



Shropshire
Council

Adult Social Care

Charging and Financial

Assessment Policy

for

Non-Residential Care

2024-2025

Document Title: Adult Social Care Charging and Financial Assessment Policy for Non-Residential Care 2024/25

Summary

Publication Date	April 2024
Related Legislation/Applicable Section of Legislation	<ul style="list-style-type: none">▪ The Care Act 2014• The Care and Support (Charging and Assessment of Resources) Regulations 2014• Charging-for-care-and-support-local-authority-circular: 2024 to 2025
Related Policies, Strategies, Guideline Documents	<ul style="list-style-type: none">• Care and Support Statutory Guidance
Replaces	<ul style="list-style-type: none">• The Council's Fairer Charging Policy• Adult Social Care Charging and Financial Assessment Policy 2023/24
Joint Policy (Yes/No)	No
Name of Partner(s) if joint	N/A
Policy Owner (Position)	Assistant Director of Adult Social Care
Policy Author (Position)	Team Leader Financial Assessments, Adult Social Care Business Support

Review of Policy

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Document Approvals:

Name	Title	Date of Issue	Version Number
TBC			

Introduction

This policy complies with The Care Act 2014 which provides a single legal framework for charging for care and support in Adult Care Services.

The main aim of this policy is to produce a consistent and fair framework for charging for all service users who receive non-residential services.

Non-residential services that fall within the scope of this policy include:

- Care in a person's own home
- Day Care (including college day placements)
- Rolling Respite
- Shared Lives Services
- Supported Living
- Transport

Legal basis for charging and financial assessments

Under section 14 of The Care Act 2014 Shropshire Council is allowed to charge people in receipt of care and support services where it is permitted to charge.

Under section 17 of The Care Act 2014 Shropshire Council is required to undertake a financial assessment for adults with eligible care and support needs to determine the amount (if any) that a service user is assessed as able to pay towards the cost of meeting their care and support needs.

This policy has been designed to comply with the Care and support (Charging and Assessment of Resources) Regulations 2014, which sets out:

- How a Local Authority is to carry out a financial assessment if the Local Authority is to charge for care and support.
- Rules on 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 the costs of putting arrangements into place in specific situations.

Shropshire Council follows the regulations and the Care and Support Statutory Guidance (including annexes) issued under the Care Act 2014.

The key principles

The overarching principle of the legislation is that people should only be required to pay what they can afford. People will be entitled to financial support based on a means-test and some will be entitled to free care. Shropshire Council follows the principles that the approach to charging for care and support needs should:

- Ensure that people are not charged more than it is reasonably practicable for them to pay;
- 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 the person's needs;
- Apply the charging rules consistently to all individuals receiving services, so that everyone is treated fairly and equitably;
- 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;
- Be sustainable for Shropshire Council in the long-term.

Care and Support that is free of charge

Shropshire Council will not charge for:

- Intermediate care including reablement, which must be provided free of charge for up to 6 weeks for a specified period of a programme of care and support to assist a person to maintain or regain the ability needed to live independently in their own home.
- Community equipment (which includes aids and minor adaptations to property, for the purpose of assisting with nursing at home or aiding daily living). Aids must be provided free of charge whether provided to meet or prevent/delay needs. A minor adaptation is one costing £1,000 or less.
- Services provided directly to a carer to meet that carer's identified needs
- Care and support provided to people with Creutzfeldt-Jacob Disease.
- After-care services and support provided under section 117 of the Mental Health Act 1983.
- Any other service or part of service that the NHS is under a duty to provide. This includes Continuing Health Care and the NHS contribution to Registered Nursing Care.
- 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.

Requirement for Financial Assessments

If the person or their representative does not have English as their first language, they may use the translation service available through the council.

When a person, has received a care needs assessment and has been deemed to have eligible care needs as defined by the Care Act 2014, they will be invited to create a support plan which will detail how their needs are going to be met and any costs involved in meeting those needs. The collective costs identified during the support planning process make up a person's indicative Personal Budget. Once their support plan and indicative budget have

been reviewed and agreed, the person will be informed of their allocated Personal Budget amount.

When a person has eligible care needs, a financial assessment must be carried out. An officer from the Financial Assessment Team will contact the person or their representative to arrange the completion of a Financial Declaration through the [Online Financial Assessment Calculator](#). Completion of the assessment is required to determine the financial contribution a person should contribute towards their personal budget.

When an individual's contribution to their personal budget has been established, it will be applied for the duration of any support plan. The person will be charged from the date that their support starts, and they will be required to contribute unless the following circumstances apply:

- A person is admitted to hospital or there is another absence from home for a period of more than 4 continuous weeks. The authority must be notified by the person or their representative. The contribution towards the cost of the personal budget will be reviewed based on expected change in income such as Attendance Allowance being suspended and whether the care and support is retained, for example keeping a residential room open or a non-residential service open in the expectation that this will resume upon discharge from hospital.
- They or their representative can be shown to have given 72 hours' notice to the relevant care provider that care is not needed on the day or days in question. This will be taken into account in a financial reconciliation
- A person dies, in which case a refund or any balance outstanding will be calculated from the date of death.

If the annual total cost of the personal budget is less than the equivalent annual contribution then the person's contribution shall be adjusted to match the annual value of the personal budget. At the end of the personal budget year, a financial reconciliation will be conducted to ascertain whether the amount the person has been charged exceeds the cost of the services they have received, any difference will be refunded to them.

People are expected to take advantage of all income available to them and assistance to maximise this will be available where needed. This advice will be contained in a notification from the Financial Assessment Team, which will signpost a person to the relevant agency to access the identified additional income. Following benefit maximisation advice, people who elect not to claim entitlement to allowances and benefits will be treated as receiving such income for the purpose of the financial assessment.

The council will consider a financial assessment has been carried out where the following circumstances apply:

- a) The person or representative refuses or does not wish to supply any financial information or fails to supply sufficient financial information, or;
- b) There is additional information available to the council that indicates that their resources are within or outside the financial thresholds set by Government.

Where the above paragraphs apply and the Financial Assessment Team has made two attempts to contact the person or Appointed Representative or anyone acting in their best interests but have not been able to obtain the relevant financial information, it will be

assumed that the person has the means to pay for their needs out of their capital or income. The person will be assessed as being able to pay for the full cost of their care and support from the date that it started. The situation will be reviewed if the person or their Appointed Representative or anyone acting in their best interests, can show good cause for any delay in providing the necessary information. If good cause cannot be demonstrated but the necessary information is subsequently provided, a financial assessment will apply from the relevant day after the necessary information has been provided. Prior to that date, the person will incur the full cost of any care and support provided.

Mental Capacity to Manage Finances

Where a person lacks the mental capacity to manage their finances, they may still be assessed as able to contribute towards the cost of their care. The Council will need to work with someone who has the appropriate authority (e.g Power of Attorney or appointee for benefits) to make financial decisions on behalf of the person.

People who lack the mental capacity to give consent to a financial assessment and who do not have an authorised representative will require the appointment of a deputy for property and financial affairs. Family members can apply for this to the Court of Protection or the Council will consider applying if there is no-one else suitable. The application process can take several months to complete but contributions towards the cost of care will still apply from the date the support commenced. Debt collection procedures will be suspended during this period until such time as a deputy has been appointed, subject to proof of application. The Council will then expect payment of any outstanding charges in full and if necessary, take steps to recover any arrears of charges.

Capital Limits

For the avoidance of doubt, the expression “capital” does not include the value of the person’s home or their share of the beneficial interest in the value of their home if they continue to live in it or its value is disregarded.

The upper capital limit is currently set at £23,250 and the lower capital limit at £14,250.

A person with more than £23,250 in capital, will be deemed to have sufficient resources to purchase their own care, and (unless exceptional circumstances apply) will not qualify for funded support from Shropshire Council.

When a person’s capital falls to, or below £25,000, they may approach the Council to put in place arrangements for financial assistance towards their care costs after their capital reduces to £23,250.

Where a person’s capital is between the lower and upper capital limits a tariff income will be applied to the financial assessment. See [Schedule 5](#). Tariff income assumes that for every £250 of capital or part thereof, between £14,250 and £23,250, a person is able to afford to contribute £1 per week towards the cost of their eligible care needs.

Deprivation of Assets

The financial assessment will need to look across all of a person’s assets – both capital and income. Whilst carrying out the assessment, the Council may identify circumstances that suggest a person has intentionally deprived themselves of income and/or assets in order to reduce or avoid contribution charges. In such cases, the person will be treated as still

possessing the actual capital that he or she has deprived him or herself of and the value included in the financial assessment as notional capital. For further information regarding deprivation of assets and notional capital, refer to [Schedule 4](#).

The Non-residential Financial Assessment

The Regulations require financial assessments for non-residential settings to ensure that the person has a set amount of income from which to meet basic living costs. This is defined as the Minimum Income Guarantee.

Part 2, paragraph 7 of the Care and Support (Charging and Assessment of Resources) Regulations 2014 defines the Minimum Income Guarantee specified according to age, relationship status, and entitlement to welfare benefits. These rates are updated each April by the Department of Health and Social Care. See [Schedule 1](#) for the current rates.

The purpose of the Financial Assessment is to:

- Correctly identify how much the person should contribute towards their personal budget.
- Establish if the person has entitlement to benefits
- Signpost the person to 3rd party organisations who could assist them to claim any such benefits
- Identify any permissible additional expenditure which the person may have because of their disability

Where the council identifies and informs the person of any benefit available upon application, it will take that income into account from the date that it has been awarded from, not the date it is paid so will take backdated payments into consideration.

All income that the person receives, or is entitled to on application, will be taken into account, other than that disregarded in Part 4 and Schedule 1 of The Care and Support (Charging and Assessment of Resources) Regulations 2014. See [Schedule 3](#) for more information on the treatment of income.

The Financial Assessment will also take into account Disability Related Expenditure where:

- the person has a current award of a disability-related benefit
- the costs are incurred due to a person's need
- it would be unreasonable to expect a lower cost alternative item or service to be used
- the cost can be verified by receipts/bills/invoice, and;
- Housing costs for which the person is liable for their main or only home, but which are not met by Department for Work and Pensions - or local authority- administered allowances, benefits, or credits. These are specifically:
 - ♦ Mortgage repayment costs
 - ♦ Rent or ground rent
 - ♦ Council tax
 - ♦ Service charges other than those ineligible under Schedule 1 of The Housing Benefit Regulation 2006, and;

If the person is a 'non-householder', housing costs will not be taken into account

- Any tariff income from capital held, which shall be applied as a weekly income in the financial assessment.
- Where the person has a partner and has chosen to provide detail of their partner's income and capital, an amount equivalent to the shortfall between the partner's assessed income and the Minimum Income Guarantee shall be offset against the person's income. This is known as the 'partner disregard'.

For more detailed information regarding Disability Related Expenditure refer to [schedule 2](#).

If the person has a partner, and one of the couple receives a means tested benefit, half of any means-tested income received for them as a couple will also be taken into account. This applies specifically to:

- Income-based Employment and Support Allowance
- Income Support
- Income-based Jobseekers Allowance
- Universal Credit
- Guaranteed Pension Credit

All calculations will be based on weekly income. It is assumed that one-half of any capital and savings held in joint names is available to the person unless the contrary is demonstrated by or on behalf of the person.

If both individuals living in a household are persons receiving a home care service, a financial assessment will be carried out on each person and a separate financial declaration completed for each of them. As well as the disregarded income, half of any housing costs and individual disability related expenditure will be deducted from any assessable income. When assessing allowances for disability related expenditure relating to the home, these will be divided by two if both partners are receiving Council-arranged support. This applies specifically to care alarms, domestic services, gardening, wear and tear in the home, telephone, energy, laundry, and metered water.

The Financial Assessment will be calculated based on a person's income and expenditure. To ascertain whether the person is able to afford the full cost of their care, their capital will be calculated including any notional capital.

The financial assessment for a person's contribution to their personal budget will be calculated according to the following formula:

- The person's income from pensions and/or benefits will be calculated on a weekly basis; and
 - ♦ Any notional income and/or tariff income will be added to the person's weekly income total
- Any disregards will be deducted from the person's weekly income
- The Minimum Income Guarantee will be deducted from the person's weekly income

The result of the calculation will be the person's assessed weekly contribution.

The amount the person is required to pay will be the assessed weekly contribution, or the actual cost of their care, whichever is lower.

Review of financial assessments

A financial assessment will be undertaken at the earliest opportunity to assist with decision making as part of the care and support planning process. The assessment will be subject to regular review to take account of any changes to a person's finances.

The person's contribution will be re-assessed whenever any of the following apply:

- Annually in April following the changes in annual benefit rates
- Following any relevant changes in the person's circumstances or changes in the person's income and capital

It is the person's responsibility, or that of their financial representative, to inform the Financial Assessment Team of any changes in their circumstances that will affect the amount that they contribute to their Personal budget, specifically:

- Changes in income
- Changes to their capital
- Changes in membership of the household
- Moving to other accommodation

Changes are required to be reported to the Team within a month of the date of change. Any change will be effective on the Monday of the week in which the change occurred.

Collection of Contributions

The person will be informed in writing of the weekly assessed contribution. They will be required to contribute this amount, on an ongoing basis subject to any changes notified to the Financial Assessment Team.

Persons not receiving Direct Payments will normally be invoiced every 4 weeks in arrears for their contribution with the following exceptions:

- a) for administrative reasons, the first invoice is delayed, or
- b) when a payment period is adjusted to comply with financial year-end accounting.

Contributions remain payable for each week that a Support Plan is open, irrespective of whether the person receives care and support in that week.

Where a person receives their financial support through a Direct Payment, the assessed contribution will be deducted from the amount Shropshire Council would otherwise pay into the person's direct payment account. The person is required to pay their assessed contribution into the same account.

Failure to pay the assessed contribution into the Direct Payment account may lead to the full amount owed being invoiced, subject to a financial reconciliation.

Any debt accrued through non-payment of assessed contributions may be recoverable as a civil debt in line with the council's debt recovery policy. [Adult Social Care Debt Recovery Policy](#)

Discretionary Powers

Arranging home care services for those who are self-funding is discretionary. If requested to do so, the council will arrange such services, but the council will make a charge to cover the costs they incur in providing this service. More information can be found at our webpage [Paying for your own care](#).

Equality, diversity and social inclusion

The Council is committed to the Equality Act 2010. This Act, together with the Human Rights Act 1998, forms a robust framework of protection for equality, diversity, social inclusion and human rights. More information is available at [Equality, diversity and social inclusion](#).

Data Protection & Fraud Prevention

All data gathered as part of the Financial Assessment process will be kept in accordance with the council's [Data Protection Policy](#). The council is also under a duty to protect the public funds that it administers and, to this end, may also use the information that a person has provided within the council:

- For the prevention & detection of fraud
- To support national fraud initiatives; this may include a persons' information being used in data matching exercises

The council may also share this information with other bodies administering or in receipt of public funds solely for this purpose.

Schedule 1

Minimum Income Guarantees (MIG)

In February each year, the Department of Health and Social Care publish a circular detailing the level of Minimum Income Guarantee that local authorities must leave a person with each week. The table below sets out the levels for the financial year 2024 to 2025.

Single People		
Age of Person	Disability Benefits or other benefit components he/she receives, or would be considered to receive, if entitled to Income Support or Pension Credit	Minimum Income Guarantee
n/a	Responsible for and in the same household as a child	£101.25
Under 25	None	£87.65
	Disability Premium	£136.45
	Disability & Enhanced disability premiums	£160.30
	Carer's Premium	£140.00
	Disability Premium & Carer's Premium	£188.80
	Disability, Enhanced disability & carer's premiums	£212.65
Aged 25 or over but under State Retirement Age*	None	£110.60
	Disability Premium	£159.40
	Disability & Enhanced disability premiums	£183.25
	Carer's Premium	£162.95
	Disability Premium & Carer's Premium	£211.75
	Disability, Enhanced disability & carer's premiums	£235.60
State Retirement Pension Age*	None	£228.70
	Carer's Premium	£281.05
One of a couple		
Under State retirement age	None	£86.85
	Disability Premium	£121.65
	Disability & Enhanced disability premiums	£138.80
	Carer's Premium	£139.20
	Disability Premium & Carer's Premium	£174.00
	Disability, Enhanced disability & carer's premiums	£191.15
State Retirement Pension Age*	None	£174.60
	Carer's Premium	£226.95

* This is the age at which a person becomes eligible for Pension Credit. It is subject to amendment from central government and is based on a person's date of birth rather than their age. The Government's State Pension age can be checked [here](#).

Schedule 2

Disability Related Expenditure (DRE)

Disability related expenditure can be considered when the individual is in receipt of the care component of DLA or the care component of PIP or Attendance Allowance.

Where a service is made up of different elements, we will only consider costs for the part(s) that meet a disability-related need. For example: Hairdressing – we will allow a claim for the cost of hair washing if the individual's disability prevents them doing this themselves, but not the cost of cutting/styling as most people pay for this.

To support a claim for disability related expenditure, receipts and/or invoices and bank statements should be provided to evidence the actual cost and how often these expenses are incurred.

This schedule sets out the allowances and thresholds for the most common disability related expenditure for non-residential care. Unless otherwise indicated, thresholds and allowable weekly rates have changed in line with the Consumer Price Index i.e. an increase of 6.7% from 8 April 2024.

Any requests for additional disability related expenditure will be based on the individual's circumstances and the following will be taken into consideration:

- Does the individual have to pay more for a service or item due to their disability?
- Is the expense specifically linked to the individual's needs or would it be incurred irrespective of these?
- Is the cost reasonable and can it be verified?
- Is the need identified in the support plan?

DRE item	Basis of disregard	Evidence Required	Maximum or standard allowable weekly rate
Care Alarm	Necessary housing cost if living in supported/sheltered housing. Cost if not included in Housing Benefit or Supporting People Grant.	Last two payments or invoices	Actual cost
Privately bought personal care	Actual cost, if social care practitioner confirms this as a requirement to meet the person's eligible care needs and the Shropshire Council support is reduced accordingly. No disregard for payments made to any carer who is a	Signed receipts or invoices covering at least 4 weeks.	Actual cost

	<p>close relative of the person.</p> <p>If payments made to carer receiving Carer's Allowance or Carer's Premium, any such payments will not be accepted as expenditure, as carer is receiving state funding.</p>		
Domestic services	<p>Actual cost, if social care practitioner confirms as a reasonable addition to the Care Plan and no one else in the household can carry out task.</p> <p>Maximum allowance is based on 2 hours of support per week at the National Living Wage of £11.44 an hour</p>	Signed receipts or invoices covering at least 4 weeks.	£22.88
Gardening	<p>Actual cost if the person is unable to care for the garden due to disability and no one else in the household is able to do so. Essential work only.</p> <p><i>The expense is presumed to occur over the growing seasons of 39 weeks (9 months) only, but is averaged over the year. It is based on 2 hours a week at the National Living Wage of £11.44 an hour</i></p>	Signed receipts for at least 4 weeks using a proper Receipt Book or a Shropshire Council Form.	£17.11
Dietary Requirements (food and non-alcoholic beverages)	<p>Discretionary as special dietary needs may not be more expensive than normal. Identify average spend per week and any additional costs due to disability rather than personal preference.</p>	<p>4 weeks till receipts</p> <p>We may request medical evidence from the customer and details of special purchases.</p>	£8.75
Clothing and Footwear	<p>Evidence required for additional spend – large items such as special shoes/boots will be averaged out over a year. We do not allow for personal preferences for more expensive items.</p>	<p>2 months receipts</p> <p>Last receipt for large items</p> <p>Reference within the Care Plan to abnormal wear and tear of clothing.</p>	£3.59

	A clothing allowance is available with the War Disablement Pension, which recognises extra wear and tear caused through incontinence and the use of an artificial limb. If this is received, it is netted off against identified extra costs.		
Wear and Tear in Home	Any extra costs resulting from a disability such as wheelchair wear on carpet or behavioural difficulties, high level of breakages	12 months previous payments pro rata to weekly amount	£3.59
Prescription Costs	If not eligible for free prescriptions, then the weekly equivalent of the cost of annual prepayment certificate, currently £114.50 for 2024/25. Note patients over 60 are exempt from these charges.	Latest prescription information/prepayment card	£2.22
Land line or mobile phone	A contribution to the usage, as most of the time phones are not used for emergencies	Ownership of a phone	£1.81
Wheelchair maintenance	The cost of maintaining a privately owned wheelchair, including insurance. No allowance is made if the equipment is provided free, e.g. by NHS or charity.	Manual Electric	£5.05 £12.26
Metered Water	Costs over and above these that can be identified as disability related expenditure, with reasons: Flat/ terraced House Semi-detached Detached	Last 2, 6 monthly bills required or evidence of direct debit Threshold £8.01 pw Threshold £9.44 pw Threshold £11.51 pw	£2.01

<p>Transport</p>	<p>This will apply to costs not included in any Support Plan. Only costs incurred as a result of disability – over and above the amount of DLA mobility allowance will be considered.</p> <p>If mobility allowance received a presumption is made that there are no additional transport costs unless evidenced and with suitable reason agreed with care manager.</p> <p>If no mobility, then all to be evidenced with both receipt and reason for transport. Ordinary day-to-day transport costs e.g. for shopping are not taken into account unless specialist transport is required.</p> <p>Allowable expense is net of the cost of the same journey by the cheapest available public transport.</p> <p>Day centre transport charges are to be allowed as DRE if over and above any DLA or PIP mobility component and not included in a Support Plan.</p>	<p>Where applicable, HMRC mileage rates will be used</p>	<p>£16.52</p>
<p>Equipment</p>	<p>The life span for most items is considerable. The Council will take into account annual maintenance costs.</p> <p>Purchases will be looked at on an individual basis. The Council will take into account any contributions to purchase, e.g. grants, charitable payments.</p> <p>Items provided free of charge will not be considered.</p> <p>Items over 5 years old will not be taken into account.</p>	<p>Date of purchase Cost of item</p>	<p>The cost of the item or items, divided by 250. This figure is based on the treatment of capital under Income Support regulations.</p>

Schedule 3

Treatment of Income

The level of charge will be determined by the amount of income being received by the Service User, and if applicable, any received by a partner on their behalf. If the Service User has capital above £14,250, any tariff income calculated in accordance with [Schedule 5](#), shall be added to that income.

Disregarded Income

Any income described in Part 1 of Schedule 1 of the Care and Support (Charging and Assessment of Resources) Regulations 2014 shall be disregarded

These amounts include the following:

INCOME WHICH ATTRACTS AN EXEMPTION AMOUNT
<p>The first £10 per week of the following will not be charged against:</p> <ul style="list-style-type: none">▪ 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)
INCOME WHICH WILL NOT BE CHARGED AGAINST
<ul style="list-style-type: none">▪ All earnings from employment▪ Any partner's earnings▪ Armed Forces Independence Payments and Mobility Supplement▪ Guaranteed Income Payments made to veterans under the Armed Forces Compensation Scheme▪ Payments made to veterans under the War Pension Scheme with the exception of Constant Attendance Allowance▪ Payments received as a holder of the Victoria Cross, George Cross or equivalent▪ Gallantry Awards▪ Discretionary Trust

- Savings Pension Credit up to £6.95 per week for a single qualifying Service User and up to £10.40 per week for one of a couple
- Income frozen abroad
- Income in kind
- Disability Living Allowance - Mobility Component
- Personal Independence Payment - Mobility component
- Payments made by the Local Authority under Child Care legislation
- Payments from the Social Fund and Local Support and Prevention Fund
- War Widow's and Widower's special payments
- Council Tax Reduction Schemes where this involves a payment to the person
- Guardian's Allowance
- Christmas Bonus
- Grants or loans paid for the purposes of education and payments made in relation to training for employment
- Dependency increases paid with certain benefits
- Child Support Maintenance Payments and Child Benefit (except where the accommodation in which the adult and child both live is arranged under the Care Act)
- Child Tax Credit
- Pensioners Christmas payments
- Personal injury trust, including those administered by a Court
- Resettlement benefit
- Payments from Macfarlane Trust; Macfarlane (Special Payments) Trust; Macfarlane (Special Payment) (No 2) Trust; Caxton Foundation; The Fund (payments to non-haemophiliacs infected with HIV); Eileen Trust; MFET Limited; Independent Living Fund (2006); Skipton Fund; London Bombings Relief Charitable Fund; Scottish Infected Blood Support Scheme; London Emergencies Trust; an approved blood scheme (approved by the Secretary of State); We Love Manchester Emergency Fund
- Payments made by the Post Office or the Secretary of State for the purpose of providing compensation or support in connection with the failings of the Horizon system

- Payments made under the Windrush Compensation Scheme (Expenditure) Act 2020
- Payments from the scheme established or approved by the Secretary of State for the purpose of providing compensation in respect of historic institutional child abuse in the UK
- Any payment made under the Vaccine Damage Payments Act 1979
- Payments made for the purpose of providing compensation or support in respect of the fire on 14 June 2017 at Grenfell Tower
- Any payment from the Victims of Overseas Terrorism Compensation Scheme established by the Ministry of Justice in 2012 under section 47 of the Crime and Security Act 2010

Schedule 4

Capital Limits

For the financial year 2024 to 2025 the capital limits have been determined as:

Upper capital limit: £23,250

Lower capital limit: £14,250

Treatment of Capital

A person with assets above the upper capital limit will be deemed to be able to afford the full cost of their care. Capital is the total amount of money and items with a monetary value that a person owns. Examples of which are:

- a) Property
- b) Land
- c) National Savings Certificates and Ulster Savings Certificates
- d) Premium bonds
- e) Stocks and shares
- f) Capital held by the Court of Protection or a Deputy appointed by that Court
- g) Trust funds
- h) Savings held in
 - ♦ Building society accounts
 - ♦ Bank accounts
 - ♦ SAYE schemes
 - ♦ Unit trusts
 - ♦ Co-operatives share accounts
 - ♦ Cash

Any monies received as income becomes capital at the end of the period to which the income relates e.g. where a person is paid monthly, any money they have left at the start of the next month, becomes capital

Tariff Income

A person with capital between the lower and upper capital limits, will be deemed as able to make a contribution, known as a tariff income from their capital. The tariff income will be assumed at the rate of £1 per week for every £250 of capital between the minimum and maximum capital limits. The tariff income rates are shown on [Schedule 5](#).

Disregarded Capital

Capital listed in [Annex B of the Care and Support Statutory Guidance](#) and any capital below the lower capital limit will be disregarded in the assessment.

In addition, any compensation payments made under [The Armed Forces and Reserve Forces Compensation Scheme Order 2011](#) will also be disregarded. All other capital will be taken into account in the Financial Assessment.

Deprivation of Capital

Where the Council believes that there is sufficient evidence to the effect that a person has deprived themselves of any income or capital to avoid payment of charges, the person will be assessed as retaining that capital. In such cases it will be for the Council to demonstrate that a significant reason for the disposal of such capital was to obtain financial assistance from the Council.

Common approaches that suggest deprivation of income are;

- A person has failed to apply for an available income, such as a means-tested benefit or allowance.
- A person has given away or sold the right to an income from an occupational pension

Common approaches that suggest deprivation of capital are:

- a lump-sum payment to someone else, for example as a gift
- substantial expenditure has been incurred suddenly and is out of character with previous spending
- the title deeds of a property have been transferred to someone else
- assets have been put into a trust that cannot be revoked
- assets have been converted into another form that would be subject to a disregard under the financial assessment, for example personal possessions
- assets have been reduced by living extravagantly, for example gambling
- assets have been used to purchase an investment bond with life insurance

In all such cases, it is up to the service user to prove to the council that they no longer possess an income or an asset. Acceptable evidence of disposal of capital assets would be:

- (a) a trust deed
- (b) deed of gift
- (c) receipts for expenditure
- (d) proof that debts have been repaid

Failure to provide this evidence will result in the Council treating the individual as though they possess the income and/or asset. The value of the income and/or asset will be treated as notional income or notional capital in their financial assessment. Therefore in the assessment the figure used for the person's income would be their actual income plus notional income and/or the capital figure used in their assessment will be the total of their actual capital plus notional capital. The value of notional capital will be reduced over time.

If, subsequently, the Service User either provides the missing information or can demonstrate that the decision is incorrect, then the charge will be returned to the appropriate amount and any overcharges will be refunded.

Schedule 5

Tariff income

The weekly tariff income will be calculated on the following total capital amount a Person holds at the point of the financial assessment. This amount is £1 per week for every £250 (or part thereof) a person has above £14,250.00, up to £23,250. Above that amount the person will be considered as being able to fund his or her own care.

Amount of Capital		Tariff Income
From	To	
£14,250.01	£14,500.00	£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

Amount of Capital		Tariff Income
From	To	
£18,750.00	£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
£23,250.01	Self-funding	