



# Residential Charging Policy for Adult Social Care

Oldham Council

April 2015

<b>Date reviewed</b>	<b>Summary of change</b>	<b>Approved by</b>	<b>Author</b>	<b>Date Active</b>	<b>Review date</b>
April 2023	Addition to income type list.	Lisa Entwistle	Sophie Harland	April 2023	April 2024

## 1 Introduction

- 1.1 This policy sets out Oldham Councils approach to charging for services in respect of service users receiving any of the following residential services:
- Respite care
  - Nursing care home
  - Residential care home
- 1.2 This policy replaces the previous Charging for Residential Accommodation Guide (CRAG) framework.
- 1.3 This policy has been developed to ensure we adhered to our charging responsibilities and are compliant with The Care and Support (Charging and Assessment of Resources) Regulations 2014. These new regulations came into force on 1 April 2015.
- 1.4 This document and related appendices provide a framework for a consistent approach for fairly and consistently assessing all service users' contributions towards the cost of the services that they receive, based on their individual circumstances.

This policy is based on the principles set out in the Care and Support Act 2014:

- ensuring that people are not charged more than it is reasonably practicable for them to pay.
  - is comprehensive, to reduce variation in the way people are assessed and charged.
  - clear and transparent, so people know what they will be charged.
  - promotes wellbeing, social inclusion, and supports the vision of personalisation, independence, choice, and control.
  - supports carers to look after their own health and wellbeing and to care effectively and safely.
  - is person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet need.
  - applies the charging rules equally so those with similar needs or services are treated the same and minimises anomalies between different care settings.
  - encourages and enables 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; and
  - is sustainable for local authorities in the long-term.
- 1.5 This policy will be used as a framework to ensure all relevant financial and operational procedures and guidance conform and support the principles of the policy and is effective from 1 April 2015.

## **2 Legal basis for charging for residential care services**

- 2.1 The Care Act provides a single legal framework for charging for care and support under sections 14 and 17. It enables the Council to decide whether or not to charge a person when it is arranging to meet a person's care and support needs or carers' support needs.
- 2.2 In all cases, the Council has the discretion to choose whether or not to charge under section 14 of the Care Act, following a person's needs assessment. In deciding to charge, the Care and Support (Charging and Assessment of Resources) regulations must be applied.
- 2.3 Section 14 of the Act (The power of local authorities to charge) provides that a charge may be applied for meeting needs under sections 18 to 20 of the Act.
- 2.4 The duty within section 17 of the Act to carry out a financial assessment applies where the Council thinks that if it were to meet an adults needs for care and support, or a carers needs for support, it would charge the adult or carer under section 14(1) of the Act.
- 2.5 Regulation 3 (services to be provided free of charge) and Regulation 4 (Adults to whom services should be provided free of charge) identifies exemptions within the Charging and Assessment of Regulations where charges must not be made for services provided (see section 3).
- 2.6 Section 17 of the Act places a duty on local authorities to provide the adult with a written record of their financial assessment.
- 2.7 Service users will receive confirmation of their assessed charges in writing. This confirmation will include the service user's potential maximum charge and their current charge based on their assessed levels of service needs, in order that charges can be applied or varied from the date a package of care or support plan changes.

## **3 The Council's charging structure and exemptions**

- 3.1 The following section details Oldham Council's charging structure and its components, together with situations where the Charging Policy does not apply.
- 3.2 The maximum weekly charge for any residential care service will be the actual cost of the support provided to meet a person's assessed individual needs as set out in their care and support plan.
- 3.3 Charges are subject to annual review as part of the budget setting process and costs will be increased and /or decreased at the sole discretion of the council.

### 3.4 Charging Policy Exemptions

3.4.1 The Council will not conduct a financial assessment or charge people receiving services covered by this policy in the following circumstances: -

- Intermediate care, including reablement, which must be provided free of charge for up to six weeks, except for any residential element of reablement provision
- Care and support provided to people with Creutzfeldt-Jacob Disease.
- After-care services/support provided under section 117 of the Mental Health Act 1983.
- Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.
- More broadly, any services which a local authority is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
- Assessment of needs and care planning may also not be charged for since these processes do not constitute “meeting needs.”

3.12 Any service user exempt from charges for services will be referred to the Department of Work and Pensions (DWP) or to Welfare Rights to maximise their income. The service user will be advised of their social care contribution in the event of their circumstances changing.

3.13 Service users who receive both temporary residential accommodation and any non-residential services in the same week, will be financially assessed under both the non-residential care and residential care charging policies for the services provided, in accordance with the Act and regulations.

3.14 Service Users Receiving Permanent Residential or Nursing Care plus day care

It is possible that service users may receive day care in addition to their permanent placement in a residential or nursing care home. In this situation, the service user will not be charged for their day care services, but the care home may be charged the full cost of the service provided, at the discretion of the Council

3.15 Sponsorship

Where a service user has been sponsored to enter the country and is provided with services and / or financial support to maintain their independent living, the full cost of those services will be recharged to the named sponsor who has undertaken the sponsorship agreement. The decision to recover the costs will be at the discretion of the Council.

3.16 Services for Carers

Provisions with the Care Act and regulations make provisions for local authorities to charge carers for services

The Council will continue not to charge for such Carers services

## **4 Financial Assessments and Charges**

### **4.1 The Calculation**

Where service users have savings or capital above the Upper Capital Limit (in accordance with Appendix B), the Council's maximum charge will be applied.

Each service user's assessed weekly charge is based on the amount of service they have been assessed to receive. Service users will be charged for the actual amount of service they receive up to their own personal maximum weekly charge. This may include any additional units / part units (on top of their assessed level of service) plus any standard charges that may be due.

### **4.2 Financial Assessments and Charges for New Service Users**

- 4.2.1 A Client Finance Officer explains the charging policy, provides an initial assessment of charges and helps complete the relevant documentation with the service user, or their representative. They also make a referral to DWP or Welfare Rights in order to maximise the service user's income.
- 4.2.2 In some cases, light touch financial assessments may be carried out. This will be on the basis of the evidence provided by the person and where we are satisfied that the service user can afford the assessed charge for their service(s).
- 4.2.3 Charges will not commence until the financial assessment has been completed but the Council will backdate a service user's charge to the date the service commenced.
- 4.2.4 If a service user refuses the assessment or refuses to provide the financial information requested, they will be assessed to pay the maximum charge for their service(s). The charge will be applied from the date that the service commenced.
- 4.2.5 Where a service user has significant financial resources and does not wish to undergo a full financial assessment a light touch assessment will be applied and based on the evidence provided by the person they will be assessed as being able to pay the maximum charge for their service(s).
- 4.2.6 Where a service user is in receipt of certain benefits, and this demonstrates that they would not be able to contribute to their service(s) a light touch assessment will be applied.
- 4.2.7 Where the service user is in receipt of a particular service where a nominal amount or charge is applied and a person would clearly have the relevant minimum income left, a light touch assessment will be applied.

- 4.2.8 If a service user reschedules an arranged appointment on more than one occasion without reasonable explanation (or is not in when a Client Finance Officer calls), attempts to make other financial checks will be made where possible but if these prove unsuccessful the service user will be assessed to pay the maximum charge for their service(s). The charge will be applied from the date the service commenced.
- 4.2.9 Any backdated charge will be recovered together with the normal assessed weekly charge at a rate to be determined at the discretion of the Council. Such recovery will take account of both the amount to be recovered and the service user's financial circumstances.
- 4.2.10 If a service user refuses to comply with the process resulting in the Council being unable to carry out a full financial assessment, they will be assessed to pay the maximum charge for their services. The charge will be applied from the date the service commenced.
- 4.3 Financial Assessments and Charges for Existing Service Users
- 4.3.1 All existing service users' financial circumstances will be reviewed in accordance with this policy and any new charges applied from the date the financial review is completed.
- 4.3.2 Where an existing service user's care package or support plan changes, any changes to the weekly charge due will take effect from the date which their service changes.
- 4.3.3 Where a service user has a change in their income (including backdated benefit awards), savings / capital, housing costs, or disability related expenditure:
- Any increase in charges resulting from these changes will be backdated to the date that the relevant changes occurred
  - Any decrease in charges resulting from these changes will take effect only from the date that the Council is notified of them and provided with acceptable proof
- 4.3.4 The council will automatically adjust standard income and expenditure amounts with effect from April each year in accordance with the annual uprating of benefits and pensions by the Department for Work and Pensions.
- 4.3.5 The council will review its maximum weekly charges and unit costs for services covered by this policy annually. Any changes to charges will normally be implemented from April each year.
- 4.3.6 Where either of these changes would affect a service user's assessed current and maximum charges a new charge confirmation letter will be issued. Any increase in charge in these cases will apply from the date of the written notification and any decrease from the date that the changes took effect.

## **5 Review procedure**

### **5.1 Reviews requested by service users**

A service user can request a review of their charge for any reason.

### **5.2 Reviews initiated by the council**

The council can initiate reviews if relevant changes in circumstances are identified which indicate that the level of charge is inappropriate or there is possible additional benefit entitlement.

The council will also initiate reviews periodically to ensure service users are paying the appropriate charge for their circumstances. These reviews will take place on at least an annual basis.

### **5.3 How reviews are processed**

Review requests may be made at any time in writing or by telephone by the service user or their authorised representative direct to the Client Finance Team.

The decision will normally be made within 4 weeks of the initial request or from receipt of any additional information requested from the service user.

## **6 Appeals Procedure**

6.1 Where the issue remains unresolved following a formal review a service user has the right to request an appeal.

6.2 The request for an appeal and any additional information and evidence should normally be made in writing and submitted within 28 days of the review decision. The appeal should be made to the relevant Head of Service, who will arrange for a senior officer to conduct the appeal. The senior officer will be different to the one who processed the review.

6.3 The Appeals Process is covered in more detail in Appendix B.

6.4 In all cases the service user has the right to use the complaints procedure if they feel that they have been unfairly treated by any aspect of the council's charging assessment process.

## **7 Treatment of couples**

7.1 The Care Act 2014 and supporting guidance clearly states that local authorities have no power to assess couples or civil partners according to their joint income and each person must be treated individually.

- 7.2 Only the income of the cared-for person can be taken into account in the financial assessment of what they can afford to pay for their care and support.
- 7.3 Where the service user receives income as one of a couple, the starting presumption is that the cared-for person has an equal share of the income.

## **8 Treatment of Income**

8.1 The council's treatment of income is detailed below and is compliant with the Care Act 2014, regulations and supporting guidance.

### **8.2 Assessed income**

This Policy takes most forms of service user's income (including most benefits) into account in full when assessing any charge for services. However, some income is either fully or partially disregarded (see sections 8.4 and 8.5 below)

The following list contains the main income types which must be taken into consideration when calculating assessed charges (including those with partial disregards). However, the council reserves the right to include income types that are consistent with the proper administration of this Charging Policy:

- Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
- Bereavement Allowance
- Carers Allowance
- Disability Living Allowance (Care component)
- Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
- Income Support
- Industrial Injuries Disablement Benefit or equivalent benefits
- Jobseeker's Allowance
- Maternity Allowance
- Pension Credit
- Personal Independence Payment (Daily Living component)
- State Pension
- Universal Credit
- Working Tax Credit
- Private Pension / Annuities

### **8.3 Income from savings/capital**

The council assumes a level of income from savings/capital held. This equates to £1 per week income for every £250 or part thereof that a person has above the lower capital limit detailed in Appendix B. Savings below this amount are disregarded in full.

### **8.4 Income types fully disregarded include:**



- Earnings
- Child Tax Credit
- Savings Credit element of Pension Credit
- Disability Living Allowance Mobility Component
- Any Charitable or voluntary payments made to the service user
- Fostering Allowance
- New deal payments linked to work-based activity
- Education Maintenance Allowance

8.5 Benefit types fully disregarded include:

- Direct Payments
- Guaranteed Income Payments made under the Armed Forces Compensation Scheme
- The mobility component of Disability Living Allowance
- The mobility component of Personal Independence Payments

8.6 Other income that must be fully disregarded

- Armed Forces Independence Payments and Mobility Supplement
- Child Support Maintenance Payments and Child Benefit
- Child Tax Credit
- Council Tax Reduction Schemes where this involves a payment to the person
- Disability Living Allowance (Mobility Component) and Mobility Supplement
- Christmas bonus
- Dependency increases paid with certain benefits
- Discretionary Trust
- Gallantry Awards
- Guardian's Allowance
- Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme
- Income frozen abroad
- Income in kind
- Pensioners Christmas payments
- Personal Independence Payment (Mobility Component) and Mobility Supplement
- Personal injury trust, including those administered by a Court
- Resettlement benefit
- Social Fund payments (including winter fuel payments)
- War widows and widowers special payments
- Any payments received as a holder of the Victoria Cross, George Cross or equivalent
- Any grants or loans paid for the purposes of education; and
- Payments made in relation to training for employment.
- Any payment from the:
  - Macfarlane Trust

- Macfarlane (Special Payments) Trust
- Macfarlane (Special Payment) (No 2) Trust
- Caxton Foundation
- The Fund (payments to non-hemophiliacs infected with HIV)
- Eileen Trust
- MFET Limited
- Independent Living Fund
- Skipton Fund
- London Bombings Relief Charitable Fund

## 8.7 Partially disregarded income

8.7.1 The first £10 per week of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, War Disablement pension and payments to victims of National Socialist persecution (paid under German or Austrian law), Pension Credit Savings Credit.

## 8.8 Personal expenses allowance (PEA)

8.8.1 The financial assessment must leave the person with a minimum amount of income. This is known as the Personal Expenses Allowance (PEA) and the amount is set out in regulations. Anything above this may be taken into account in determining the charge you will have to pay towards your care and support needs.

8.8.2 The purpose of the PEA is to ensure that a person has money to spend as they wish. It must not be used to cover any aspect of their care and support that have been contracted for by the local authority and/or assessed as necessary to meet the person's eligible needs.

8.8.3 There may be some circumstances where it would not be appropriate to leave a person only with the personal expenses allowance after charges. This includes:

- a) Where a person has a dependent child the needs of the child should be considered in determining how much income a person should be left with after charges. This applies whether the child is living with the person or not.
- b) Where a person is paying half their occupational or personal pension or retirement annuity to a spouse or civil partner who is not living in the same care home, this must be disregarded.
- c) Where a person is temporarily in a care home and is a member of a couple – whether married or unmarried, any Income Support or Pension Credit awarded to pay for home commitments is disregarded and the needs of the person at home in setting the personal expenses allowance will be considered.

- d) Where a person's property has been disregarded the local authority should consider whether the PEA is sufficient to enable the person to meet any resultant costs. Cases will be looked at on an individual basis, but consideration may be given to fixed payments (like mortgages, rent and Council Tax), building insurance, utility costs (gas, electricity and water, including basic heating during the winter) and reasonable property maintenance/repair costs required to maintain the security and value of the property
- e) Where a person has moved to local authority support and has a deferred payment agreement (DPA) in place, the person will retain sufficient resources to maintain and insure the property in line with the disposable income allowance (DIA).

## **9 Treatment of Capital**

- 9.1 The council will apply the capital limits laid down in The Care and Support (Charging and Assessment of Resources) Regulations 2014.
- 9.2 The council will apply this legislation, together with relevant case law, to value savings and capital.
- 9.3 Where savings and investments are made that include life insurance, the council will assess the asset using the Care Act guidance and will seek advice on a case by case basis.
- 9.4 Assets held jointly between members of a couple will normally be split 50/50 for the purposes of establishing a service user's savings/ capital for the financial assessment.
- 9.5 If suitable evidence is provided by the couple that would indicate a different share of the asset exists, the council has the discretion to reassess that asset.
- 9.6 Where assets are held jointly with other parties the split will normally be based on equitable distribution. If suitable evidence is provided by the service user which proves they have a lesser share of the asset, the council has the discretion to reassess that asset.
- 9.7 The council will normally view accounts that service users hold jointly with others for convenience purposes as belonging to the service user. An example of this would be where a family member has been made a signatory of a service user's bank account so they can easily withdraw money for a housebound relative without requiring them to attend the financial institution themselves.
- 9.8 If suitable evidence is provided that would indicate that a different share of the asset should be assessed, the council has the discretion to reassess that asset.

- 9.9 Where a homeowner transfers the ownership of all or part of their home to a commercial or not for profit organisation, depending on the terms of the equity release scheme, the funds released will be added to the total value of all other savings held by the service user. The income released will be treated as either income or capital depending on the individual circumstances, at the discretion of the Council.
- 9.10 Where part of the income is used to fund capital developments or disability related works to the property in question, the income may be disregarded from the charge calculation. The service user must produce evidence to this effect in order to claim such a disregard.
- 9.11 Some types of capital are disregarded for assessment purposes, a full list can be found in Annex B of the Care Act Guidance.
- 9.12 The council may use its discretionary powers to disregard other types of capital. These cases will be reviewed on an individual basis.

## **10 Deprivation of assets**

- 10.1 The Council may feel that a service user has disposed or deprived themselves of a capital asset in order to reduce their social care charge. In such a case, the Council may treat the service user as still possessing the asset.
- 10.2 The Council will only consider questions of deprivation of capital when the service user ceases to possess capital which would otherwise have been taken into account.
- 10.3 The Council will decide from available evidence whether the service user owned the capital.
- 10.4 It is up to the service user to prove that they no longer have the capital or asset. Failure to do so will result in the Council treating the service user as if they still possess the capital or asset. Examples of acceptable evidence of the disposal of capital would include:
- a trust deed
  - deed of gift
  - receipts for expenditure
  - proof that debts had been repaid
- 10.5 The following list provides examples of when a person may be deemed to have deprived themselves of capital (although not necessarily with the intent of avoiding or reducing a social care charge)
- A lump-sum payment has been made to someone else (e.g. as a gift or to repay debt)
  - Substantial expenditure has been incurred (e.g. on an expensive holiday)
  - Money has been put into a trust which cannot be revoked

- Money has been converted into another form which would fall to be disregarded (e.g. personal possessions)
- Capital has been reduced by living extravagantly (e.g. gambling or following a much higher standard of living than the resident could normally afford)

10.6 There may be more than one purpose for disposing of a capital asset. Avoiding the charge need not be the service user's main motive but it must be a significant one. If, for example, a person has used capital to repay a debt careful consideration will be given to whether there was a need for the debt to be repaid at that time. If it seems unreasonable for the resident to have repaid that debt at that time, it may be considered that the purpose was to avoid a social care charge.

#### Example A

A person has £20,000 in the bank. They pay off £3,500 outstanding on a loan for home improvements. It would be reasonable in these circumstances not to treat them as having deprived themselves of the £3,500 deliberately in order to reduce their charge

#### Example B

A resident has £15,000 in a building society. Two weeks before being financially assessed, they buy a car for £10,500, which they then give to their son. If the service user knew they were likely to be liable to pay charges at the time they bought the car, it may be reasonable to treat this action as deliberate deprivation of savings. However, all the circumstances must be taken into account.

- 10.7 The timing of the disposal should be taken into account when considering the purpose of the disposal. It would be unreasonable to decide that a service user had disposed of an asset in order to reduce their charges when the disposal took place at a time when they were fit and healthy and could not have foreseen the need
- 10.8 Where, for the purpose of avoiding or reducing the charge, capital which would not have been disregarded has been used to acquire personal possessions, the current market value of those possessions will be taken into account as an actual resource.
- 10.9** If the service user, in depriving him/herself of an actual resource, converted that resource into another actual resource of lesser value, s/he should be treated as notionally possessing the difference between the value of the new resource and the one which it replaced.
- 10.10 If the council believes that a service user may have deprived themselves of an asset in order to reduce their charge, the council may seek further evidence from the service user as to ownership of the asset, and the reasons for the expenditure or disposal, before any decision is made on whether to notionally include the disposed asset in the financial assessment.

- 10.11 Where an asset/capital has been transferred to a third party/parties they will be liable to pay the difference between what is being charged and what would have been charged up to the benefit which they received from the transfer.

## **11 Treatment of Expenditure**

- 11.1 The following types of expenditure can be taken into account when calculating your contribution to residential accommodation:

- Housing costs
- Wellbeing service in Extra Care Housing

## **12 Treatment of Trust Funds**

- 12.1 Any capital included in the trust fund for care needs will be included in the assessment of the service user's resources for charging purposes. Any capital not owned by the service user which could be acquired by the service user will be treated as notional capital.
- 12.2 Any income paid from the Trust Fund will be included in the calculation of the service user's overall income.
- 12.3 Where the payments are at the discretion of the trustees the service user will be required to provide evidence of how much is paid, how often payments are made, and to whom the payments are made.
- 12.4 In order to establish a service user's entitlement to public funding the service user will be required to provide the Council with a copy of the trust document or a letter of confirmation from the trustees which shows if
- the beneficiary is absolutely entitled to the trust fund
  - the trustees have discretion to make payments
  - the trust is in consequence of personal injury
- 12.5** Treatment of income and or capital will be at the discretion of the Council. Where a person is entitled to the income and capital where the capital value of the trust exceeds the current capital threshold it is not necessary to obtain a precise valuation if both the Council officer and service user agree with this.
- 12.6 Advice will be sought to clarify the conditions and a term of the trust fund under the council's charging policy on a case by case basis.
- 12.7 The council will refer to the Care and Support (Charging and Assessment of Resources) Regulations 2014 when determining how to treat Trust Funds.

### **13 Treatment of compensation awards**

- 13.1 If a service user makes a claim for compensation as a result of personal injury, they should seek sufficient funds to cover the cost of future care so that they do not have to seek public funding.
- 13.2 If a service user has an established fund set up as an award for personal injury and capital is awarded for care any such capital sum will be included in the assessment of resources.
- 13.3 Any income paid out following an award for personal injury will be fully disregarded.
- 13.7 However, advice may be sought to clarify the conditions and terms of the compensation award on a case by case basis.
- 13.8 The council will refer to the Care and Support (Charging and Assessment of Resources) Regulations 2014 when determining how to treat compensation awards

### **14 Equipment and/or minor adaptation charges**

- 14.1 Community equipment (aids and minor adaptations) are provided free of charge where the cost of making the adaptation or providing the equipment is £1000 or less, whether as part of a reablement package or as a stand-alone item.

### **15 Hardship**

- 15.1 Where a service user faces hardship or has other exceptional circumstances, they will be able to seek a review of the charge under the appeals process.

### **16 Debt Recovery**

- 16.1 Non-Payment

If a service user refuses to pay their assessed charge, they will be subject to the Council's income collection and debt recovery procedures. The council will continue to provide the services outlined in their care/support plan but will actively pursue recovery of all monies owed.

- 16.2 Third Party

Where a third party is dealing with the financial affairs of the service user and payment is not received, or where services are stopped by the third party because of a charge being levied, consideration will be given to instigation of a case review in accordance with the Adult Protection Procedures.

### 16.3 Collection of Charges

Where a service user receives a Direct Payment the value of that budget will be reduced by the amount of any charge the service user is required to pay.

In all other cases the service user will receive an invoice for the charge every 4 weeks.



## Appendix A: Tariff Income from Capital

The table below illustrates the tariff income which would be calculated from the lower threshold of £14,250 to the capital threshold of £23,250. The scale is increases of £250.

Capital (£)	Tariff Income to be Taken into Account
Less than £14,250	£0.00
£14,250.01 - £14,500	£1.00
£14,500.01 - £14,750.00	£2.00
£14,750.01 - £15,000.00	£3.00
£15,000.01 - £15,250.00	£4.00
£15,250.01 - £15,500.00	£5.00
£15,500.01 - £15,750.00	£6.00
£15,750.01 - £16,000.00	£7.00
£16,000.01 - £16,250.00	£8.00
£16,250.01 - £16,500.00	£9.00
£16,500.01 - £16,750.00	£10.00
£16,750.01 - £17,000.00	£11.00
£17,000.01 - £17,250.00	£12.00
£17,250.01 - £17,500.00	£13.00
£17,500.01 - £17,750.00	£14.00
£17,750.01 - £18,000.00	£15.00
£18,000.01 - £18,250.00	£16.00
£18,250.01 - £18,500.00	£17.00
£18,500.01 - £18,750.00	£18.00
£18,750.01 - £19,000.00	£19.00
£19,000.01 - £19,250.00	£20.00
£19,250.01 - £19,500.00	£21.00
£19,500.01 - £19,750.00	£22.00
£19,750.01 - £20,000.00	£23.00
£20,000.01 - £20,250.00	£24.00
£20,250.01 - £20,500.00	£25.00
£20,500.01 - £20,750.00	£26.00
£20,750.01 - £21,000.00	£27.00
£21,000.01 - £21,250.00	£28.00
£21,250.01 - £21,500.00	£29.00
£21,500.01 - £21,750.00	£30.00
£21,750.01 - £22,000.00	£31.00
£22,000.01 - £22,250.00	£32.00
£22,250.01 - £22,500.00	£33.00
£22,500.01 - £22,750.00	£34.00
£22,750.01 - £23,000.00	£35.00
£23,000.01 - £23,250.00	£36.00
Over and above £23,250.01	Full service charge applies

## Appendix B: Appeals Process

Oldham Council's *Review, Appeals and Complaints* procedure exists to protect the rights of all service users by encouraging a fair and open resolution of individual issues.

This process provides a safeguard to those people who have been assessed to pay a charge but cannot reasonably afford to pay the assessed charge (or part of it) or where service users feel that the charge has been incorrectly assessed.

Under the Care and Support (Charging and Assessment of Resources) Regulations 2014 service users have the right to ask the council to review their charge at any time if they receive a service from the council, for which they are being charged and they believe their charge is too much. The person can request a review, and if they can demonstrate that their means are insufficient for them to reasonably pay the assessed charge the Local Authority may reduce the amount of the charge accordingly. In some case they may waive the charge. However, it is for the person, with help if necessary, from an adviser, friend or advocate to demonstrate to the Local Authority that their means are insufficient to reasonably meet their assessed charge.

The review and appeals process

If a service user is concerned about their charge, they should contact the Client Finance Team as soon as possible to try to resolve the issue promptly.

If a service user is dissatisfied with the outcome of their discussion with the Client Finance Team, they can make a request to the council to investigate their circumstances and resolve the matter.

The council will consider reviews or appeals within 28 days of the date of charge notification and only accept at its discretion those received outside this timescale.

Making an Appeal

### **Stage One: Informal review**

The service user, or the person acting on their behalf, should first contact:

Client Finance Team  
Level 4 Civic Centre  
West Street  
Oldham  
OL1 1UL  
Phone: 0161 770 1520  
Email: [client.finance@oldham.gov.uk](mailto:client.finance@oldham.gov.uk)

## **Stage Two: Formal Review**

Service users can request a review by completing a simple review form (copy attached). This can be completed by post, telephone or email. Once this form and information to support the review is received, the case will be reviewed within 20 working days. The review will be considered by a senior reviewing officer who will:

- Review information from the Financial Assessment, ensuring the information is accurate and complete.
- Establish whether the service user has additional factors or information which should be taken into consideration.
- Request the charge to be re-calculated, if appropriate.
- Advise the service user of the review outcome and any changes to the charge, the effective date, and the service user's right to access the next stage of the process if they are still dissatisfied with the outcome and explanation provided. This advice will be provided in writing and be ready for collection or delivery within 48 hours of the Reviewing Officer's decision.

## **Stage Three: Charges review panel**

If the service user is still unhappy after being reassessed, they should contact the Head of Client Finance Team within 14 days who will arrange for the Charges Review Panel to review the process.

All parties will be invited to give their views.

The panel will be made up of the Head of Service alongside a senior manager from assessment.

The panel will make appropriate recommendations and the service user will be informed of the outcome and any effect on their contribution towards the service charge within 14 days of the panel meeting.