

## **Non-residential Services – Disability Related Expenditure Review**

If you feel that you incur extra expenditure due to a disability or condition that you have you can ask for this expense to be considered as an allowance when assessing your contribution towards non-residential services.

However, this process can't begin until you have made a declaration of your finances, been formally notified of the amount you have been asked to contribute and have had an Income Maximisation check within the previous six months to ensure all appropriate benefits are in payment.

If you choose not to undertake an Income Maximisation check and it is identified that you would be entitled to a benefit that you haven't claimed your assessment may be adjusted to take this benefit into account as though you were in receipt of it. Advice and support will be offered to help claim your full entitlement.

If you want us to consider such an allowance you must tell us within 10 days of the notification of your contribution. If you leave it later than this any reduction in your contribution will only be applied from the date your formal request and supporting evidence was received by the Client Financial Services team. In the meantime, you must pay the contribution you have been asked to pay and if any waiver is applied to your contribution a refund of any overpaid charges will be made.

For us to consider costs due to the nature of your disability we will need to see evidence of these costs. Costs incurred simply as a matter of personal choice, or where a reasonable alternative is available at a lesser charge will not be allowed.

### **Expenses that could be considered**

It isn't possible to provide a comprehensive list of expenses that might be considered as these are unique to each client's particular circumstances. However, *Appendix 1* provides guidance on specific disability expenses relating 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 when determining whether your expenditure is higher.

The Council reserves the right to verify that items claimed for have been purchased, particularly for unusual or high-cost expenditure. Sometimes, only 50% of such costs may be allowed if the expenditure is deemed to be joint with someone else.

### **Treatment of capital in your assessment**

If your income doesn't meet the minimum income level, any capital declared on the Disability Related Expenditure Review form will be included when calculating your available resources.

Assumed income from your capital will be determined in accordance with the starting lower threshold used for residents of care homes (£14,250.00 in 2022) as advised by the Department for Health and Social Care. The Council has decided to use its discretion to increase the capital bands from £250.00 to £500.00. For each part or whole £500.00 over the threshold an assumed income of £1.00 will be included in the assessment of charge.

## **Level 1 Review**

If the initial investigation by Client Financial Services doesn't result in a change to the contribution you can ask to have the case reviewed by a Finance Officer. For this to happen you will need to state why you think the assessed charge is incorrect and provide evidence of why you feel that it isn't reasonably practicable for you to pay the charge. You will need to complete a Disability Expenditure Review Form, giving full details of your income and expenditure and send this to Client Financial Services. You will have 10 working days to provide any supporting evidence, and, in the meantime, you must continue to pay the charge already levied.

Should the reviewing officer find that a full or partial waiver of the charge is appropriate this is usually for a set period of between one and twelve months. You will be notified of the outcome of the review within 10 working days of receipt of the form and all necessary evidence by Client Financial Services.

If your financial circumstances change during the period of any waiver, you must notify Client Financial Services straight away, as it may affect the waiver. When it comes to an end should you wish for the waiver to continue you will be required to complete a new Disability Related Expenditure Review Form, along with up-to-date evidence of costs you want to be considered.

## **Level 2**

If you still aren't satisfied after your case has been considered at Level 1, you can ask for a review by a more senior officer. Any such request must be made to Client Financial Services within 10 working days of the formal notification of the Level 1 review.

This officer may ask for more supporting evidence and you can submit additional information or evidence you feel is relevant. As before, having considered your case the senior officer may or may not award a full or partial waiver of charge for between one and twelve months and you will be notified of their decision within 10 working days of them receiving all the information requested.

## **Level 3**

If you are not satisfied with the judgment of the senior officer, you may request a review panel within 15 working days of the notification of the outcome of the Level 2 review. You must set out in writing why you think the outcome of the Level 2 review is incorrect. This time it must be submitted to the Head of Exchequer Financial Services who will consider your reasons. If the Head of Exchequer Financial Services feels that there are insufficient grounds to warrant a panel review you will be notified in writing within 10 working days. If you wish to challenge this result you must do so within 10 working days to the Assistant Director of Finance of Finance & ICT, Corporate Services & Transformation.

Where the Head of Exchequer Financial Services feels there are sufficient grounds to hold a review panel it will be arranged by a panel administrator and will usually be arranged within the following four weeks. 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.

Any relevant papers will be circulated prior to the panel meeting, and you will have the opportunity to submit your own evidence, which must be with the panel administrator no less

than 10 working days prior to the panel hearing in order that the panel members have adequate opportunity to read them.

At the review you will have the opportunity to present your case and the Council's position will be represented by a Principal Finance Officer. Prior to the review the panel may have sought advice from the Council's legal team. A representative from the Prevention and Personalisation Team may also have been asked for their comments. The outcome of the panel meeting will be conveyed in writing to you within 10 working days.

#### **Level 4**

If you are still not satisfied with the panel decision you must write to the Assistant Director of Finance & ICT, Corporate Services & Transformation with your reasons within 10 working days of receiving the panel decision. The Assistant Director will examine the panel decision and may or may not uphold it, may agree an alternative resolution, or may initiate legal recovery of any outstanding contributions. You will be notified of the outcome within 20 days of the panel hearing. The Assistant Director will make all decisions regarding the recovery of outstanding contributions.

#### **Derbyshire Client Financial Services**

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## Appendix 1

### NAFAO GUIDE TO DISABILITY RELATED EXPENDITURE 2022/23

#### HEATING ALLOWANCES

Annual inflationary update based on RPI Fuel index at November 2021. At this date fuel prices had **increased** by 24.1 % in the last 12 months.

The figures are obtained from [www.statistics.gov.uk](http://www.statistics.gov.uk) 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 2022/2023	Standard	N East / E Midlands	N West / W Midlands
Single person - Flat/Terrace	£1,438.41	£1,559.22	£1,741.69
Couple – Flat/Terrace	£1,897.75	£2,055.05	£2,295.42
Single person – Semi Detached	£1,527.77	£1,656.11	£1,849.93
Couples – Semi Detached	£2,016.90	£2,180.90	£2,436.37
Single – Detached	£1,858.73	£2,013.54	£2,252.63
Couples – Detached	£2,450.21	£2,654.08	£2,966.18

#### 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 2022/23 can be found <https://www.gov.uk/government/publications/social-care-charging-for-local-authorities-2022-to-2023/social-care-charging-for-care-and-support-local-authority-circular-lacdhsc20231>

#### Single Adults

<u>Under Pension Age Employment and Support Allowance</u>	<b>2022</b>
<b>Basic &gt;25 + support element + enhanced disability premium</b>	£135.35
<b>Plus 25% buffer</b>	£33.84
<b>Total</b>	<b>£169.19</b>
If entitled to carer's premium (inc 25%)	£48.56
<b>Total</b>	<b>£217.75</b>

<u>Over Pension Age Pension Credit</u>	<b>2022</b>
<b>Single</b>	£182.60
<b>Plus 25%</b>	£45.65
<b>TOTAL</b>	<b>£228.25</b>
If entitled to carer's premium (inc 25%)	£48.56
<b>TOTAL</b>	<b>£276.82</b>

## **Children**

For each child the adult is responsible for that is a member of the same household an additional allowance of £86.20.

## **Non means tested disability benefits**

Attendance Allowance	-	High £92.40	Lower £61.85
DLA Care	-	High £92.40	Middle £61.85    Lower £24.45
PiP (Daily Living Costs)	-	Enhanced £92.40	Standard £61.85

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 Council Tax reduction
Service charges	- less any utilities