

# Angus Council



## Social Care Contributions Policy Non-Residential Services

Applicable from April 2023

## Contents

<b>1. Introduction</b> .....	<b>3</b>
1.1 Legislation .....	3
<b>2. Principles on which the Contributions Policy is based</b> .....	<b>4</b>
<b>3. What services do we not charge for?</b> .....	<b>4</b>
<b>4. Flat rate charges</b> .....	<b>5</b>
<b>5. What is a contribution?</b> .....	<b>5</b>
5.1 How are contributions for non-residential social care services calculated?.....	5-7
5.2 When do contributions stop?.....	7-8
5.3 Undelivered Services.....	8
5.4 Non-disclosure.....	8
5.5 Hardship/Exemptions.....	8
<b>6. Appeals Process</b> .....	<b>8</b>
<b>7. Debt Recovery</b> .....	<b>9</b>
<b>Appendix 1 – Flat rate charges</b> .....	<b>10</b>
<b>Appendix 2 - Personal Care description</b> .....	<b>10-11</b>
<b>Appendix 3 – Taper Rate</b> .....	<b>11</b>
<b>Appendix 4 – Glossary</b> .....	<b>11-12</b>
<b>Appendix 5 – Contact Details and Useful Links</b> .....	<b>12</b>

## 1. Introduction

This is the Contribution Policy of Angus Council / Angus Health and Social Care Partnership (AHSCP) for support and care at home. It explains how we will determine how much a person may have to pay towards the cost of their support package.

The policy is intended to help supported people, families and carers, as well as staff and providers, to understand how the Council will calculate the charges that a person may have to pay.

The policy also describes the principles on which the Contributions Policy is based, and the types of support that the policy covers.

In addition, the policy explains the financial assessment process used to determine individual contributions, and how these contributions are calculated, including the income and allowances that are taken into account. It further sets out how people can appeal the amount they pay if they deem that this will cause them exceptional financial hardship, and where and how information on the contributions policy and the processes involved can be found.

### 1.1 Legislation

This policy does not apply to permanent admissions to a care home where charging is governed by The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2012 with guidance provided by the Scottish Government's Charges for Residential Accommodation Guidance (CRAG).

Non-residential care services support individuals to live at home and be as independent as possible. These services are provided following an assessment of need and are identified to assist individuals to meet their identified outcomes.

The legal basis for charging non-residential social care services is the Social Work (Scotland) Act 1968, (as amended) and Community Care and Health (Scotland) Act 2002.

Further information is available at:

- <http://www.legislation.gov.uk/asp/2002/5/section/1>

## **2. Principles on which the Contributions Policy is based**

In assessing the charges and determining how much a person will pay, the Council/AHSCP is committed to adhering to the following principles:-

- (a) A fair cost of care – a person will not be charged more than the cost of the support that is provided
- (b) A commitment to equity – all supported people will be treated fairly
- (c) A commitment to transparency – supported people will know how and why they are being asked to pay a charge
- (d) Ability to pay - supported people will contribute towards the cost of their support based on their income, expenditure, capital and assets
- (e) A commitment to full compliance with national guidance and legislation.

This Policy will be reviewed by Angus Council and the Angus Health and Social Care Partnership on an annual basis.

## **3. What services do we not charge for?**

Not all services provided to support people at home are subject to a contribution. In Angus, services which cannot be charged for are as follows:

1. Support for children under 18 years of age
2. Looked after children up to the age of 21 years
3. Personal care provision (any age group)
4. Support for unpaid carers following an assessment of their needs
5. Criminal Justice social work services
6. Information, advice and signposting
7. Palliative and End of Life Care where a GP has issued a SR1/DS1500 form for benefit purposes
8. Laundry services for people who have severe incontinence and have no access to laundry washing facilities
9. Volunteer Transport
10. Support to people who are detained in hospital, or on a community-based treatment order, under the Mental Health Care and Treatment (Scotland) Act 2003, provided that this is detailed in the person's care, treatment and/or support plan.

## 4. Flat Rate Charges

Some supports and services are charged at a flat rate and are therefore not included in this contributions policy. These are listed in Appendix 1.

## 5. What is a contribution?

A contribution is a payment by the supported person towards some or all of their support and care package. This may be for housing support, activity-based resource centres, socialisation and community based activities, and day care centres. A list of what constitutes personal care (which is exempt in law from charging) can be found at Appendix 2.

### 5.1 How are contributions for non-residential social care services calculated?

Everyone assessed as being eligible for support and care is offered a financial assessment to determine how much they can afford to pay towards the cost of the support that they receive. Where an individual declines to complete a financial assessment, they will be required to meet the full cost of their support package.

The contribution will be payable when the support and care package has been arranged and a start date agreed.

The contribution is payable for 52 weeks of the year by direct debit or invoice where the person does not have a bank account.

The amount payable can change when there is a change in the support that the person receives, or the person's income increases or decreases.

The person's contribution towards the cost of their support and care is based on their income and capital (including assumed income from capital), less any allowances as described in the COSLA guidance.

#### Minimum income threshold

In line with COSLA Guidance, the amount a person has to contribute should be set at a threshold according to their ability to pay. A person's ability to pay does not affect the provision of their support, which is based on assessed need.

The thresholds are set by COSLA and are reviewed each year. For the current financial year amounts please see the link below:

[https://www.cosla.gov.uk/\\_data/assets/pdf\\_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf](https://www.cosla.gov.uk/_data/assets/pdf_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf)

The set threshold is expected to cover a person's normal living expenses such

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as food, utilities, clothing, insurance, and household costs. Some other costs are offset against income (e.g., housing / rent / Council Tax costs not covered by benefits, and contributions to Independent Living Fund) as are some exceptional costs where they are a result of a person's disability, such as exceptionally high heating or laundry costs, and clothing replacement, however as these costs can vary, they will be taken into account on a person by person basis.

Where a person's income is calculated at less than the set thresholds, there will be no charge.

## **Disregards**

There are disregards for rent, service charges, mortgage, water and sewerage charges, and for council tax. The balance of the income is referred to as "available funds" or sometimes "disposable income". This information is gathered from the financial assessment.

Certain types of income are disregarded and not taken into account when assessing a person's ability to pay a contribution. Information on which types of income can be disregarded can be found at the below link:

[https://www.cosla.gov.uk/\\_data/assets/pdf\\_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf](https://www.cosla.gov.uk/_data/assets/pdf_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf)

## **Taper**

The taper rate is a percentage of the service user's chargeable income, which is then used to calculate how much of a client's income above the threshold figure is taken into account in calculating the contribution. The taper rates are set by the Local Authority and reviewed annually.

The taper amount is set by Angus Council and Angus Health and Social Care Partnership each year. For the current year's taper amount please see Appendix 3.

## **Financial Assessment**

Everyone who completes a financial assessment is required to provide evidence of their income in the form of bank or other financial statements, benefit award letters, share certificates etc.

The person will be advised in writing how much their contribution is to be and will receive a copy of the calculation sheet.

If the financial assessment is completed after the support package has begun, the contribution will be backdated to the date the person first received services.

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## Changes in circumstances

If there are changes in a person's circumstances that may affect the current financial assessment, increases or reductions in income or expenditure, it is essential that a reassessment is carried out and that the financial assessment team is informed. Failure to do this may result in a person being liable to pay a backdated contribution. Supported people must inform either the case holder or the financial assessment team of any change in their circumstances which might affect their financial assessment.

If it is discovered that an incorrect financial assessment has led to someone paying too much or too little, a new financial assessment will be carried out and the correct amount will be applied going forward.

## Capital and savings

Any capital and savings that a person has are considered in the calculation to determine what the contribution might be.

Capital includes any savings, investments or property owned by the person, but not the person's main residence.

COSLA guidance reflects the same approach as that used by the Department of Work and Pensions (DWP) for means testing income-based benefits. For the current financial year amounts please see the link below:

[https://www.cosla.gov.uk/\\_data/assets/pdf\\_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf](https://www.cosla.gov.uk/_data/assets/pdf_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf)

Where someone has been awarded a compensation payment as a result of personal injury (whether as a result of a court judgment or by out-of-court settlement) and in respect of anticipated future care costs, this will be taken into account as capital when calculating the contribution. This will also include compensation payments held in trust.

### 5.2 When do contributions stop?

Contributions will end in the following circumstances:

1. The support and care package ends completely,
2. The financial circumstances of the person have fallen below the threshold,
3. The person moves out of the local authority area,
4. The person moves into permanent residential care,
5. A SR1 /DS1500 is issued by the person's GP for benefit purposes,
6. The death of the supported person.

**Note:** To ensure that payments are not collected after the agreed end date, relevant notice periods are required to be given to the provider of the support. Where the provider of the support continues to invoice the Council for the support due to failure to provide sufficient notice, the contribution will continue to be payable by the person to the Council.

### **5.3 Undelivered services**

Where a supported persons service is undelivered for a period of more than 14 consecutive days, for any reason which is out with the control of the supported person, there will be no contribution due by the supported person thereafter until the service resumes, or Angus Council and Angus Health and Social Care Partnership can provide an alternative service to the current service provided, or such as agreed between the Council and Partnership and the supported person.

If for any reason the supported person is the reason the service cannot be delivered, regardless of duration, then the Council and Angus HSCP will charge for these undelivered services based on the terms set out in the supported persons Individual Service Contract.

### **5.4 Non-disclosure**

If you fail to respond to information required to complete a financial assessment or choose not to disclose information, then you will be assessed as being able to afford the maximum weekly contribution or the actual cost of your care. Whichever is the lesser amount.

### **5.5 Hardship/Exemptions**

If paying a contribution towards the cost of the support and care package causes extreme financial hardship or poverty for the supported person, she/he can ask for her/his circumstances to be considered by the Head of Community Health and Care Services for the Angus Health and Social Care Partnership.

## **6. Appeals Process**

An appeal can be made against the contribution that is required to be paid towards the cost of an individual's support and care package. Any appeals will be considered by the Head of Community Health and Care Services and these need to be submitted in writing.



## **7. Debt Recovery**

Debt recovery is managed by Angus Council on behalf of the Angus Health and Social Care Partnership. Angus Council has the legal power to pursue all contributions which are not paid by people assessed as being able to pay.

## **Appendix 1**

### **Flat Rate Charges**

Community Meals Service:-

1. Hot meal at lunch time charged per day.
2. Sandwich tea charged per day (delivered at lunchtime).

Community Alarm Service:-

1. Community alarm equipment weekly hire charge.
2. Telecare equipment from the Community Alarm Service weekly hire charge.

## **Appendix 2**

### **Personal Care**

Support provided for the personal hygiene of the person cared for such as:

- a) Shaving;
- b) Cleaning teeth (whether or not they are artificial) by means of a brush or dental floss and (in the case of artificial teeth) by means of soaking;
- c) Providing assistance in rinsing the mouth;
- d) Keeping finger nails and toe nails trimmed;
- e) Assisting the person with going to the toilet or with using a bedpan or other receptacle;
- f) where the person is fitted with a catheter or stoma, providing such assistance as is requisite to ensure cleanliness and that the skin is kept in a favourable hygienic condition;
- g) Where the person is incontinent;
  - I. the consequential making of the person's bed and consequential changing and laundering of the person's bedding and clothing; and
  - II. caring for the person's skin to ensure that it is not adversely affected.

Eating requirements, the preparation of, or the provision of any assistance with the preparation of, the person's food including (without prejudice to that generality):

- a) defrosting, washing, peeling, cutting, chopping, pureeing, mixing or combining, cooking, heating or re-heating, or otherwise preparing food or ingredients;
- b) cooking, heating or re-heating pre-prepared fresh or frozen food;
- c) portioning or serving food;

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- d) cutting up, pureeing or otherwise processing food to assist with eating it;
- e) advising on food preparation; and
- f) assisting in the fulfilment of special dietary needs.

### **Appendix 3**

#### **Taper Rate – set by Angus Council**

<p>Taper Rate This rate is set by Angus Council and Angus Health and Social Care Partnership and is reviewed and approved annually.</p>	<p>% of a person's available funds or disposable income that is used to calculate how much income is taken into account towards the maximum contribution.</p>	<p>Above pension age and below pension age</p>	<p>75%</p>
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### **Appendix 4**

#### **Definitions**

Below is a list of terms used within the Contribution Policy and their definitions:

#### **Supported Person (Person)**

Any individual who, following an assessment of need requires a package of support and care to meet those needs.

#### **Unpaid Carer (Carer)**

An adult carer or young carer who, following an assessment of need requires a package of support and care to meet those needs.

#### **Convention of Scottish Local Authorities (COSLA)**

The organisation responsible for issuing national guidance on non-residential social care support charges in Scotland.

#### **Angus Council / Angus Health and Social Care Partnership (AHSCP)**

The Local Authority retains the statutory duty for the assessment of need but, for adults, this is delegated to the AHSCP. Support is identified to meet the needs following the assessment.

#### **Financial Assessment**

A calculation based on a person's income, capital and expenditure to determine the contribution they may make towards their support and care package.

#### **Contribution**

The amount of money that a person may be asked to pay towards their support and care package.

#### **Personal Care**

Care of the person relating to a physical task such as washing, dressing, eating and the prompting and reminding of those tasks. The full list can be

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found at Appendix 1.

### **Non-Personal Care**

Support to assist you to live as independently as possible. Examples include support with household tasks, budgeting, menu/meal planning, shopping, being included in your community and socialisation.

## **Appendix 5**

### **Contact details and useful links**

Please contact Angus Council Financial Assessment Team to discuss the financial assessment process, any changes in your financial circumstances or for information on how your available funds were calculated.

Telephone Number: - 03452 777 778

E-mail:- [revenquiry@angus.gov.uk](mailto:revenquiry@angus.gov.uk)

Please contact the Angus Council AccessLine for any queries or questions you may have.

Telephone Number :- 03452 777 778

Angus Council website:-

<https://www.angus.gov.uk/>

Angus Health and Social Care Partnership website:-

<http://www.angushscp.scot/>

COSLA Guidance:-

[https://www.cosla.gov.uk/\\_data/assets/pdf\\_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf](https://www.cosla.gov.uk/_data/assets/pdf_file/0014/32351/COSLA-Social-Care-Charging-Guidance-2022-2023.pdf)

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