



Wigan♥
Council

Request

1. Does your adults' social services charging policy (or the practice required of your social services assessors and care planners during earlier stages of the Care Act process) mention a person's receipt of PIP/DLA Mobility Component as a reason for your adult social services department not funding transport to services within their Personal Budget (services that are being commissioned in the person's care plan to meet the person's eligible unmet needs)?
2. If so, is it possible for the person to provide evidence that their Mobility Component income is not otherwise available for such transport, in order to bring about a different outcome regarding the scope of their Personal Budget?
3. Does your adults' social services charging policy (or the practice required of your adults' social services assessors and/or care planners during earlier stages of the Care Act process) state that a person's request for a disregard from income of privately incurred Disability Related Expenditure on the person's transport needs will only be allowed to the extent that and for the sum by which their transport expenditure exceeds the PIP/DLA Mobility Component?
4. If in doubt about whether the wording in your charging policy or practice guidance to staff has the effect of the stances at 1) and 3), above, please just provide us with the wording related to Mobility Component, and any link to the document that might be found online.

Response

This information is available on the Wigan Council website – the link below takes you to our Charging Policy.

[How much will I have to pay?](#)

However for ease of reference – the PDF is attached together with Disability Related Expenditure fact-sheet.



Adult Social Care Charging Policy April 2024

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1. Introduction

The Care Act provides a single legal framework for charging for care and support under sections 14 and 17. It enables Wigan Council to decide whether or not to charge a person when it is arranging to meet a person's care and support needs, or a carer's support needs.

Wigan Council will exercise its power to charge people for residential and non-residential services. It will follow the Care and Support (Charging and Assessment of Resources) Regulations 2014 and also the guidance issued in relation to charging.

The overarching principle of the Wigan Council's charging policy 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. This policy is therefore based on the following principles that Wigan Council will take into account when making decisions on charging.

The principles are 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 their needs;
- apply the charging rules equally 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 Wigan Council in the long-term.
- administer a charging policy for people who lack capacity or are losing capacity in a way that considers what capacity remains and their rights.

2. Understanding Care Charges

Wigan Council will provide information to help people understand what they may have to pay, when and why and how it relates to people's individual circumstances. This will include the charging framework for care and support, how contributions are calculated (from both assets and income) and the means tested support available; top-ups and how care and support choices may affect costs.

Alongside this, Wigan Council will ensure there is sufficient information and advice available in a suitable format for the person's needs, in line with the Equality Act 2010 (in particular for those with a sensory impairment, with learning disabilities or for whom English is not their first language), to ensure reasonable efforts are made that they or their representative are able to understand any contributions they are asked to make. Wigan Council will also make the person or their representative aware of the availability of independent financial information and advice.

Following assessment Wigan Council will follow the Care and Support (Charging and Assessment of Resources) Regulations 2014 and have regard to statutory guidance. The detail of how to charge is different depending on whether someone is receiving care in a care home, or their own home, or another setting. However, they share some common elements, which are set out below.

- Regulations determine the maximum amount Wigan Council can charge a person.
- For someone receiving permanent care in a care home, where the financial assessment identifies that a person's resources exceed the capital limits (£23,250), Wigan Council is precluded from paying towards the costs of care.
- Wigan Council has no power to assess couples or civil partners according to their joint resources. Each person must therefore be treated individually.
- The charging rules also equally apply to people in prison.

3. Circumstances when the Council will not charge

Wigan Council, in line with the Care and Support (Preventing Needs for Care and Support) Regulations 2014, will ensure that intermediate care and reablement provided up to six weeks, and minor aids and adaptations up to the value of £1,000 will be provided free of charge. This is for all adults irrespective of whether they have eligible needs for ongoing care and support.

Other circumstances when the Council will not charge

- Early intervention, including reablement, will be provided free of charge for up to six weeks.
- Community equipment (aids and minor adaptations). Aids will be provided free of charge whether provided to meet or prevent/delay needs. A minor adaptation is one costing £1,000 or less.
- After-care services/support provided under section 117 of the Mental Health Act 1983.

- Any service or part of service which the NHS is under a duty to provide. This includes Continuing Health Care and the NHS contribution to Registered Nursing Care.
- Any services which Wigan Council is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
- Assessment of needs and support planning may also not be charged for, since these processes do not constitute “meeting needs”.
- People suffering from Creutzfeldt Jacob Disease (CJD),

4. Continuing Health Care

The determination on whether services qualify as continuing health care and therefore are free of charge is the responsibility of the relevant NHS Integrated Care Board (ICB). If there is such a determination, any charges collected after the agreed award date will be reimbursed.

5. Charging for support to carers

Wigan Council values carers within its local community as partners in care and recognises the significant contribution carers make. Carers help to maintain the health and wellbeing of the person they care for, support this person's independence and enable them to stay in their own homes for longer. In recognition of the essential role of carers, Wigan Council will not charge carers for any contribution they receive as part of their caring role and provision of support.

6. Carrying out a Financial Assessment

The legal framework for charging is set out in Sections 14 and 17 of the Care Act. In choosing to charge, Wigan Council will not charge more than the cost that it incurs in meeting the assessed needs of the person.

Wigan Council will carry out a financial assessment of what the person can afford to pay except where a 'light touch' assessment is appropriate or requested. Once complete a written record of that assessment will be provided to the person. This is provided separately to the care and support plan and may be via online means. It will explain how the assessment has been carried out, what the charge will be and how often it will be made, and any reason for a fluctuation in charges. Wigan Council will ensure that this is provided in a manner that the person can easily understand, in line with its duties on providing information and advice.

Wigan Council will regularly reassess a person's ability to meet the cost of any charges to take account of any changes to their resources. This is likely to be on an

annual basis but may vary according to individual circumstances. However, this will also take place if there is a change in circumstance or at the request of the person or person responsible for managing their finances.

It is the service user's responsibility to inform the Council of changes in their financial circumstances. Where a person fails to inform the local authority of changes, the Council reserves the right to apply any changes from the date of the change in circumstances rather than the date of reassessment.

In the financial assessment, the person's capital is taken into account unless it is subject to one of the disregards set out in Schedule 2 to the Care and Support (Charging and Assessment of Resources) Regulations 2014. The main examples of capital are property and savings. Where the person receiving care and support has capital at or below the upper capital limit, £23,250, but more than the lower capital limit, £14,250, they will be charged £1 per week for every £250 in capital between the two amounts. This is called "tariff income". For example, if a person has £4,000 above the lower capital limit, they are charged a tariff income of £16 per week.

In assessing what a person can afford to pay, Wigan Council will also take into account a person's income, subject to the income disregards which are set out in Regulation 14 of the Care and Support (Charging and Assessment of Resources) Regulations 2014. One main example is earnings from employment. To help encourage people to remain in or take up employment, earnings from that employment will be disregarded when working out how much someone can pay. There are different approaches to how income is treated depending on whether a person is in a care home or receiving care and support in their own home.

The Council reserves the right to take into account in the Financial Assessment income that the person does not actually have. This is known as notional income. This might include, for example, benefits that would be available on application but has not been applied for, income that is due but has not been received, or income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care.

In all cases the Council will satisfy itself that the income would or should have been available to the person and will offer appropriate information and advice and also support with applications.

A period of 12 months will be allowed to apply for benefits which are available for application. If the benefits have not been applied for within this period, the income will be included within the Financial Assessment.

The local authority will take full account of Section 34-38 of the Care and Support Statutory Guidance in relation to the assessment of notional income.

7. 'Light Touch' Financial Assessment

Wigan Council will carry out a 'light touch' financial assessment when it is satisfied that, on the basis of evidence provided by the person that they can afford, and will continue to afford, any charges due. The main circumstances in which Wigan Council will consider 'light touch' financial assessments are;

- When someone has significant financial resources and does not wish to undergo a full financial assessment.
- When a small or nominal amount is due, and the person can clearly afford to pay

Where a person does not agree to the charges that they have been assessed as being able to afford to pay under this route, a full financial assessment may be needed. Also, it is open to a person to request a full financial assessment at any time.

Automated Uplifts for known changes in Disposable Income

The amount that a person is assessed as being able to afford to contribute to the cost of their care and support will be determined through an assessment of their financial circumstances and disposable income, in accordance with the regulations.

At the start of each financial year, this assessment will automatically be updated for known changes in income, expenditure and allowances set annually by the Government and any local changes such as Council Tax at the start of each financial year (April). This will include:

- Benefits
- State Pension
- Council Tax
- Disability-related spend.
- Changes in Minimum Income Guarantee or Personal Expense Allowances set by the Department of Health and Social Care.

The impact of these changes on assessed contributions will be clearly notified to customers in advance of new bills being issued.

This process does not impact on a person's right to a full financial assessment review. Where customers feel that any changes in assessed contributions fail to fully account for changes in their financial circumstances, they can request for a full reassessment. The Council will also endeavour to carry out a full annual financial assessment review to help ensure that a person continues to be charged the correct amount for the services they receive. You can contact us by emailing CASSTeam@wigan.gov.uk or by telephoning us 01942 705031.

8. Carrying out a Financial Assessment for someone who lacks capacity

Where a person lacks capacity, they may still be assessed as being able to contribute towards the cost of their care. Sometimes it is useful to consult with and engage with family members; however, family members may not have the legal right to access the person's bank accounts. Where possible, Wigan Council will work with someone who has the legal authority to make financial decisions on behalf of a person who lacks capacity. If there is no such person and no one else willing to obtain such authority, then Wigan Council may make an approach to the Court of Protection or apply for appointeeship as required.

At the time of the assessment of care and support needs, Wigan Council will establish whether the person has the capacity to take part in the assessment. If the person lacks capacity, Wigan Council will find out if the person has any of the following to act as the appropriate person:

- Enduring Power of Attorney (EPA);
- Lasting Power of Attorney (LPA) for Property and Affairs;
- Lasting Power of Attorney (LPA) for Health and Welfare;
- Property and Affairs Deputyship under the Court of Protection; or
- Any other person dealing with that person's affairs (e.g. someone who has been given appointee-ship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).

People who lack capacity to give consent to a financial assessment and who do not have any of the above people with authority to be involved in their affairs, may require the appointment of a Property and Affairs Deputy or appointee. Family members can apply for this to the Court of Protection or to the DWP (for appointeeship) or Wigan Council will apply if there is no family or close friend willing to take on this role. While this takes some weeks, it then enables the person appointed to access information about bank accounts and financial affairs.

9. Refusal of a Financial Assessment (FA)

A financial assessment (means-test) will be undertaken for all people to establish their ability to pay charges.

If a person entering a care home does not wish, or refuses, to disclose financial information they will be required to enter into a private arrangement with the provider as a self-funder. A person receiving non-residential care services who does not wish, or refuses to disclose financial information, will be charged the full cost of the care to the Council.

The financial assessment will be carried out by Financial Assessment Officers as soon as possible, following the completion of the care needs assessment. Financial Information is usually provided via telephone contact with the person or their representative or by confirmation through the Department of Works and Pensions records. The financial assessment process will include welfare benefits check to ensure full entitlement is claimed. This will include assistance with making claims.

Regulation 10(1) states that a Local Authority can assume a service user's financial resources exceed the maximum limits if the service user refuses to have a FA, or the FA cannot be completed because the service user will not cooperate.

The Council will make every attempt to undertake a financial assessment as promptly as it can and before the client receives their first charge bill. However, where this is not possible, for example where the service user or family member or a legal representative refuse to engage in the Financial Assessment process, the Council will assume that the person's financial resources exceed the capital threshold and charge the full cost for services.

Where there is a delay in undertaking the financial assessment, for example where additional information or documentation has been requested, the Council will charge at full cost for services received outside a care home or at a standard charge for a care home placement, until the assessment can be completed.

10. Capital

What is Capital?

In general, Capital refers to financial resources available for use and tends to be from sources that are considered more durable than money in the sense that they can generate a financial return.

The following list gives examples of capital. This list is intended as a guide and is not exhaustive:

- (a) buildings
- (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) any savings held in:
 - (i) building society accounts

(ii) bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustee Savings Bank.

(iii) Save As You Earn schemes

(iv) unit trusts

(v) co-operatives share accounts.

(vi) cash

h) trust funds

Ownership of Capital

A capital asset is normally defined as belonging to the person in whose name it is held, the legal owner. However, in some cases this may be disputed and/or beneficial ownership argued. Beneficial ownership is where someone enjoys the benefits of ownership, even though the title of the asset is held by someone else or where they directly or indirectly have the power to vote or influence a transaction regarding a particular asset. In most cases the person will be both the legal and beneficial owner.

Where ownership is disputed, the Council will seek written evidence to prove where the ownership lies. If a person states they are holding capital for someone else, the Council will obtain evidence of the arrangement, the origin of the capital and intentions for its future use and return to its rightful owner.

In cases where a person is the legal owner of a property but not the beneficial owner of a property, i.e they have no rights to the proceeds of any sale, the property will be disregarded in the financial assessment.

Calculating the value of Capital

Other than National Savings Certificates, valuation of capital is calculated as the current market or surrender value of the capital asset, for example, property, whichever is the higher, minus the following:

1. 10% of the value if there will be any actual expenses involved in selling the asset, for example, legal fees to sell a property.
2. any outstanding debts secured on the asset, for example, a mortgage

A capital asset may have a current market value, for example stocks or shares, or a surrender value, for example premium bonds. The current market value will be the price a willing buyer would pay to a willing seller. The way the market value is obtained will depend on the type of asset held.

If the person and the Council both agree that, after deducting any relevant amounts set out above, the total value of the person's capital is more than the upper capital limit of £23,250, or less than the lower capital limit of £14,250, then it is not necessary to obtain a precise valuation. If there are any disputes, a precise valuation should be obtained.

Where a precise valuation is required, a professional valuer should be asked to provide a current market valuation. Once the asset is sold, the capital value to be taken into account is the actual amount realised from the sale, minus any actual expenses of the sale.

Where the value of a property is disputed, the aim will be to resolve this as quickly as possible. The Council will try to obtain an independent valuation of the person's beneficial share of the property within the 12-week disregard period where a person is in a care home. This will enable the Council to work out what charges a person should pay and enable the person, or their representative, to consider whether to seek a deferred payment agreement.

The value of National Savings Certificates (and Ulster Savings Certificates) (Premium Bonds) is assessed in the same way as other capital assets. To enable an accurate value for the savings certificates the person must provide details of the:

- certificate issue number(s)
- purchase price
- date of purchase

Assets held abroad

Where capital is held abroad and all of it can be transferred to the UK, its value in the other country needs to be obtained and taken into account less any appropriate deductions. Where capital is held jointly, it will be treated the same as if it were held jointly within the UK. The detail will depend on the conditions for transfer to the UK.

Where the capital cannot be wholly transferred to the UK due to the rules of that country, for example currency restrictions, the Council will require evidence confirming this fact. Examples of acceptable evidence could include documentation from a bank, government official or solicitor in either this country or the country where the capital is held.

Where some restriction is in place, the Council will request evidence showing what the asset is, what its value is and to understand the nature and terms of the restriction so that, should this change, the amount can be taken into account. The Council will also take into account the value that a willing buyer would pay in the UK

for those assets but recognise that it may be less than the market or surrender value in the foreign country.

Capital not immediately realisable

Capital which is not immediately realisable due to notice periods, for example National Savings Bank investment accounts or Premium Bonds, will be taken into account in the normal way at its face value. This will be the value at the time of the financial assessment. It may need to be confirmed and adjusted when the capital is realised. If the person chooses not to release the capital, the value at the time of assessment will be used and will be reassessed at intervals in the normal way.

Notional Capital

In some circumstances a person may be treated as possessing a capital asset even where they do not actually possess it. This is called notional capital.

Notional capital may be capital which:

- (a) would be available to the person if they applied for it
- (b) is paid to a third party in respect of the person
- (c) the person has deprived themselves of in order to reduce the amount of charge they have to pay for their care.

A person's capital should therefore be the total of both actual and notional capital. However, if a person has actual capital above the upper capital limit, it may not be necessary to consider notional capital.

Where a person has been assessed as having notional capital, the value of this will be reduced over time by the difference between the weekly rate the person is paying for their care and the weekly rate they would have paid if notional capital did not apply.

Disregarded Capital:

In line with the Care Act Statutory Guidance the following capital assets are disregarded from the financial assessment:

- (a) property in specified circumstances (please see the Property Disregards Section of the Charging Policy).
- (b) the surrender value of any:
 - 1. (i) life insurance policy

2. (ii) annuity

- (c) payments of training bonuses of up to £200
- (d) payments in kind from a charity
- (e) any personal possessions such as paintings or antiques, unless they were purchased with the intention of reducing capital in order to avoid care and support charges
- (f) any capital which is to be treated as income or student loans
- (g) any payment from:
 - (i) Macfarlane Trust
 - (ii) Macfarlane (Special Payments) Trust
 - (iii) Macfarlane (Special Payment) (No 2) Trust
 - (iv) Caxton Foundation
 - (v) The Fund (payments to non-haemophiliacs infected with HIV)
 - (vi) Eileen Trust
 - (vii) MFET Trust
 - (viii) Independent Living Fund (2006)
 - (ix) Skipton Fund
 - (x) London Bombings Relief Charitable Fund
 - (xi) Scottish Infected Blood Support Scheme
 - (xii) an approved blood scheme (this is a scheme approved by the Secretary of State, or trust established with funds provided by the Secretary of State, to provide compensation in respect of a person having been infected from contaminated blood products)
 - (xiii) London Emergencies Trust
 - (xiv) We Love Manchester Emergency Fund
- (xiv) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State (the Thalidomide Trust)
- (xv) the scheme established by the government for former British child migrants in response to the Investigation Report on Child Migration Programmes by the Independent Inquiry into Child Sexual Abuse published on 1 March 2018, made to a former child migrant
- (h) the value of funds held in trust or administered by a court which derive from a payment for personal injury to the person. For example, the vaccine damage and criminal injuries compensation funds

- (i) the value of a right to receive:
 - (i) income under an annuity
 - (ii) outstanding instalments under an agreement to repay a capital sum
 - (iii) payment under a trust where the funds derive from a personal injury
 - (iv) income under a life interest or a life-rent
 - (v) income (including earnings) payable in a country outside the UK which cannot be transferred to the UK
 - (vi) an occupational pension
 - (vii) any rent. Please note however that this does not necessarily mean the income is disregarded.
- (j) capital derived from an award of damages for personal injury which is administered by a court or which can only be disposed of by a court order or direction
- (k) the value of the right to receive any income under an annuity purchased pursuant to any agreement or court order to make payments in consequence of personal injury or from funds derived from a payment in consequence of a personal injury and any surrender value of such an annuity
- (l) periodic payments in consequence of personal injury pursuant to a court order or agreement to the extent that they are not a payment of income and are treated as income (and disregarded in the calculation of income)
- (m) any Social Fund payment
- (n) refund of tax on interest on a loan which was obtained to acquire an interest in a home or for repairs or improvements to the home
- (o) any capital resources which the person has no rights to as yet, but which will come into his possession at a later date, for example on reaching a certain age
- (p) payments from the Department of Work and Pensions to compensate for the loss of entitlement to Housing Benefit or Housing Benefit Supplement
- (q) the amount of any bank charges or commission paid to convert capital from foreign currency to sterling
- (r) payments to jurors or witnesses for court attendance (but not compensation for loss of earnings or benefit)
- (s) community charge rebate/council tax rebate
- (t) money deposited with a Housing Association as a condition of occupying a dwelling
- (u) any Child Support Maintenance Payment
- (v) the value of any ex-gratia payments made on or after 1 February 2001 by the Secretary of State in consequence of a person's, or person's spouse or civil partner's imprisonment or internment by the Japanese during the Second World War

- (w) any payment made by a local authority under the Adoption and Children Act 2002 (under section 2(b)(b) or 3 of this act)
- (x) the value of any ex-gratia payments from the Skipton Fund made by the Secretary of State for Health to people infected with Hepatitis C as a result of NHS treatment with blood or blood products
- y) payments made under a trust established out of funds provided by the Secretary of State for Health in respect of persons suffering from variant Creutzfeldt-Jakob disease to the victim or their partner (at the time of death of the victim)
- (z) any payments under Section 2, 3 or 7 of the Age-Related Payments Act 2004 or Age Related Payments Regulations 2005 (SI No 1983)
- aa) any payments made under section 63(6)(b) of the Health Services and Public Health Act 1968 to a person to meet childcare costs where he or she is undertaking instruction connected with the health service by virtue of arrangements made under that section.
- (bb) any payment made in accordance with regulations under Section 14F of the Children Act 1989 to a resident who is a prospective special guardian or special guardian, whether income or capital

Capital Limit

The financial limit, known as the “upper capital limit”, £23,250, exists for the purposes of the financial assessment. This sets out at what point a person is entitled to access local authority financial assistance to meet their eligible needs. Below this level, a person can seek means-tested assistance from Wigan Council. This means that Wigan Council will undertake a financial assessment of the person’s assets and will make a charge based on what the person can afford to pay. In the financial assessment, capital below the lower capital limit – currently set at £14,250 – is disregarded in the assessment of what a person can pay. The value of savings and investments which are jointly held with a partner will be assessed pro-rata to the share held by the person.

A person with capital over £23,250 can still ask their local authority to arrange their care and support for them. Where the person’s needs are to be met by care in a care home, Wigan Council may choose to meet those needs and arrange the care but is not required to do so. However, these people are not entitled to receive any financial assistance from their local authority and may have to pay the full cost of their care and support until their capital falls below the upper capital limit. Where the person’s needs are to be met by non-residential care and the person has capital over the upper limit, the Council has a duty to meet their needs and arrange their care, if requested. For these people a charge may be applied for the cost to the Council of arranging the services.

11. Direct Payments and paying charges

Direct payments are money paid to people to meet their eligible support needs. The amount of the direct payment depends on their needs and the outcome of the financial assessment. They allow people to have more independence, choice and control by enabling them to arrange their own care and support. If a person has eligible needs and, following a financial assessment, is entitled to funding to help them meet those needs, that funding will be via a direct payment unless the person does not want this or cannot have one for reasons stated in the legislation.

The Council's preferred arrangement is to pay Direct Payments net of the assessed charge. If the Council arranges care and support for somebody and they are required to pay for some or all of their care and support charges, the Council will tell them about this clearly and will collect the amount owed. The charge will apply from the service start date, or the date the person was notified of the charge in writing; whichever is the later. Where a person is found to have in excess of the upper capital limit after the service start date, full charges will be backdated to day one in all cases where the Council is satisfied the person was made aware of the upper capital limit before the service commenced.

12. Disability Related Expenditure for non-residential services

Disability related expenditure is additional costs a person pays due to their disability or illness; these expenses must be directly and solely attributable to the person's disability. They may be offset against a person's charge.

The Care Act 2014 statutory guidance states: -

Where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for local authority care and support the charging arrangements should ensure that they keep enough money to cover the cost of meeting these disability related costs.

In Wigan we recognise that people with a disability will have additional costs associated with their disability and in order to ensure that these costs can be met we ask about the disability related expenses a person has when we carry out a financial assessment.

Where a person requests an allowance to be made for disability related expenditure evidence must be provided in the form of receipts or bills. Where costs are on-going the receipts or bills should be sufficient to show a pattern of spending

We can include the following, but this list is not intended to be exhaustive, and any reasonable additional costs directly related to a person's disability may be included:

- Payment for any community alarm system or telecare equipment
- Costs of any privately arranged care services required, including respite care
- Costs of any specialist items needed to meet the person's disability needs

- Day or night care which is not being arranged by the council or NHS
- Specialist washing powders and laundry.
- Additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt)
- Special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability
- Additional costs of bedding, for example, because of incontinence
- Any heating costs, or metered costs of water, above the average levels for the area and housing type effected by age, medical condition or disability.
- Reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social care.
- Purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the council.
- Personal assistance costs, including any household or other necessary costs arising for the person if not met by social care.
- Transport costs necessitated by illness or disability, if not being met by social care or NHS that are above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable not to take account of claimed transport costs – if, for example the council provides transport to a day centre but has not been used.

It may be reasonable not to allow for items where a reasonable alternative is available at less cost. If more than one adult lives in the household and benefits from an expense the expense will be divided between the numbers of adults in the household, to calculate the amount to be allowed.

Claims for disability related expenditure where the payment is made to family members will not be accepted other than in exceptional circumstances.

We will look at a person's care and support plan as a starting point when deciding disability related expenses. However, allowable disability related expenses will not be limited to what is necessary for care and support, for example, above average heating costs will be taken into account.

Costs which are not usually treated as Disability Related Expenditure (DRE)

Everyday living costs are those costs a person pays regardless of their disability or illness. Although not exhaustive, the following items are considered to be general living costs for which no allowance will be made:

- Routine property maintenance
- Routine replacement of existing household fixtures and fittings and furniture
- Spectacles
- Dental expenses
- Privately purchased surgery
- Household/appliance insurance
- Television costs (this includes costs cable or satellite TV and license fees)

- Telephone (including mobile telephone)
- Food and clothes (see above for exceptions)
- Heating bills unless above the average cost
 - Water charges unless metered and above the average cost. Housing related costs which the person is liable to meet in respect of their main or only home.

The following will be allowed for in the financial assessment as household related:

- Council Tax - net of any council tax reduction (CTR)
- Rent – net of any housing benefit or housing element in universal credit
- Mortgage repayments
- Ground rent or service charges (other than charges for utilities)

Further information on Disability Related Expenses can be accessed in our Factsheet. This can be found at:

<https://www.wigan.gov.uk/Resident/Health-Social-Care/Adults/will-i-have-to-pay/Annual-Care-Contribution-Changes.aspx>

13. Deprivation of assets and debts

There are some cases where a person may have tried to deliberately avoid paying for care and support costs by depriving themselves of assets – either capital or income.

Where Wigan Council believes they have evidence to support this, Wigan Council will either charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, seek to reverse the transfer or recover the lost income from charges from that person. However, the Council cannot recover more than the person gained from the transfer.

Where a person has accrued a debt, Wigan Council will use its powers under the Care Act to recover that debt. In deciding how to proceed, Wigan Council will consider the circumstances of the case before deciding a course of action. For example, the Council will consider whether this was a deliberate avoidance of payment or due to circumstances beyond the person's control.

Ultimately, Wigan Council may institute County Court proceedings to recover the debt. However, they will only use this power after other reasonable alternatives for recovering the debt have been exhausted and will first offer the person the option of repaying the debt through a Deferred Payment Agreement where this is available. Further details on how the Council pursues debts are set out in the Corporate Debt Policy.

14. Self funders

A person who has sufficient income and/or savings and assets to meet the full cost of care in a care home, is required to do so and is usually designated as a self-funder. Where the person asks the local authority to meet their eligible needs, and it is anticipated that their needs will be met by a care home placement, then Wigan Council may choose to meet their needs, but is not required to do so. However, in these circumstances, the person may still be eligible for assistance through a deferred payment agreement where the value of their main or only home takes them above the financial limit. For further details see paragraph 16 and the Deferred Payments factsheet.

Where the person does not have capacity and family are applying for Court of Protection (COP), the Council will contract with the care home on an interim basis until the COP is in place. If a person's savings have been confirmed at the start of the placement and the total amount is in excess of the capital funding threshold, the person will be charged at full cost from the start date of the placement. If a person's savings cannot be confirmed at that time, the person will be charged at a standard rate. Once COP is in place, the full cost from the start of the placement will be charged back to the person if they have savings over the capital threshold. If the person's savings are determined to be under the threshold, either at the start of the placement or once full cost charges have been repaid for the interim funding period, the person will remain eligible for Council funding and a financial assessment will be completed to determine the person's assessed charge contribution and Council funding date.

Wigan Council has a duty to meet a person's eligible needs, when requested to do so, where the needs are to be met other than in a care home even where the person's resources are above the financial limits. Where the person has resources above the upper financial limit, £23,250, Wigan Council will charge the person the full cost of the care. In such circumstances, Wigan Council will take responsibility for meeting the care needs and arranging the care, but the person remains responsible for paying for them. Wigan Council also has the power to charge an arrangement fee in these circumstances, to cover the costs of putting in place the care and support required, but currently does not do so.

Wigan Council will assure itself that whilst the person remains responsible for paying for their own care, they have sufficient assets for the arrangements that it puts in place to remain both affordable and sustainable. Wigan Council will take steps to avoid disputes and additional liabilities by securing a person's agreement in writing to pay the costs that they are responsible for in meeting their needs, including payments to providers. Wigan Council will make similar arrangements with any third parties that agree to contribute towards these costs.

Under the Ethical Home Care Framework, Wigan Council may advise a person that the full cost of the care can be invoiced directly by the provider if this is appropriate.

15. Charging for care and support in a care home

When a Financial Assessment has determined that a person will pay for care services Wigan Council will support them to identify options of how best to pay any charge. This may include offering the person a deferred payment agreement.

Where Wigan Council is meeting needs by arranging a care home placement, it is responsible for contracting with the provider. It will usually be agreed that any “top-up” be paid by the person to the provider directly, where this is permitted.

People in a care home will contribute most of their income, excluding their earnings, towards the cost of their care and support. However, Wigan Council will leave the person with some of their own income so that the person has money to spend on personal items such as clothes and other items that are not part of their care. This is known as the personal expenses allowance (PEA) and is set annually by Government.

Where the care planning process has determined that a person’s needs are best met in a care home, Wigan Council will provide for the person’s preferred choice of accommodation, subject to certain conditions such as the suitability and affordability of that choice, when possible. This also extends to shared lives, supported living and extra care housing settings.

Wigan Council will ensure that at least one option is available and affordable within a person’s personal budget whenever possible. However, a person may be able to choose additional alternative options, including a more expensive setting, where a third party or in certain circumstances the resident is willing and able to pay the additional cost (‘top up’).

16. Properties and residential care

There is a general requirement in the Care and Support (Charging and Assessment of Resources) Regulations 2014 for the value of any property that is owned to be included in the financial assessment.

The circumstances where the value of a property may be disregarded are set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014 and in Annex B of the Care and Support Statutory Guidance, as follows:

- (a) where the person is receiving care in a setting that is not a care home
- (b) if the person’s stay in a care home is temporary and they either:
 - (i) intend to return to that property and that property is still available to them

- (ii) are taking reasonable steps to dispose of the property in order to acquire another more suitable property to return to
- (c) where the person no longer occupies the property, but it is occupied in part or whole as their main or only home by any of the people listed below, the mandatory disregard only applies where the property has been continuously occupied since before the person went into a care home (for discretionary disregards see below):
 - (i) the person's partner, former partner or civil partner, except where they are estranged
 - (ii) a lone parent who is the person's estranged or divorced partner;
 - (iii) a relative of the person or member of the person's family who is either:
 - 1) aged 60 or over
 - 2) is a child of the resident aged under 18
 - 3) is incapacitated

For the purposes of the disregard a relative is defined as including any of the following:

- (a) parent (including an adoptive parent)
- (b) parent-in-law
- (c) son (including an adoptive son)
- (d) son-in-law
- (e) daughter (including an adoptive daughter)
- (f) daughter-in-law
- (g) step-parent
- (h) step-son
- (i) step-daughter
- (j) brother
- (k) sister
- (l) grandparent
- (m) grandchild
- (n) uncle
- (o) aunt
- (p) nephew
- (q) niece
- (r) the spouse, civil partner or unmarried partner of (a) to (k) inclusive

A member of the person's family is defined as someone who is living with the qualifying relative as part of an unmarried couple, married to or in a civil partnership.

For the purposes of the disregard the meaning of 'incapacitated' is not closely defined. However, it will be reasonable to conclude that a relative is incapacitated if one of the following conditions apply:

- (a) the relative is receiving one (or more) of the following benefits: incapacity benefit, severe disablement allowance, disability living allowance, personal independence payments, armed forces independence payments, attendance allowance, constant attendance allowance, or a similar benefit
 - (b) the relative does not receive any disability related benefit but their degree of incapacity is equivalent to that required to qualify for such a benefit.
- Medical or other evidence may be needed before a decision is reached

The value of a person's main, or only home, will be disregarded for the first 12 weeks following permanent residence in a care home or nursing home.

Wigan Council will ensure that people who meet the criteria will be offered the opportunity to take advantage of the deferred payments scheme where the value of a property can be deferred from the financial assessment during the lifetime of the care home resident following which the debt must be repaid. In accordance with the Care Act, a legal charge will be placed on a property until the debt is discharged. The Council will provide people with a six-monthly written statement of the current level of the debt and the remaining equity in the property.

Where a debt accrues and where a legal charge has been placed on a property, we will apply an interest rate, for further details see the Deferred Payments Fact sheet.

17. Charging for care and support outside a care home

Because a person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities, the charging rules applied by Wigan Council ensure they have enough money to meet these costs in line with Care Act guidance. After charging, a person will be left with at least the minimum income guarantee (MIG) an amount equivalent to rates which are set out in s.7 of the Care and Support (Charging and Assessment of Resources) Regulations 2014.

In addition, where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for local authority care and support, the Council's charging arrangements will ensure that they keep enough money to cover the cost of meeting these disability related costs.

Additionally, the financial assessment of their capital will exclude the value of the property which they occupy as their main or only home. Beyond this, the rules on what capital must be disregarded are the same for all types of care and support.

Wigan Council sets a maximum percentage of 90% of net disposable income (i.e. 90% of any income remaining above the minimum income guarantee after any allowances for housing-related costs and disability related expenditure) which will be taken into account in assessing a person's maximum contribution to their cost of care and support. This will help to ensure that people are encouraged to remain in their own homes, promoting individual wellbeing and independence.

A discretionary £10 disregard is applied by the Council for someone receiving night services and in receipt of the enhanced rate of the daily living component of Personal Independence Payment and the enhanced rate of Attendance Allowance.

In line with the Care Act Guidance, the Council takes into account in the financial assessment a person's carers allowance in a care home but disregards it for someone receiving services outside a care home.

- Where a person is in hospital for less than 4 weeks, the Council will continue to charge for services. Assistive technology continues to be charged after 4 weeks.
- The Council does not charge for a home care visit to assist solely with medication. However, there is a charge where a person receives both personal care and medication home care visits.
- A person who is assessed to pay the full cost of their home care service will be charged on the basis of planned 15 minute slots, including actual visits of less than 15 minutes. The bill will be credited, on request, where the service received is less than the commissioned service in their support plan.

In all arrangements outside of a direct payment the Council pays the full cost of the care that someone receives, then bills the person paying with what they have been financially assessed as being able to afford to pay.

Appointeeships:

For cases where the Council acts as an Appointee for administering welfare benefits on behalf of service users, there is a £15 per week charge to cover the cost of administration.

18. Method of payment

Wigan Council's preferred method of payment is Direct Debit. Alternatively, people will receive a Community Care bill every four weeks with details of how to pay.

19. Debt recovery

Wigan Council will actively pursue the recovery of debts caused by refusal to pay charges in accordance with its Corporate Debt Policy.

20.. Reviews, Appeals and Complaints

The person's assessment of their weekly contribution will not vary during the year.

However, there will be instances where a financial review/reassessment will be appropriate.

Examples of this include:

- Changes in the customer's financial circumstances;
- Changes in the value of the customer's assessed Personal Budget/support
- Where the support delivered is lower than the customer's annual contribution.

Complaints

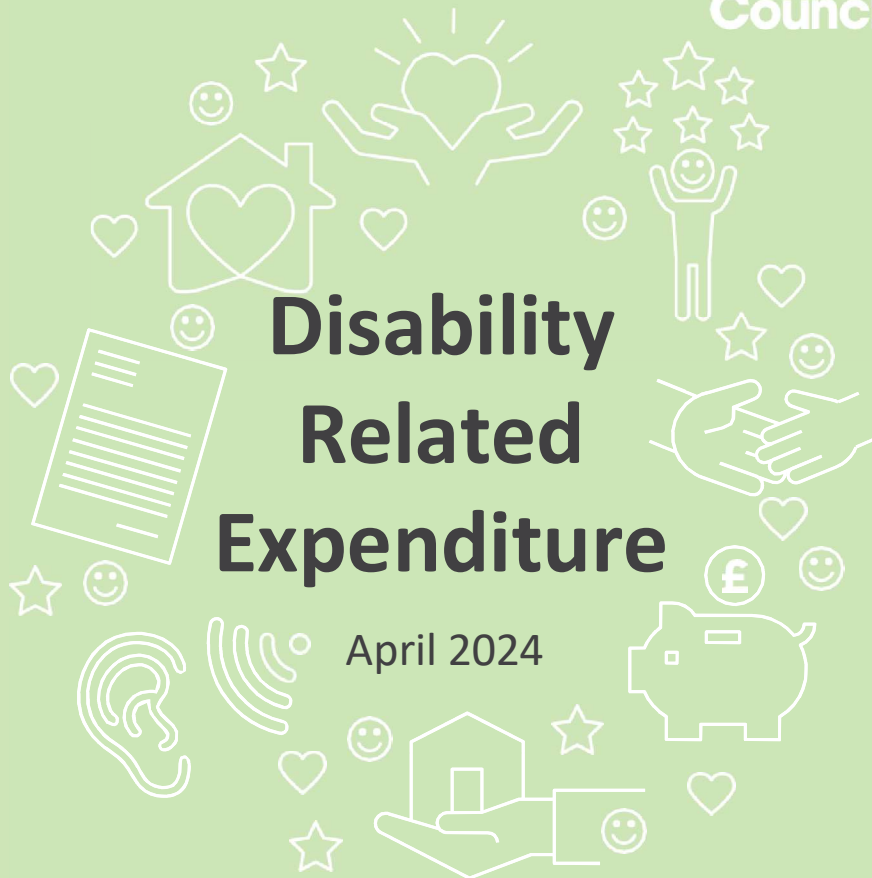
A person may wish to make a complaint about any aspect of the financial assessment or how Wigan Council has chosen to charge. Wigan Council will make clear what its complaints procedure is and provide information and advice on how to lodge a complaint. Complaints about the level of charge levied by Wigan Council are subject to the usual Care and Support complaints procedure as set out in The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

21. Glossary of Terms

Capital Limit	Level of assets used to determine financial assistance made by the Local Authority
Lower Capital Limit	Currently set at £14,250. Below this level the cost of care will be met by the Local Authority
Upper Capital Limit	Currently set at £23,250. Above this level the Local Authority is precluded from contributing to the cost of care
Tariff Income	Is an assumed income of £1.00 per £250, if you have savings between £14,250 - £23,250.
Minimum Income Guarantee	When receiving care and support outside a care home, the minimum amount a person will be left with after care charges
Self Funder	A person who has sufficient income and/or savings and assets to meet the full cost of care in a care home
Continuing Health Care	NHS Funded. To be assessed by a professional if a client has a condition that is unlikely to improve.
Personal Expenses Allowance (PEA)	The amount a person will be left with after the deduction of care and support costs for a care home from their income
Top-Up	Where a person chooses a more expensive care home placement including for additional facilities, a top up payment will be required. This represents the difference between the actual cost of a care home placement and the amount identified to meet someone's assessed eligible care needs, The top-up has to be paid by a third-party unless it is included in a deferred payment.

Disability Related Expenditure

April 2024



Disability Related Expenditure (DRE)

If you receive disability-related benefits an allowance may be made in your social care financial assessment to pay for necessary disability-related spend to meet any needs which are not being met by the Council. DRE's only apply to non-residential financial assessments for service users receiving a community care service, such as day care, home care, and Direct Payments and do not apply to financial assessments for service users in residential care. DRE will be considered when:

- The extra cost is needed to meet your specific need due to a disability or medical condition, and this is not being met by the Council; and
- The cost is reasonable and can be verified (we may ask for evidence where required, for example, receipts, invoices)

Wigan Council has developed a guide to help you understand some of the more recognised DRE items, with associated indications of reasonable costs. This is used to assist in working out DRE allowances in your financial assessment.

Disability Related Expenditure - guide amounts

ITEM	AMOUNT	EVIDENCE
Additional Laundry.	An allowance of £5.34 per week depending on circumstances.	Receipts.
Basic Gardening.	Actual cost up to a maximum of £6.40 per week. Average cost to be calculated over a period of 30 weeks per year taking into account seasonal fluctuations.	Receipts, bank statements, bills or cheque stubs.
Private domestic help. (e.g. cleaner)	An allowance of £11.44 per hour up to a maximum of 3 hours per week OR actual weekly cost of the cleaner, whichever is lower. Please note the amount will be halved if part of a couple.	Receipts, bills or cheque stubs
Private help with shopping/online shopping.	Actual cost up to a maximum of £5.34 per week.	Receipts, bills or cheque stubs.
Special dietary needs. (Diet and Food)	Allowance up to a maximum of £5.50 per week, where specific diet required due to a diagnosed health condition (i.e. due to specific illness, condition or food allergy), as documented in your Support Plan or verified by your Social Worker/ Occupational Therapist. Costs above reasonable expenses to be considered as special dietary needs may be more expensive	Receipts. Details and amounts of special purchases. Specific diet noted in support plan/ self-assessment, or confirmation from Social Worker/Occupational Therapist. We may seek permission to ask your GP or Consultant for confirmation of special dietary needs.

than a normal diet.
 Allow additional costs incurred (e.g. for a Gluten free loaf of bread, we would allow the difference between a standard loaf of bread and a Gluten free loaf of bread)

Additional Bedding.	An allowance for additional costs for frequent replacement, e.g. because of incontinence, averaged over one year. Maximum amount of £2 per week.	Receipts.
Additional Clothing and Footwear.	An allowance of £5.34 per week for additional clothing /footwear and frequent replacements due to additional wear and tear caused by disability.	Receipts.
Community Alarm System.	Only included if this is paid for privately.	Bills from provider or entries on bank statements.
Equipment - as documented in your Support Plan or verified by your Social Worker. (if not supplied free of charge, through Adult Services or Health)	An allowance for equipment under £100 averaged over 1 year. An allowance for equipment over £100 purchased over the previous 12 months, averaged over 2 years. Allow for equipment over £2,000 purchased over last 5 years, averaged over 5 years. Example of allowable equipment: stair lift, specialist chair, wheelchair, powered bed, turning bed	Receipts of proof of purchase. Copy of Support Plan or confirmation from Social Worker/Occupational Therapist. In cases of doubt, Social Worker/Social Care Officer/Occupational Therapist should confirm that this is a disability related requirement.

Equipment Maintenance. (if not maintained by Adult Services or Health)	An allowance for the actual cost of maintenance. Equipment maintenance cost would be relevant to the items listed above.	Receipts, bills or entries on bank statements.
Incontinence Protection Products. Please note incontinence pads are provided by the NHS.	Gloves £2.13 per week. Kylie sheets £7.47 per week.	Receipts. In cases of doubt, Social Worker/Social Care Officer should confirm that these costs can be taken into account.
Hair Washing.	Actual cost of washing and drying where service user is unable to wash own hair. Allow actual average weekly costs up to a maximum of £5.34 per week.	Receipts, bills or cheque stubs. Copy of Support Plan or confirmation from Social Worker/Occupational Therapist.
Replacement mattresses.	An allowance for the actual cost, averaged over 12-24 month depending on cost.	Receipts of proof of purchase.
Communication Needs.	Costs for telephone or internet access would be considered an everyday living expense, unless this cost can be proved to be linked to a disability you have and is detailed in your Support Plan or verified by your Social Worker or Occupational Therapist.	Receipts, bills from provider. Copy of Support Plan or confirmation from Social Worker/Occupational Therapist.
Transport/petrol costs	Transport can be considered if costs are not being met by the Council and expenditure is in excess of the	Minimum four receipts over a two month period Confirmation of appointments and/or costs Copy of Support Plan or

mobility component of DLA/PIP. Any additional costs above everyday expenditure or the mobility element would need to be evidenced over a two month period, be related to a disability you have and verified in your Support Plan/conformed by your Social Worker or Occupational Therapist.

confirmation from Social Worker/Occupational Therapist.
The full amount may not be considered if transport can be arranged cheaper.

Additional Heating or Water.
(Note: If using oxygen, your electricity provider will offer a discounted rate)

Heating costs, or metered costs of water, compared against average costs for the area and housing type. Actual gas and electricity paid, averaged over 1 year, minus the annual average amounts. See table below for further details around national guidelines for heating costs.

Bills from provider covering previous 12 months

Heating Costs:

Any expenditure above the figures in the below table can be considered towards DRE:

Figures for 2024/2025		Estimated average annual dual fuel energy bill
Low:	1-2 bedrooms	£1,228.09
Medium:	3-4 bedrooms	£1,762.19
High:	5+ bedrooms	£2,437.39

Where the service user can demonstrate that their costs exceed the maximum guide amounts for an item or service, due to special circumstances and with good reason, the Assessment Team Manager will decide whether these additional expenses will be allowed. In exceptional circumstances, cases may be referred to Adult Social Care Senior Managers for approval.

Exclusions

A DRE will not be made for the following expenditure:

- General items or services required for daily living, which would be used by the general population
- Holidays
- Lifestyle choices (e.g. Sky TV, meals out)
- Loans including hire purchase and catalogue debts
- Normal food and shopping bills including meals at home and meals at day centres
- Normal household expenses e.g. standard utility bills, telephone bills, TV licence
- Items purchased privately that are available for free on the NHS
- Medical items and Chemist items Vitamins and supplements should be available for free on prescription, if the GP agrees there is a medical need

- The difference between the actual cost and the lower cost alternative where we consider the lower cost alternative is reasonable. For example, if we consider it reasonable for an item to have been purchased at a lower cost than the actual cost of purchase, we will take into account the lower cost as a Disability Related Expense
- Equipment purchased through a Disabled Facilities Grant or provided free of charge through Adult Services or Health.
- Home Improvements and replacement furniture due to wear and tear
- Privately arranged care not deemed as required by your Social Worker or Occupational Therapist and in addition to the care arranged in your Support Plan.

Evidence/Verification of expenses

The above guide indicates what form of evidence you should keep when claiming allowances for disability related items or services. For most items, you will be expected to keep receipts as proof of purchase, or bills for services such as utilities (e.g. gas, electricity)

If you are unable to produce receipts for items of DRE you wish to claim as an allowance in your financial assessment, we will use our discretion to determine the reasonableness of the expenditure.

How to contact us:

Wigan Council, Assessment Team, PO Box 100, Wigan, WN1 3DS
Email: D.FAT@wigan.gov.uk

