person's bank account to pay outstanding care and support costs.



Advocacy Support

Am I entitled to an independent advocate to help me with my application for financial assistance?

You may be entitled to an independent advocate under the Care Act 2014 if you meet the conditions.

What are the conditions?

There are two conditions:

- You must have “**substantial difficulty**” in being fully involved with your assessment, care and support planning and review or safeguarding.
- There is no-one else “**appropriate and available to support**” you and represent your wishes.

What does “substantial difficulty” mean?

To qualify you must have substantial difficulty in any one of the following areas:

- Understanding relevant information.
- Retaining information long enough to be able to weigh up options and make decisions (this is also called ‘substantial difficulty in engaging.’)

- Not be able to understand the advantages or disadvantages of options available.
- Communicating your views, wishes and feelings.

What does “appropriate and available to support” mean?

An advocate must be able to support you and be involved in your care and support. They cannot be employed by the Local Authority or paid to support you in another role.

I have an appropriate person to support me already, so do I need an advocate?

Only if there is a disagreement between the Local Authority and your appropriate person and all agree that the involvement of an advocate would benefit you.

How do I get an advocate?

If you meet the two conditions above, the Local Authority must refer you for an independent advocate. In Leeds this means that your social worker will make a referral to Advonet. Advonet will then allocate an advocate to help you.

Further information

More details about Advonet’s services are available online at www.advonet.org.uk or you can telephone them on 0113 244 0606.

How do I apply for financial assistance?

When it has been agreed that you are going to receive some services, the Financial Assessments & Benefits Team will be asked to visit you to carry out a financial assessment to see if you qualify for any financial assistance.

The Financial Assessments & Benefits Team will write to you with an appointment to come and visit you at home to complete your financial assessment

What do I need to do?

When the visiting officer comes to see you, you must provide them with **proof of all your income, savings and investments.**

You should also tell the visitor about anything you pay for which you think may be a disability-related expense. (see pages 20 & 21).

If you want your disability-related expenses to be considered in your application for assistance, you must provide **the last four weeks worth of any bills or receipts which detail these additional costs.**

Please spend some time thinking about what your disability-related expenses are and get your receipts together before the visit takes place.

Can I have someone with me for the financial assessment?

Yes. If there is anyone, like a relative or friend who usually supports or helps you to deal with your financial affairs, you can ask them to attend the appointment with you, or the Financial Assessments & Benefits Team can make alternative arrangements to see them with your permission.

The Financial Assessments & Benefits Team will make every effort to meet with you at your convenience and will take into account when arranging the meeting any disabilities that you may have.



How do I apply for financial assistance?

What happens if I do not make myself available for a financial assessment?

If we arrange to come out to see you and you are not available on three separate occasions without good reason, we will assume you do not wish to continue with your application for financial assistance. You will start to get regular bills for your care and support services which will be charged at the standard rates up to a maximum weekly limit of £453.00 per week. (See pages 3 & 4).

If you have opted to have a direct payment so that you can arrange your own care and support, you will not be paid any money until a financial assessment has been completed.

Do I have to give my financial details?

You don't have to provide any details of your income or savings but if you don't provide all the information required, you will not qualify for any financial assistance and you will have to pay the full cost of your care up to a maximum weekly limit of £453.00

To work out whether you qualify for any financial assistance, you must have a financial assessment.

Financial assistance is strictly means-tested

Please be aware that if you are making an application for financial assistance to help reduce your care and support costs, the law requires you to declare your true financial circumstances. **Failure to do so could render you or your representative liable to legal proceedings.**

What if I am entitled to any extra benefits?

The visiting officer will also do a full welfare benefits check for you and / or your partner. If the visiting officer believes that you may be entitled to extra benefits they can help you to complete the application forms if you want them to.

Any extra benefits you receive may affect the level of financial assistance you qualify for. You must tell us as soon as you are awarded any extra benefits to avoid being overpaid assistance. We will backdate and revise your financial assessment in line with your benefit entitlement date or to the date your chargeable services started. **You must repay any resulting overpaid financial assistance.**

How is my financial assistance worked out?

Income and capital

At the visit, the officer will look at all your income and any savings or investments you have. They will also look at any disability benefits you get to help you pay for the extra help or care you may need.

Savings and investments over £14,250 will also be looked at to work out if you qualify for financial assistance.

If you have savings or investments worth £23,250 or over (the value of your home you currently live in is ignored), or if you choose not to disclose your financial information, you will be charged at the standard rates up to a maximum weekly limit of £453.00 (see page 3 & 4)

Do you take into account all my income?

The Government tells us that we have to ignore some of your income to allow for general costs of living such as food, clothing, water charges, utility bills, telephone bills etc. This ignored amount must also be used to pay for the things you choose to do or to buy. Any disability-related expenses will be considered separately.

The amount the Government tells us to ignore depends on your personal circumstances and these are shown on pages 18 & 19. If your income (including tariff income - see page 16) is less than this ignored amount you will qualify for full financial assistance and you will not have to pay for any of your financially assessable services.

What documents will the visiting officer need to see?

You will need to provide:

- Recent benefit award letters from the DWP or up-to-date bank statements showing details of these payments.
- Letters from works pensions or annuity providers, including any pension draw-down arrangements you have made.
- A complete set of the last 12 months worth of transactional bank or building society statements or pass books for all accounts held.
- Details of any shares, national savings products or other land or property held (excluding the home that you live in).
- Any other income and investments.

How is my financial assistance worked out?

Income

The visiting officer will look at your income to see what needs to be included and what can be ignored.

Examples of Income included:

- State Retirement Pension
- Occupational Pension/Private Pension
- Guarantee Credit (Pension Credit)
- Income Support
- Employment and Support Allowance (ESA)
- Armed Forces Independence Payment
- Disability Living Allowance (DLA) Care Component
- Attendance Allowance (AA)
- Constant Attendant Allowance
- Personal Independence Payment (PIP) Daily Living Component
- Industrial Injuries Disablement Benefit
- Universal Credit

Examples of Income ignored:

- War Disability Pension
- War Widows Pension
- Earnings
- Working Tax Credit
- Savings Credit (Pension Credit)
- Disability Living Allowance Mobility Component
- Personal Independence Payment Mobility Component
- War Widows Supplementary Pension
- Guaranteed Income Payments from the Armed Forces Compensation Scheme
- Armed Forces Independence Payment Mobility
- Student Finance

If you qualify for extra benefits but choose not to claim them we still have to include the money you could claim in the financial assessment.

Please note that any personal debt cannot be taken account of in your financial assessment. We can refer you to an organisation that can help you to manage your debt

How is my financial assistance worked out?

Capital

How much can I have in savings and investments and still qualify for financial assistance?

If you have savings and investments of £14,250 or less they will be ignored completely. If you have savings of above £14,250 to £23,250, the visiting officer will need to work out a weekly amount on top of your other income to include in your assessment.

- For every £250 you have between £14,250 and £23,250, £1 will be considered as extra weekly income (known as tariff income).

I have more than £23,250 in savings and investments. Will I still qualify for financial assistance?

No. If you have savings and investments over £23,250 you will not qualify for any financial assistance and you will be liable to pay the standard rates for your care and support services up to a maximum weekly limit of £453.00

Money you pay out

Apart from personal debt, the visitor will also be able to take into account some of the money you pay out, which may increase the level of financial assistance you qualify for.

- Weekly rent or mortgage (less any Housing Benefit or any other eligible housing support)
- Buildings insurance (where mortgage payable on property)
- Council Tax (less any council tax support)
- Disability related expenses (see pages 20 & 21)

Proof of these costs will be required so please have them available when the officer comes to visit you.

Please note: Equity release repayments are not taken into account.

Housing Cost Allowance

Apart from if you have your own tenancy, if you live with other adults who are legally liable to pay housing costs (excluding your partner), a fixed allowance of £19.60 will be taken into account which may increase the level of financial assistance you qualify for.

How is my financial assistance worked out?

How much do I have to pay when you have worked out if I qualify for financial assistance?

Based on your financial circumstances, the visitor will work out the maximum amount you can afford to pay each week for your care and support services

Do I always have to pay the maximum I can afford each week?

Not always. It depends on the level of care and support you receive. Your services might cost less than the maximum amount you have been assessed as being able to afford. If that is the case you will only have to pay the amount your services cost at the standard rates (see pages 3 & 4).

What if my care and support services cost more than I am assessed as being able to afford?

You will only have to pay the amount you have been assessed as being able to afford each week.

You will qualify for financial assistance for the rest of your costs.

How is the amount I am assessed as being able to afford worked out?

Quite simply, this amount is the difference between the amount of money you have coming in and the amount of money we are able to disregard.

Please note you can never pay more than the amount you have been assessed as being able to afford for all the services you receive.

From April 2019, no one has to pay more than £453.00 per week no matter how many services they receive, regardless of their financial circumstances.

I would like to have an idea of how much I will be liable to pay before my financial assessment takes place. What can I do?

Please have a look at the examples of financial assessments on pages 22 to 26 of this booklet to help you understand how much you might be liable to pay.

How is my financial assistance worked out?

Ignored amounts

The tables below show you how much income (including tariff income) a person is allowed before paying anything for their services. A person with income below these levels will qualify for full financial assistance and will not have to pay for their services, except for meals and respite care which are charged at flat rates (see page 5).

If you are responsible for children who live in the same house as you, an extra £83.65 per child will be added to the amounts below.

| Single People aged 18 to 24 | | Weekly |
|---|--|---------------|
| Basic rate | | £72.40 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) | | £112.75 |
| With DLA (high rate care) or PIP (enhanced daily living component) | | £132.45 |
| With a carer's premium | | £115.65 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) and a carer's premium | | £156.00 |
| With DLA (high rate care) or PIP (enhanced daily living component) and a carer's premium | | £175.70 |
| Single Person aged 25 to State Pension Age (SPA) | | Weekly |
| Basic rate | | £91.40 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) | | £131.75 |
| With DLA (high rate care) or PIP (enhanced daily living component) | | £151.45 |
| With a carer's premium | | £134.65 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) and a carer's premium | | £175.00 |
| With DLA (high rate care) or PIP (enhanced daily living component) and a carer's premium | | £194.70 |
| Single aged State Pension Age (SPA) | | Weekly |
| Basic rate | | £189.00 |
| With a carer's premium | | £232.25 |

How is my financial assistance worked out?

Ignored amounts

If you are responsible for children who live in the same house as you, an extra £83.65 per child will be added to the amounts below

| If you are part of a couple aged 18 to State Pension Age (SPA) | | Weekly |
|---|--|---------|
| Basic rate | | £143.60 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) | | £201.10 |
| With DLA (high rate care) or PIP (enhanced daily living component) | | £229.40 |
| Where one person gets a carer's premium | | £186.85 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) where one person gets a carer's premium | | £244.35 |
| With a disability premium or DLA (middle or low rate care) or PIP (standard daily living component) where both people get a carer's premium | | £287.60 |
| With DLA (high rate care) or PIP (enhanced daily living component) and a carer's premium | | £272.65 |
| With DLA (high rate care) or PIP (enhanced daily living component) where both people a carer's premium | | £315.90 |
| Couples who have reached State Pension Age (SPA) | | Weekly |
| Basic rate | | £288.60 |
| Where one person gets a carer's premium | | £331.85 |
| Where both people get a carer's premium | | £375.10 |

Disability-related expenses

We will take into account any reasonable disability-related expenses (DREs) unless these are already funded in your care and support plan, or if they are already funded (or should be funded) by other government agencies. For example, costs which should be funded by the NHS are not allowed.

Have I got any disability-related expenses?

You might have DREs because you have to pay for items or services that you only have because of your disability or frailty. For example, if you pay for a gardener because you live alone and are no longer able to maintain your own garden.

What kinds of costs might be considered a disability-related expense?

Below is a list of some examples that can be considered as DREs if they are reasonable and your disability or frailty makes them a necessity.

These are just some examples of DREs. There is no complete list and each person's DREs are considered on an individual basis.

Household expenses such as:

- Cleaner
- Excess household energy costs
- Gardener
- Excess laundry costs

Travel/transport* such as:

- Specialist holidays/trips
- Public transport
- To and from respite care
- Shopping
- Taxis for essential journeys*

*Only transport costs which exceed any mobility awards will be considered

Personal care and other expenses such as:

- Bed linen
- Clothing/specialist footwear
- Hair washing (not cutting or styling)
- Chiropodist

Equipment/adaptations such as:

- Adaptations
- Bath/shower
- Powered bed
- Hoist
- Stair lift
- Walking aid/wheelchair
- Specialist equipment

Anything you pay for by choice is not a disability-related expense. Costs which are not absolutely necessary cannot be taken into account .

Disability-related expenses

What information do I need to provide?

You should tell the visiting officer about anything you pay for which you think might be a DRE so they can consider them

You will need to provide proof of your expenses. In most cases, the last 4 weeks worth of any bills or receipts that detail these additional costs will need to be provided.

What information must be detailed on my receipts?

Receipts must show the name and address of the person or company providing the services or equipment to you.

Protecting public funds

As part of our duty to protect public funds and to prevent fraud, checks are carried out with other Leeds City Council Departments and government agencies to ensure the person or company providing you with a service has fully declared the money you pay them. We may need to contact the person or company providing their services to you to check this.

Will you consider any cash-in-hand payments?

No. The Council is a public body and we must ensure we do not condone undeclared income. All payments must be declared for income tax purposes by the person you pay before we can consider them. The Council will report evidence of cash-in-hand payments to Her Majesty's Revenue & Customs (HMRC).

I pay a family member to help me. Will the money I pay them be taken into account?

No. The law does not allow for payments to family members to be taken into account as a disability-related expense.

Will you always consider the full amount of the money I pay out?

If the amount you pay out for disability-related expenses is excessive and the goods or services can be purchased for a lower price, the lower price will be considered rather than the amount you actually spend, even if you have already spent the money.

The visitor will advise you how to reduce your costs by choosing cheaper more affordable goods and services in future.

Examples of financial assessments

Mary is 85. She gets a home care service of 10 hours per week. She also goes to the day centre once a week with transport for the round trip. Mary wears a Telecare Pendant alarm with an additional wrist sensor because she is at risk of falls.

What is the weekly cost of Mary's care and support?

The standard rates (see pages 3 & 4) show that Mary's total weekly costs are as follows:

| | |
|--|---------|
| 10 hours home care service x £15.90 per hour = | £159.00 |
| 1 day at the older person's day centre x £ 28.40 per day = | £ 28.40 |
| 1 day's transport to the day centre x £6.20 per day = | £ 6.20 |
| Telecare Pendant with wrist sensor x £3.60 per week = | £ 3.60 |

Mary's care and support costs are £197.20 every week

Will Mary qualify for any financial assistance to help her pay her costs?

Mary's weekly income

| | |
|---------------------|----------------|
| State Pension | £129.00 |
| Pension Credit | <u>£ 38.25</u> |
| Total weekly income | <u>£167.25</u> |

Weekly ignored amount £189.00 (see pages 17 & 18)
(Cost of Living allowance)

Mary's income is less than the ignored amount (£167.25 minus £189.00) and so **she qualifies for full financial assistance** to pay her £197.20 weekly care and support costs. Mary has nothing to pay herself.

Examples of financial assessments

Frank is 92. He gets a home care service of 8 hours per week. He also goes to the day centre twice a week with transport for the round trip.

What is the weekly cost of Frank's care and support?

The standard rates (see pages 3 & 4) show that Frank's total weekly costs are as follows:

| | |
|---|---------|
| 8 hours home care service x £15.90 per hour = | £127.20 |
| 2 days at the older person's day centre x £ 28.40 per day = | £ 56.80 |
| 2 day's transport to the day centre x £6.20 per day = | £ 12.40 |

Frank's total care & support costs are £196.40 every week

Will Frank qualify for any financial assistance to help him pay his costs?

Frank's weekly income

| | |
|----------------------------|-----------------------|
| State Pension | £124.50 |
| Private Pension | £ 19.04 |
| Attendance Allowance | £ 87.65 |
| Pension Credit | <u>£ 89.56</u> |
| Total weekly income | <u>£320.75</u> |

Frank's care and support costs are £196.40 every week which is more than he is assessed as able to afford, so he qualifies for financial assistance to help him meet his costs

Frank's ignored amount and allowable expenses

| | |
|-------------------------|-----------------------|
| Ignored amount | £189.00 |
| Excess fuel allowance | £ 4.00 |
| Stair lift maintenance | £ 2.85 |
| Cleaner | <u>£ 16.42</u> |
| Total disregards | <u>£212.27</u> |

Total cost of services £196.40
less

Amount Frank can afford *£108.48
Financial assistance **£ 87.92**

Frank qualifies for £87.92 per week financial assistance and he can afford to pay *£108.48 himself

Frank is assessed as being able to afford to pay the difference between his total weekly income and his total weekly disregards (£320.75 minus £212.27 = **£108.48*** per week)

With the financial assistance Frank qualifies for, he can now meet the cost of his weekly care and support.

Examples of financial assessments

Ruby is 78. She gets a home care service of 5 hours per week.

What is the weekly cost of Ruby's care and support?

The standard rates (see pages 3 & 4) show that Ruby's total weekly costs are as follows:

5 hours home care service x £15.90 per hour = £79.50

Ruby's total care & support costs are £79.50 every week

Will Ruby qualify for any financial assistance to help her pay her costs?

Ruby's weekly income

| | |
|--|-----------------------|
| State Pension | £175.41 |
| Private Pension | £ 47.25 |
| Attendance Allowance | £ 87.65 |
| Tariff income on £20,000 in savings | £ 23.00 |
| Total weekly income | <u>£333.31</u> |

Ruby's care and support costs are £79.50 every week which is less than the amount she is assessed as able to afford.

Ruby does not qualify for financial assistance at this time.

Ruby's ignored amount and allowable expenses

| | |
|-------------------------|-----------------------|
| Ignored amount | £189.00 |
| Excessive laundry | £ 3.85 |
| Powered Bed | £ 4.43 |
| Cleaner | <u>£ 16.42</u> |
| Total disregards | <u>£213.70</u> |

Although Ruby can afford to pay up to a maximum of *£119.61 per week, her services cost less at only £79.50 per week. Therefore Ruby can afford to pay for her services herself.

Ruby is assessed as being able to afford to pay the difference between her total weekly income and her total weekly disregards (£333.31 minus £213.70 = *£119.61 per week)

Ruby might qualify for financial assistance in the future if her care and support costs increase to more than £119.61 per week, but until then she does not qualify for financial assistance.

Examples of financial assessments

Liam is 23 and lives in a supported living house providing 24-hour care and support.

What is the weekly cost of Liam's care and support?

The standard rates (see pages 3 & 4) show that Liam's total weekly costs are as follows:

168 hours supported living service x £15.90 per hour = £2,671.20

Liam's total care & support costs are £2,671.20 every week

Will Liam qualify for any financial assistance to help him pay his costs?

Liam's weekly income

| | |
|----------------------------|-----------------------|
| ESA Support Group | £194.30 |
| PIP (Daily Living) | £ 87.65 |
| PIP (Mobility) | <u>£ 61.20</u> |
| Total weekly income | <u>£343.15</u> |

Liam's ignored amount and allowable expenses

| | |
|-------------------------|-----------------------|
| Ignored amount | £132.45 |
| PIP (Mobility) | £ 61.20 |
| Extra clothing | £ 3.50 |
| Excessive laundry | <u>£ 3.85</u> |
| Total disregards | <u>£201.00</u> |

Liam is assessed as being able to afford to pay the difference between his total weekly income and his total weekly disregards (£343.15 minus £201.00 = **£142.15** per week)

Liam's care and support costs are £2,671.20 every week which is more than he is assessed as able to afford, so he qualifies for financial assistance to help him meet his costs

| | |
|-----------------------------|-------------------------|
| Total cost of services | £2,671.20 |
| less | |
| Amount Liam can afford | <u>*£ 142.15</u> |
| Financial assistance | <u>£2,529.05</u> |

Liam qualifies for £2,529.05 per week financial assistance and he can afford to pay *£142.15 himself

With the financial assistance Liam qualifies for, he can now meet the cost of his weekly care and support.

Examples of financial assessments

Jenny is 42 and lives at home with her parents. She has a learning disability. Jenny goes to the day centre 5 days a week with transport for the round trip.

What is the weekly cost of Jenny's care and support?

The standard rates (see pages 3 & 4) show that Jenny's total weekly costs are as follows:

| | |
|---|----------|
| 5 days at the day centre x £49.90 per day = | £ 249.50 |
| 5 day's transport to the day centre x £6.20 per day = | £ 31.00 |

Jenny's total care & support costs are £280.50 every week*

Will Jenny qualify for any financial assistance to help her pay her costs?

Jenny's weekly income

| | |
|----------------------------|-----------------------|
| ESA Support Group | £128.45 |
| PIP (Daily Living) | £ 87.65 |
| PIP (Mobility) | £ 61.20 |
| Total weekly income | <u>£277.30</u> |

Jenny's care and support costs are £280.50 every week which is more than she is assessed as able to afford, so she qualifies for financial assistance to help her meet her costs

Jenny's ignored amount and allowable expenses

| | |
|--------------------------|-----------------------|
| Ignored amount | £151.45 |
| PIP (Mobility) | £ 61.20 |
| Powered wheelchair | £ 9.74 |
| Excessive laundry | £ 3.85 |
| Non-liaable Housing cost | £ 19.60 |
| Total disregards | <u>£245.84</u> |

| | |
|-----------------------------|-----------------------|
| Total cost of services | £280.50 |
| less | |
| Amount Jenny can afford | <u>£ 31.46</u> |
| Financial assistance | <u>£249.04</u> |

Jenny qualifies for £249.04 per week financial assistance and she can afford to pay *£31.46 herself.

Jenny is assessed as being able to afford to pay the difference between her total weekly income and her total weekly disregards (£277.30 minus £245.84 = *£31.46 per week)

With the financial assistance Jenny qualifies for, she can now meet the cost of her weekly care and support

How and when do I pay for my services?

Unless you qualify for full financial assistance you will be liable to pay for some or all of your services.

From when am I liable to pay my care and support costs?

You are liable to pay for your care and support from the date you start to receive chargeable services.

If you get a Direct Payment

If you have chosen to have a Direct Payment, you must pay the amount you have been assessed as being able to afford into your dedicated Direct Payment bank account. This account will be audited in line with your Direct Payment Agreement.

I don't have a Direct Payment so when will I get my first bill?

Your first bill may take some time to be issued because we have to wait for the people who provide your services to tell us exactly how much care you have received so that we can send you a bill for the correct amount.

How will I make sure I have enough money to pay my bills?

The financial assessment has

shown that you can afford to pay your bills. Make sure you put the money aside to pay your bills when they arrive. Remember that you are liable to pay for your care and support from the date you started to receive services. After your first bill, you should then receive regular bills every four weeks. If your weekly costs are very small, bills may be sent at longer intervals. A choice of payment methods will be explained on the back of the invoice.

I have a query about my bill, what do I do?

The Billing Team telephone number is **(0113) 378 8563**. If you have a query about your bill, please ring this number.

Now that my bills have come, I have changed my mind and decided I would like to apply for financial assistance. What do I do?

Contact the Financial Assessments & Benefits Team and ask for a financial assessment. Please ring **(0113) 378 8251** if you wish to arrange an appointment.

You must make every effort to meet with the visiting officer from the Financial Assessments & Benefits Team to complete the financial assessment.

Important Legal Information

Please be aware that if you are making an application for financial assistance to help reduce your care and support costs, the law requires you to declare your true financial circumstances. **Failure to do so could render you or your representative liable to legal proceedings.**

Deprivation of Assets

The law states that you must not give away money or property or sell it at a below market value in order to secure more financial assistance from the state. If you have done this you will be treated as if you still owned it. The money or property will be treated as “notional capital” and it will affect the amount of assistance you can get. The people you have given the asset to might also become liable to pay your care and support costs.

Placing assets in Trust

Trusts are legal devices designed to hold assets on behalf of named beneficiaries. With a trust owning the assets, you might have been advised that those assets will no longer be counted in your application for financial assistance.

However the law states that you must not place your assets in trust in order to secure more financial assistance.

If you do this you may not qualify for financial assistance and you will have to pay all your care and support costs yourself

If you have been advised to place your assets in trust to protect your investments from being used to pay your care and support costs, you have been given the wrong advice. The law states that you must not transfer the ownership of assets like a property or savings into a trust to avoid or reduce your care and support costs.

Financial assistance is strictly means-tested so, if the Council believe you have given away your money or property in the avoidance of paying your care and support costs, we will decide that you have deprived yourself of your own assets to take advantage of state financial assistance and this may mean that you will not qualify for financial assistance.

The Council will use its powers to investigate thoroughly all applications for financial assistance in accordance with the *Care & Support Statutory Guidance*.

Independent financial advice

The information provided in this booklet is for guidance only and does not constitute legal or financial advice.

Leeds City Council strongly advises you to take independent financial advice regarding your long term funding options for your care and support costs.

Where can I get financial advice?

The Council is not allowed to give financial advice directly, but there are independent organisations and services you can go to for financial advice.

Some organisations are national and some more local to Leeds.

Do I have to pay for financial advice?

It depends. Some organisations offer free advice and others may charge.



Useful Contacts

Society of Later Life Advisors (SOLLA) which aims to meet the needs of people seeking advice about the financial issues in later life by ensuring they can find an accredited adviser local to them. Any financial advice given is chargeable.

www.societyoflaterlifeadvisers.co.uk

Tel: 0333 2020 454

Money Advice Service which offers free impartial advice to help you manage your money.

www.moneyadvice.service.org.uk

Tel: 0300 500 5000

Age UK Leeds which provides services and support to inspire, enable and support older people.

www.ageuk.org.uk/leeds/

Tel: 0113 389 3000

Citizens Advice Leeds which provides free, confidential and impartial advice.

www.citizensadvice.org.uk

Tel: 0113 223 4400

Frequently asked questions

What happens if my financial circumstances change?

You must report any changes in your financial circumstances straightaway as it might affect the amount of financial assistance you qualify for. Please telephone the Financial Assessments & Benefits Team on 0113 378 8251 to request a review.

Why are care and support services chargeable?

To help provide and develop services to a high standard. If care and support services were not strictly means-tested, there would not be enough money to fund the services required by all those who need them.

Do I have to give my financial details?

You don't have to provide any details of your income or savings but if you don't, we cannot assess if you qualify for any financial assistance and you will have to pay the full cost of your care up to a maximum weekly limit of £453.00

What happens if I don't pay my care and support costs or I stop making payments?

The Council will pursue you for your debt and this may result in legal proceedings. Your credit rating (or your legal representative's) may also be affected.

What legislation does the Council use to work out whether I qualify for financial assistance?

When undertaking financial assessments, the Council must act in accordance with:

- *Care Act 2014*
- *Care and Support (Charging and Assessment of Resources) Regulations 2014*
- *Care & Support Statutory Guidance*

You can view all this information online by visiting:

www.gov.uk

www.legislation.gov.uk

How to Appeal

Is there an appeals process I must follow if I disagree with a decision?

Yes. You must follow the process set out below.

What do I do first?

If you disagree with the outcome of your financial assessment you can ask for it to be looked at again by a **different** officer. This is known as a “reconsideration.”

How do I ask for a reconsideration?

You must request a reconsideration in writing. You must tell us why you think the decision is wrong and provide any additional information that you want to be considered.

What happens during a reconsideration?

A different officer will consider your application for assistance again from the beginning. They will also take into account any additional information you have provided.

The officer will tell you whether or not the original decision has changed following a reconsideration. They will do this by post, phone or email.

I still disagree with the decision. What do I do next?

Following a reconsideration, if you still disagree with the decision, then you can appeal in writing to the Assistant Finance Manager.

What happens during an appeal?

The Assistant Finance Manager will review the previous decision made and check that the law has been applied correctly to your financial assessment.

Once a final decision has been made, you will be notified by post, phone or email.

If I still disagree with the Council's final decision, is there anything else I can do?

Yes. If you are still unhappy with the Council's final decision, you can get in touch with the Local Government and Social Care Ombudsman.

Can I go to the Ombudsman straightaway without following the Council's appeals process?

The Ombudsman is unlikely to consider your appeal unless you have followed the Council's appeals process first.

Contact details

What are the Council's contact details?

To ask for a reconsideration or to appeal you must write to the following address:

Adults Operational Services
Financial Assessments & Benefits
4th Floor East
Leeds City Council
Merrion House
110 Merrion Centre
Leeds
LS2 8BB

Or you can email at:

Lbs.visitors@leeds.gov.uk

If you want to talk to us about any aspect of applying for financial assistance to help you pay your social care and support costs, you can telephone us on:

0113 378 8251
(Monday to Friday 9am to 4.30pm)

Who do I contact if I want to make a complaint rather than an appeal?

If you have a complaint about any other aspect of the financial assessment process, then you may complain to the Adults & Health Complaints Manager.

How do I get in touch with the Complaints Manager?

You can write to the following address:

The Complaints Manager
Leeds City Council
Adults and Health
4th Floor East
Merrion House
110 Merrion Centre
Leeds
LS1 8BB

Or you can email at:

Complaints.socs@leeds.gov.uk

Or you can telephone on:

0113 222 4405
(Monday to Friday 9am to 4.30pm)

How do I get in touch with the Local Government and Social Care Ombudsman?

You can go to the Ombudsman's website at:

www.lgo.org.uk

Or you can telephone them on:

0300 061 0614
(Monday to Friday 8.30am to 5pm)

Or you can Text 'call back' to:

0762 481 1595

