

# Care and Support Charging and Financial Assessment Framework



**Reading**  
Borough Council  
Working better with you

## 10A: Information that Applies to ALL financial Assessments

A financial assessment is a way of looking at your income, capital assets (savings, property and investments) and certain expenses to work out the most you could afford to pay towards your care and support each week.

This is called your Assessed Maximum Weekly Contribution.

You may not pay as much as this.

How much you actually pay depends on the weekly cost of your care and support services:

- If the weekly cost of your eligible care and support services is less than your Assessed Maximum Weekly Contribution you will pay your weekly care costs.
- If the weekly cost of your care and support services is more than your Assessed Maximum Weekly Contribution you will pay your Assessed Maximum Weekly charge - the Council will pay the rest.



*Earnings from your current employment are always disregarded in a financial assessment for care and support.*

### Start date of charges

Care and support charges apply as soon as your service(s) start. Once your financial assessment is complete we will backdate your care charges to the start date.

### Reviewing your Financial Assessment

We will review your financial assessment annually to take account of changes to capital limits, allowances, pensions and state benefits in April. We write to you about the financial assessment review and confirm any changes to your Assessed Maximum Weekly Contribution.

From time to time a member of our Financial Assessments and Benefits Team may contact you to carry out a full review of your financial situation.

You can [ask our Financial Assessments and Benefits Team \(FAB Team\)](#) to review your financial assessment at any time

### If your financial circumstances change

You must tell us as soon as possible if your income or capital goes up or down.

We will review your financial assessment as this may affect your Assessed Maximum Weekly Contribution and the amount you should pay for your care.

We have the right to backdate charges to the date the change occurred.

## **You won't need a financial assessment if:**

- your care and support is 'After-care' support services as these are provided free under Section 117 of the Mental Health Act 1983 or
- your care and support services are fully funded by the NHS (Continuing Healthcare).

## **Capital Limits and Capital Assets**

### **Upper and Lower Capital Limits**

Upper and lower capital limits are national thresholds set by the Department for Health and Social Care. We use these limits to help determine if you are entitled to financial support from the Council to help towards your eligible social care and support costs.

Capital limits are reviewed each year by the Department for Health and Social Care - see [Appendix A - Capital Limits Schedule](#) for details of current capital limits.

### **What counts as capital?**

Capital includes assets like money held in bank or building society accounts, investments, stocks and shares, buildings, land and so on.

We may disregard (ignore) some of your capital assets when we carry out your financial assessment - details are set out in the Care Act Regulations and guidance<sup>1</sup>.

### **If you have capital assets above the upper capital limit**

You won't be eligible for financial support from the Council and must pay the full cost of your care and support.



*Unless you are living in/moving permanently into a care home, you are still entitled to ask the Council to arrange and manage your care and support services for you. If you do this we will charge you the full cost of your care and support plus [Arrangement Fees](#) to cover some of our administration costs.*

### **If the value of your capital assets is between the upper and lower limits**

Your Assessed Maximum Weekly Contribution is based on your income plus a 'tariff income' which is calculated from the value of capital assets over the lower limit. See [Appendix A - Capital Limits Schedule](#) for details of how we work out tariff income.

### **If the value of your capital assets is below the lower capital limit**

We will ignore your savings and investments in your financial assessment.

Your Assessed Maximum Weekly Contribution is based on your income only.

### **If your capital assets are held in joint names with your partner**

We will normally divide the value of these assets equally between you and your partner.

We only count your share of joint assets in your financial assessment.

### **If you deprive yourself of capital assets to reduce or avoid care charges**

We can complete your financial assessment as if you still have those assets – this is called 'notional capital' - see [Deprivation of Assets](#) for more information.

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<sup>1</sup> The Care and Support (Charging and Assessment of Resources) Regulations 2014: Part 3(12), Part 5, Schedule 2; Care and Support Statutory Guidance: Charging and Financial Assessment, Annex B- Treatment of Capital

## Completing your Financial Assessment

If your social care assessment shows you have eligible care and support needs your social care worker will refer you to us (the Financial Assessments and Benefits Team – FAB Team) for a financial assessment.

### If you have recently provided your financial information

If we can complete your financial assessment from information held by the Department for Work and Pensions (DWP)<sup>2</sup> or information we hold in relation to a Housing Benefit or Council Tax Support claim for you, we will write to tell you your Assessed Maximum Weekly Contribution for care and support.

### If we don't have access to your recent financial information

If we need information from you (or your financial representative) to complete a full financial assessment we will usually do this over the phone<sup>3</sup>.

During your financial assessment we will:

- ask you (or your financial representative if you have one) to provide the financial details we need to complete your assessment (see [Appendix E: Information needed for your financial assessment](#))
- check you are getting the benefits and credits you are entitled to and support you to apply or notify any changes
- tell you about other relevant sources of financial information and advice and help you to access those
- use our Charging and Financial Assessment Framework policies and the national Care and Support (Assessment of Resources) regulations and guidance to work out the most you could afford to pay towards your care and support.

If you can provide all the financial information we need over the phone we will tell you your Assessed Maximum Weekly Contribution (if anything) straight away

### If we need more information to complete your assessment

We will tell you what we need and when you must provide it by.

### If you are moving permanently to a care home

And you have property capital that will be counted in your financial assessment we will:

- ask you to provide detailed information about your property
- explain the possible future funding arrangements, including the Council's Deferred Payment Agreement scheme.



***We **strongly** recommend that you seek independent financial advice before making decisions about using your capital assets to fund care home fees. We can help you [access independent financial information and advice](#).***

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<sup>2</sup> In accordance with *The Social Security (Information-sharing in relation to Welfare services etc.) Regulations 2012*, made using powers under sections 130 and 131 of the *Welfare Reform Act 2012*.

<sup>3</sup> If we can't contact you by phone, we may send you a financial assessment form for you to complete and return to us by post or through our secure web form. If you can't complete your assessment without support and you don't have a financial representative we may visit you at home to complete your financial assessment.

## **When your financial assessment is complete**

We will write to you to:

- confirm the outcome of your financial assessment and ask you to check and sign this.
- explain [how to appeal](#) if you disagree with the outcome
- explain how to pay your charges (if any).

## **‘Light Touch’ Financial Assessments**

**We won’t carry out a full financial assessment if you:**

- tell us you have capital assets over the Upper Capital Limit
- refuse a financial assessment or
- fail to provide the information we need to complete a full financial assessment within the required time - see [Delays to the Financial Assessment Process](#)

We can still:

- offer welfare benefits advice and support you to apply for new entitlements
- arrange and manage your care and support services<sup>4</sup> for you if you ask us to – we will charge you the full cost of your care and support plus [arrangement fees](#) to cover our administration costs

We will write to:

- confirm that you must pay the full cost of your care and support services
- advise you that you can request a full financial assessment at any time
- tell you about useful sources of financial information and advice and help you to access these

## **Welfare Benefit Entitlements**

**If we identify that you are entitled to new welfare benefits**

As part of your financial assessment we offer:

- A full benefits check and benefits advice
- Support to apply for welfare benefits and credits we believe you may be entitled to. This will usually be help to apply online or by phone. In some situations we may arrange for an officer from the Department for Work and Pensions (DWP) or a FAB Team worker to visit you at home.

**If your claim will change the outcome of your financial assessment**

We will estimate how this claim is likely to affect your Assessed Maximum Weekly Contribution and include this in the letter we send confirming the outcome of your financial assessment.

Once your claim has been processed we will write to you again to confirm your new Assessed Maximum Weekly Contribution and the date this will start.

If your claim results in an increase in your weekly charge we will backdate the increase to either the date your care and support service(s) started or the date you started receiving the extra money - whichever is the later.

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<sup>4</sup> Unless you are moving permanently to a care home

## **If you don't claim benefits you are entitled to**

We expect you to claim all the welfare benefits you are entitled to.

If we are satisfied that you would have received extra income if you had claimed, we will:

- count the amount we think you would get as 'Notional Income' within your financial assessment and
- adjust your Assessed Maximum Weekly Contribution accordingly.

## **If your entitlement to welfare benefits changes**

For example, if you are moving permanently to a care home, we will tell you which benefit departments to contact and support you with this - if needed.

## **Accessing Independent Financial Information and Advice**

We can help you to access independent financial information and advice that is relevant to your circumstances by:

- providing information about local or national organisations you can contact to find the financial information and advice services you need or
- putting you in touch with an independent organisation who can:
  - ♦ offer free information and advice on care and support and
  - ♦ give you contact information for Independent Financial Advisers (IFA) who are accredited with the Society of Later Life Advisors to provide independent regulated<sup>5</sup> financial advice on care funding options.

IFAs must tell you about any charges for their service before you access that advice.

See [Finding Financial Information and Advice](#) for more information

## **Deprivation of Assets**

If we have evidence that you have deliberately given away or disposed of some or all of your capital assets or income to reduce the amount you must pay for your care and support we will complete your financial assessment as if you still have those assets or income.

The asset(s) or income will show on your financial assessment as 'Notional Capital' or 'Notional Income'.

## **If you transferred income/assets to a third party to reduce/avoid care charges**

Section 70 of the Care Act gives us the legal power to recover your care and support charges from that third party where those charges relate to the value of the transferred asset

See [Care and Support Statutory Guidance Annex E: 'Deprivation of Assets'](#) for details.

## **Using your Financial Information**

The information we collect and keep about you for financial assessment and welfare benefit entitlements is confidential and is used and protected in line with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR).

We will only share this information with other relevant people and agencies in accordance with the DPA and GDPR. For details of how we use, share and protect your information, and your

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<sup>5</sup> Regulated by the Financial Conduct Authority (FCA)

rights about the information we hold see our [Financial Assessments and Benefits Data Privacy Notice](#)

## Delays to the Financial Assessment Process

If you (or your financial representative) unreasonably delay completing the financial assessment we will apply a 'Light Touch' Financial Assessment and you will be required to pay the full cost of your care and support service(s), backdated to the date your service(s) started.

If you later provide information for a full financial assessment which results in a lower charge we may consider refunding the difference depending on the circumstances of the case and reasons for the delay. The Head of Adult Care has discretion in this matter.

'Unreasonable delay' is determined on an individual basis but, as a general rule:

- We expect you (or your representative) to be available to complete a financial assessment within two weeks of first contact from our Financial Assessments and Benefits Team.
- If we send you a paper financial assessment form we expect you (or your financial representative) to return your fully completed form to us within two weeks.
- If we require further information to complete your financial assessment we expect you to provide this within two weeks of our request.

If we consider that you have unreasonably delayed your financial assessment, we will notify you after 28 days that we will charge you the full cost of your care and support and backdate that charge to the date your service(s) started.

## How to pay your charges for care and support

**If you arrange your own services through a Direct Payment** (*non-residential care and support only*)

You must set up a regular payment to transfer your weekly care charge into your Reading Prepaid Card Account, DP Bank Account or Managed Bank Account.

We will transfer our contribution to the cost of your care into the same account every four weeks.



*If your Direct Payment starts before your financial assessment has been finalised, a future Direct Payment may have more than four weeks assessed charge deducted from it.*

**If the Council arranges your care and support:**

We will send you an invoice for your weekly care charges every four weeks.



*Your first invoice could be for a longer period (depending on how long it takes to complete your financial assessment) as it is likely to include charges backdated to the date your services started).*

The easiest way to pay is by Direct Debit. [Download a Direct Debit Mandate Form from www.reading.gov.uk/adultcaredirectdebit](http://www.reading.gov.uk/adultcaredirectdebit) to set this up.

If you pay by Direct Debit we will still send you invoices to provide a record of your care charges.



Alternatively you can pay online [www.reading.gov.uk/payadultcare](http://www.reading.gov.uk/payadultcare) with a debit or credit card. Other ways to pay are listed on the back of your invoice.

## **If you disagree with our decision - Financial Assessment Appeals**

If you disagree with the outcome of your financial assessment you should [contact our Financial Assessments and Benefits Team \(FAB Team\)](#) as soon as possible.

We will:

- go through the information with you to check the assessment has considered all your relevant information in line with the Charging and Financial Assessment rules.
- discuss with you which part of the assessment you disagree with and
- note any exceptional expenditure that you believe we should consider

If you are still dissatisfied after this discussion you can appeal. [See Appealing a decision for details.](#)

## **Exceptional Circumstances and Waivers**

If you are experiencing exceptional circumstances we may consider a Charge Waiver Request.

If you can't afford to pay your assessed charge (and your financial assessment calculation is correct under the financial assessment rules) you must speak to your Social Care Worker as soon as possible.

The Council is only permitted to agree to waive care charges in exceptional circumstances where these charges would have a significant detrimental impact on you or others. For example:

- if you are experiencing trauma (e.g. bereavement of a close relative or family breakdown) and your financial or other circumstances are temporarily unstable
- if you are experiencing severe financial difficulties and incurring further debt would have a detrimental impact on you or your family
- if you are at serious risk of self-harm or neglect (e.g. through drug or alcohol abuse or mental health problems).

If your Social Care Worker considers that a waiver request is appropriate they will refer the request through their line manager for an appropriate Head of Service to consider.

The Head of Service can approve waivers up to £1000. Waivers over this amount must be approved jointly by the Head of Service and a Senior Finance Business Partner. [See Assessed Contribution Waivers Request Form](#)

If we agree a Charge Waiver Request we will suspend (waive) all or part of your assessed charge. This may be for a specified period of time or as an ongoing waiver which will be reviewed alongside your annual care and support needs review.

## **Debt Recovery**

We expect you to pay your invoices for your care and support charges, in full, when they are due.

If you don't pay and we can't establish a good reason why you (or your financial representative) have not paid we will start debt recovery action in line with the Council's Debt Recovery Procedures and the Care and Support Statutory Guidance<sup>6</sup>.

If you still don't pay, in spite of reasonable attempts to recover the money you owe, we will consider applying to the County Court to issue a claim to recover the debt from you (or your financial representative).

If we do this you could also be ordered to pay the Council's legal costs plus interest on your outstanding debts (at a rate set by the Court).

*If you are experiencing difficulty paying your invoices you must tell us as soon as possible. We will discuss your situation and work with you to help you find a solution.*

### **In exceptional cases**

If the reason you can't pay directly relates to the value of a capital asset which you can't access immediately without significant financial loss/penalty<sup>7</sup>, we may agree to allow part of your charge to accrue (build up) until you can access the asset without significant financial loss.

Any agreement will usually be for up to a maximum of six months.

### **Complaints**

We welcome feedback and we have dedicated officers to manage complaints. If you are dissatisfied with the way that you have been treated during the financial assessment process, or with a financial assessment/charging issue please let us know.

Most complaints can be sorted out by discussing the problem. We'll do our best to sort out the problem and deal with your concerns - considering your needs and wishes as well as those of other people involved.

If a solution is agreed, a record will be kept to make sure that nothing was missed. If the problem cannot be solved immediately an action plan will be drawn up with you. We will look into your complaint quickly and thoroughly and give you a detailed response once we have finished.

If you aren't satisfied with the response you receive please contact the [Customer Relations Manager](#).

If you are still not satisfied with our response you have the right to take your concerns to the [Local Government and Social Care Ombudsman](#).

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<sup>6</sup> [Care and Support Statutory Guidance – Annex D: Recovery of Debts](#)

<sup>7</sup> "Significant loss" would be where more than 10% of the capital value would be lost through making these funds available immediately.