

# Care and Support Charging and Financial Assessment Framework



**Reading**  
Borough Council  
Working better with you

2020 - 2021

Effective date:	1 April 2017
Approved by:	Adult Social Care, Children's Services and Education Committee
Date approved:	20 March 2017
Service	Adult Care
Directorate:	Directorate of Adult Care and Health Services
Last updated:	April 2020 (Appendices)
Key Changes	Appendices C, D, F, J, (for 2020-21 rates)
Next review date:	1 April 2021

## 1: Introduction

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Unlike health services provided by the NHS, most social care and support services are not free of charge. You are expected to pay for the help you receive.

However, you may be entitled to financial support from the Council to help towards your care costs - how much help you get is based on the outcome of a financial assessment and the actual cost of the care and support services you receive.

This Framework sets out the Council's policies for charging for care and support and follows the Care and Support Regulations and Statutory Guidance issued by the Government under the Care Act 2014.

## 2: Legal context

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### The Care Act 2014 – Charging and Financial Assessment

Section 14 of the Care Act 2014 gives councils the power to charge adults for services provided to meet their eligible care and support needs identified under Section 18, Section 19 or Section 20 of the Care Act 2014.

Councils must follow the regulations and guidance issued under the Care Act 2014. For example, in developing policies on charging and financial assessment, Councils must take note of the following documents:

- 'The Care and Support (Charging and Assessment of Resources) Regulations 2014', which set out:
  - ♦ the power to charge for certain types of care and support
  - ♦ the duty under section 17 of the Care Act to carry out a financial assessment if a council's policy is to charge for care and support

- ♦ rules on the treatment and calculation of income and capital within a financial assessment (including notional income and notional capital where a person has deliberately deprived themselves of an asset)
- ♦ rules on minimum allowances to be given within a financial assessment
- ♦ the power to charge costs of putting arrangements into place in specific situations
- 'The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014' which set out the rules on the provision of an individual's preferred accommodation.
- 'The Care and Support (Deferred Payment) Regulations 2014' which set out the rules on when a council must enter into a Deferred Payment Agreement with an individual, and when a council is permitted to enter into a Deferred Payment Agreement with an individual, for deferring part of their ongoing care and support costs. The Regulations also set out a council's power to charge interest and administration costs of running the Deferred Payment Scheme.
- 'Care and Support Statutory Guidance'<sup>1</sup>, issued by the Department of Health and Social Care giving detailed guidance to councils on all aspects of the Care Act 2014, including 'Charging and Financial Assessment' (Chapter 8, and Chapter 9 'Deferred Payments') and associated Annexes to the Guidance, for example:
  - ♦ Annex A: 'Choice of Accommodation and Additional Payments'
  - ♦ Annex B: 'Treatment of Capital'
  - ♦ Annex C: 'Treatment of Income'
  - ♦ Annex D: 'Recovery of Debts'
  - ♦ Annex E: 'Deprivation of Assets'
  - ♦ Annex F: 'Temporary and short term residents in Care Homes'

The Care Act 2014 replaced many previous Acts, Regulations and Guidance for adult social services, including those that related to charging and financial assessment for care and support. Chapter 23 of the 'Care and Support Statutory Guidance' gives information about the transition from the old legislation to the new legislation under the Care Act 2014, including situations where previous arrangements continue – for example: Deferred Payment Agreements that were put in place on or before 31st March 2015.

## Future social care reform

Although the Care Act 2014 introduced a cap on care costs to limit how much people would pay toward their care and support needs over their lifetime Government have since announced proposals<sup>2</sup> to make long-term social care reforms to publish for public consultation.

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<sup>1</sup> [www.gov.uk/guidance/care-and-support-statutory-guidance](http://www.gov.uk/guidance/care-and-support-statutory-guidance)

<sup>2</sup> In November 2017 the Government announced proposals to reform social care and support. In December 2017 the Parliamentary Under-Secretary of State for Health announced that the Government would not be taking forward the cap on care costs set out by the previous Government. You can view that announcement here: <https://hansard.parliament.uk/Commons/2017-12-07/debates/F7AD5D1D-C8D6-411D-BF42-B432955B2A8E/SocialCare>

### 3: Principles of this Framework

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#### **The development and review of this Charging and Financial Assessment Framework**

In 2014 the Council developed a Charging and Financial Assessment Framework as part of implementing The Care Act in Reading.

During 2016, alongside many other reviews to maximise income to the Council to fund services, the Council reviewed this Charging and Financial Assessment Framework to propose some changes to maximise the contributions from individuals towards the cost of the care and support services funded by the Council.

The Council sought views on the proposed changes during a 90-day community consultation which ran from December 2016 to March 2017. You can view the 'Adult Social Care Charging and Financial Assessment Review Consultation Report' on the Council's website: [www.reading.gov.uk/ascchargingreview](http://www.reading.gov.uk/ascchargingreview)

This Charging and Financial Assessment Framework was approved by the Adult Social Care, Children's Services and Education Committee on 20 March 2017 for implementation from April 2017.

#### **National Principles of Charging and Financial Assessment**

This Charging and Financial Assessment Framework has been developed to meet national principles to:

- ensure that people are not charged more than it is reasonably practicable for them to pay for care and support;
- be comprehensive - to reduce variation in the way people are assessed and charged;
- be clear and transparent - so people know what they will be charged;
- promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
- support carers to look after their own health and wellbeing and to care effectively and safely;
- be person-focused - reflecting the variety of care and caring journeys and the variety of options available to meet their needs;
- apply the charging rules consistently - so those with similar needs or services are treated the same and minimise anomalies between different care settings;
- encourage and enable those who wish to stay in or take up employment, education or training, or plan for the future costs of meeting their needs to do so; and
- be sustainable for the Council in the long-term.

### 4. Equality Impact Assessment

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We have considered the impact that adopting this Charging and Financial Assessment Framework and the individual policies within it would have on the diverse communities of

Reading Borough, and in particular residents in possession of 'protected characteristics' as set out in the Equality Act 2010.

The Council's charging framework was developed and implemented as part of the Care Act implementation in Reading and was subject to a 90-day community consultation.

Further proposed changes to non-residential financial assessments, charging for short-term stays in care home accommodation, charging for meals and refreshments and assistive technology were subject to a 90-day community consultation between December 2016 and March 2017.

An Equality Impact Assessment has been carried out, informed by the outcome of the public consultation and other community involvement.

There could be some negative adverse impact on people with disabilities & older people although the Minimum Income Guarantee, Affordability Check & ongoing monitoring of the use of services will minimise this.

## **5. Reviewing this Charging and Financial Assessment Framework Document**

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We review the appendices to this framework document annually before the start of the financial year to ensure all rates and amounts are consistent with inflation or other relevant changes, which may occur. We will consult the community on such changes through the Council's annual budget consultation.

This document may be subject to modification on its own (through the Directorate Management Team), or as part of an overall review of the entire Charging and Financial Assessment Framework Policy by the Council.