



Adult Social Care

Financial Contribution Review Policy & Procedure

Version 4

Version: 4 FOI Status: Public	Derbyshire County Council Adult Social Care Financial Contribution Review Procedure	Originally Issued: October 2015 V4 Issued: May 2023 Review Due: May 2024 Author: Gaynor Bulheller
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Policy

Where an individual client (hereafter referred to as individual or person) feels that either a mistake has been made in the determination of their contribution or making payment of their financial contribution would not be reasonably practicable, they are entitled to request a review of their assessment under this “Financial Contribution Review Policy and Procedure” (FCRP).

This policy will consistently apply to all persons and to all geographical areas of the county.

This policy does not apply to care in registered accommodation e.g., residential care home setting, as this is provided under different legislation, charging regimes and review procedures, which are specifically for these services. ([See Disputed Financial Assessment Procedure](#)).

Procedure

No request in respect of a waiver can be made until:

- The individual has confirmed their financial status via the relevant financial declaration
- the individual has been formally notified in writing of the contribution
- the individual has had an income maximisation check within the previous 6 months to ensure all benefits and allowances are in payment

Refusal to have an income maximisation undertaken either by the council’s Welfare Rights Service (WRS) or another appropriate agency, may result in any benefits identified as being due, included in the individual’s eligible income calculation, as though they are in payment. Appropriate support and advice will be offered to enable the relevant claims to be made.

Individuals’ who request a review under FCRP must do so to the Financial Assessment and Charging Team (FACT) within 10 working days of the formal notification of their contribution.

Any request made after this timeframe, that results in the application of a waiver, will usually only be applied from the date that the completed documentation and evidence submitted was received by FACT.

The initial stage of the FCRP will be informal. FACT will review the information declared to ensure the accuracy of the assessed contribution.

It is anticipated that much of the conveying of information, under this initial stage, can be undertaken either by telephone and/or letter.

During the initial informal or the formal review period, individuals should make payment of the assessed co-funding contribution. If a partial or full waiver is applied, a refund of overpaid contributions will be made.

Disability Related Expenditure

Where an individual feels they incur further costs due to the nature of their disability, in

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addition to any allowances already given, evidence of expenditure will be requested for each item claimed.

Allowable disability related expenditure will be for services deemed necessary as a result of disability or for health and safety reasons. Costs arising simply as a matter of personal choice, or where a reasonable alternative is available at a lesser charge, will not normally be allowed

It is not possible to provide a comprehensive list of disability related expenditure items which may be considered in the assessment, as these are unique to each individuals' particular circumstances and disability. However, Appendix 1 provides guidance on specific disability expenses in relation to heating costs.

Appendix 1 is provided annually by the National Association of Financial Assessment Officers (NAFAO). The standard costs set out in Appendix 1 are the average/standard costs used in this policy. Where the actual costs exceed the standard costs because of the disability of the individual, only the excess cost will be used to calculate the individual disability related expenditure.

The council reserves the right to verify that items claimed for, have been purchased, particularly for unusual items or large expenditure. In some cases only 50% of expenditure may be allowed if it is deemed to be joint expenditure.

Treatment of Capital

Where an individuals' income does not meet the minimum income level, any capital declared on the disability expenditure review form will be included when calculating available resources.

Assumed income from capital will be determined in accordance with the starting lower threshold used for individuals entering residential and nursing care (£14,250 in 2023/24), i.e. the [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#). The council has decided to use its discretion to increase the capital bands from £250 to £500. For each part or whole £500 above the threshold an assumed income of £1.00 per week will be deemed.

Level 1

If the initial investigation by FACT results in no change in the assessed contribution, the individual has the opportunity of having their case reviewed by a finance section manager or their representative.

For the stage 1 review to be undertaken, the individual will be required to submit full details as to why they feel the contribution is incorrect and where appropriate provide evidence why they feel that payment of all, or part of the contribution, would not be reasonably practicable. Individuals will be required to submit details of their income and expenditure on a "Disability Expenditure Review Form" which will be sent to them by FACT. The individual must provide the relevant information and evidence within 10 working days.

Original Assessed Contribution to Continue

The assessed contribution will be due where all requested evidence is not supplied, or where the calculation undertaken confirms the original decision.

Partial Waiver

Where the evidence submitted warrants a partial waiver, a finance section manager has discretion to waive a proportion of the contribution for a period of between 1 and 12 months.

Full Waiver

Where it is evidenced and agreed that the payment of an assessed contribution would not be reasonably practicable a finance section manager has the discretion to waive the full contribution for a maximum period of between 1 and 12 months.

The individual will be notified in writing within 10 working days, following submission of the completed disability related expenditure form and supporting evidence, of the amount and period that any waiver is to be applied.

Change in Financial Circumstances During Waiver Period

During the period that the waiver is applied the individual must notify FACT immediately if they have a change in financial circumstances. The change in circumstances may result in a finance section manager reviewing the waiver amount applied. This review could result in the waiver being adjusted, either up or down, or being withdrawn.

End of Waiver Period

At the end of the waiver period, should the individual wish for the waiver to continue they will be required to resubmit a new disability related expenditure review form along with up to date evidence of costs the individual wishes to be considered.

Individuals will be issued with a reminder letter no less than 4 weeks before the due date their contribution waiver period is due to expire. This letter will confirm the actions required should they wish to reapply for a review of the waiver.

This review will be under level 1 of the FCRP. Failure to make such representation by the date notified will result in the full contribution being re-instated from the due date.

There will be no automatic continuation of any particular allowance(s) at this review where the finance section manager considers that a particular allowance is no longer applicable, or that it should not have been allowed in the original decision, or that there has been a change in circumstances.

Level 2

If the individual is still dissatisfied after the level 1 review, they will have the opportunity of having their case reviewed by the principal finance officer, or their representative.

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To access a level 2 review, individuals must make this representation within 10 working days of the formal notification of the outcome of the stage 1 review.

In all cases the principal finance officer, or their representative, may request additional information or documentation in order to allow the level 2 review to be fully undertaken.

Individuals making application under level 2 will also have the opportunity to submit any additional information or evidence they feel is relevant in their case.

The principal finance officer has discretion to apply a full or partial waiver for between 1 and 12 months. The principal finance officer's decision will be notified to the individual within 1 working day of receiving the request.

Level 3

If the individual remains dissatisfied with the judgement of the principal finance officer, they may request a review panel within 15 working days of the notification of the outcome of the stage 2 review.

The individual, or their representative, must submit in writing their reasons why they believe the level 2 review outcome is incorrect. This submission must be made to the head of exchequer financial services.

Upon receipt of the written submission, the head of exchequer financial services will consider the reasons stated for the request to make representation to a panel regarding the level 2 review.

Should the head of exchequer financial services consider that there are insufficient grounds to warrant a panel review, they will notify the individual in writing within 10 working days.

Should the individual wish to challenge the decision not to hold a panel they must do so within 10 working days to the assistant director of Finance and ICT, Corporate Services and Transformation.

Where the head of exchequer financial services considers there are sufficient grounds to hold a review panel this will be arranged by a panel administrator and will usually sit within 4 weeks of the request to challenge the senior finance officer's decision.

The panel will usually consist of the head of exchequer financial services, the head of client financial services (or their representative) and an independent person. The head of exchequer financial services will be available for advice and minutes will be taken by the panel administrator.

Relevant papers will be circulated prior to the panel and the individual will have an opportunity to submit their own evidence. All paper submissions must be with the panel administrator no less than 10 working days prior to the panel in order that panel members have adequate opportunity to read relevant papers.

At the panel, the individual (or their representative), will have the opportunity to state their case, and the local authority position will be represented by the principal finance officer.

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Prior to hearing the case the panel may receive advice from the council's legal department. A representative from Prevention and Personalisation may also be asked to comment prior to the panel.

Following the panel, the chair will ensure that the person challenging the council's decision receives a written reply within 10 working days of the panel.

Level 4

If the individual is dissatisfied with the panel's decision, they will be required to write to the assistant director of finance and ICT, Corporate Services & Transformation with reasons why they are dissatisfied within 10 working days of receipt of the panel's decision.

The outcome of the level 3 panel will be evaluated by the assistant director of Finance and ICT, Corporate Services & Transformation , who may or may not uphold the panel's decision/recommendations, agree alternative dispute resolution, or initiate legal recovery for any outstanding contributions.

The assistant director of Finance and ICT, Corporate Services & Transformation will write to the client within 20 working days of the panel hearing. The assistant director of Finance and ICT, Corporate Services & Transformation will make all decisions regarding legal recovery of finance in relation to the financial contributions

Appendix 1 NAFAO Guide To Disability Related Expenditure 2023/24

Heating Allowances

Annual inflationary update based on RPI Fuel index at November 2022. At this date fuel prices had **increased** by 92% in the last 12 months.

The figures are obtained from [Consumer price inflation tables - Office for National Statistics](#) from the download "consumer price inflation detailed reference tables". The figures are found in Table 41 detailed reference tables - % change over 12 months.

Figures for 2023/2024	Standard	N East / E Midlands	N West / W Midlands
Single person - Flat/Terrace	£2,761.73	£2,993.70	£3,344.04
Couple – Flat/Terrace	£3,643.68	£3,945.69	£4,407.21
Single person – Semi Detached	£2,933.32	£3,179.73	£3,551.87
Couples – Semi Detached	£3,872.45	£4,187.41	£4,677.83
Single – Detached	£3,568.76	£3,865.99	£4,325.05
Couples – Detached	£4,704.40	£5,097.22	£5,695.07

Income / Disregards

Mandatory minimum income disregards for non-residential care and support are published in the [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#), replacing fairer charging allowances. Rates for 2023/24 can be found in the [Social Care - Charging For Care And Support: Local Authority Circular \(2023\)](#).

Single Adults

Under Pension Age	2023
Employment and Support Allowance	
Basic >25 + support element + enhanced disability premium	£149.05
Plus 25% buffer	£37.27
Total	£186.32

Over Pension Age Pension Credit	2023
Single	£201.05
Plus 25%	£50.27
TOTAL	£251.32

Children

For each child the adult is responsible for that is a member of the same household an additional allowance of £94.90.

Non means tested disability benefits

Attendance Allowance	-	High £101.75	Lower £68.10	
DLA Care	-	High £101.75	Middle £68.10	Lower £26.90
PiP (Daily Living Costs)	-	Enhanced £101.75	Standard £68.10	

DLA or PiP Mobility Components - Disregard fully

Armed forces and war pension payments to veterans

War pensions and Guaranteed Income Payments under the War Pensions and Armed Forces Compensation schemes are disregarded in full apart from constant attendance allowance.

Armed forces and war pension payments to war widows and widowers

£10 a week disregard of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, any War Disablement pension paid to non-veterans and payments to victims of National Socialist persecution (paid under German or Austrian law)

ASSETS

Capital below £14,250 fully disregarded.

Tariff Income of: £1 per week for every £500 above £14,250 and up to £49,999.

Expenses

Mortgage payments/Rent	-	allow full amount less any means tested benefit paid
Council Tax	-	allow full amount less any Local Council Tax reduction applied
Service charges	-	net of utilities

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Author History

Approval and Authorisation History

Authored by Andrew Bartle	Finance Manager	October 2015
Approved by Graham Woodhouse	Head of Finance	October 2015
Authorised by QA Group	Quality Assurance Group	November 2016

Change History

Version 1	October 2015	Andrew Bartle	New Procedures
Version 2	November 2016	Andrew Bartle	Review and update in line with introduction of Care Act
Version 3	March 2019	Gaynor Bulheller	Review and Update
Version 4	May 2023	Gaynor Bulheller	Review and Update