



Paying for Adult Community Care and Support



TOWER HAMLETS

What is this leaflet about?

You may be asked to make a financial contribution towards the cost of some of our Adult Social Care Services. The information in this leaflet is designed to help you understand:

- which care and support services the council charge for and which are free
- how the financial assessment process works and what you need to do
- how we will work out if you need to contribute to the cost of your care
- know what financial support is available to help meet the cost of your care and support
- think about financial planning and who can help you make financial decisions if you need help

Which care and support services are charged for?

- Home care in your own home or in extra care sheltered housing
- Day care
- Transport
- Extra care sheltered housing
- Temporary stays in residential care of up to 8 weeks to give your main carer a break (this is known as 'Respite Care')

Which services are free?

- Support to carers delivered directly to them
- Telecare
- Reablement
- Equipment and adaptations up to the value of £1000
- Aftercare provided under the Mental Health Act
- Care and support provided to people with Creutzfeldt-Jakob Disease
- Any service or part of a service which the NHS has agreed to provide, this includes Continuing Healthcare and the NHS contribution to Registered Nursing Care



When do I need to have a Financial Assessment?

You will need to have a financial assessment to decide the amount you can afford to pay if you:

- have been assessed as having eligible care and support needs and
- are (or will be) having one of the services which is charged for

The financial assessment will involve asking you about your income and savings. In most cases we will need to see evidence of the amount you get, and how much you spend on housing-related costs and disability related expenditure. As part of the process we will check if there are benefits that you might be entitled to but are not getting and will advise you how to get these benefits.

How do I get a Financial Assessment completed?

If you are receiving a service, you will receive a Financial Declaration Form in the post each year. Alternatively, if you are a new service user, you may be given a copy by a social worker or the person undertaking your assessment with you.

You can also request a financial assessment at any time by contacting the Financial Assessment Team, for example if your financial circumstances change.

Contact details are:

0207 364 2038

FinancialAssessmentTeam@towerhamlets.gov.uk

Once you have received the Financial Declaration Form, read the guidance on how to complete it. Once completed, return the form and documentary evidence to the following address:

Financial Assessment Team
London Borough of
Tower Hamlets
Albert Jacob House
1st Floor
62 Roman Road
London
E2 0PG

If you need help or advice, please contact the Financial Assessment Team, and also see the 'Useful Contacts' section within this information leaflet. This section also includes information on when you can be represented by someone else, or if you need help to complete the form.

What happens next?

Once you have submitted your form, the Financial Assessment Team will complete your financial assessment based upon the details you have provided.

They will then compare this to the cost of services you receive and write back to you with the results of the assessment. It will include details of how much you will be charged and how to pay.

Do I need to have a Financial Assessment?

We need to carry out a financial assessment to make sure that you are only being charged what you can afford to pay. If you do not provide the information we need for the assessment, the Council can either apply a charge equivalent to the full cost of care provided (up to a maximum of £250 a week), or apply a charge that we know you can afford.

How will you work out if I need to contribute to the cost of my care?

By law, the Council has to look at the amount of money you get every week, and the amount of capital (like savings or investments) you have. We add up this amount of money and take off your related housing costs.

For some people we will also take off your disability related costs.

We will then work out how much money you have left.

If the amount of money you have left is more, than the minimum amount of income the Government says you need to live on, then we will ask you to pay what is left over towards your total personal budget or care cost. This is called the 'maximum assessed contribution'.

The maximum assessed contribution is the maximum you can pay towards your care and

support costs. This is provided as a weekly figure to help you budget.

Is my Maximum Assessed Contribution the amount I will be expected to pay?

If your care and support costs are lower than the maximum assessed contribution then you will only be asked to contribute what your actual care and support costs are. We must not charge you more than the cost of your care.

The Council has set a maximum amount that anyone can pay - this is £250 a week. No one will pay more than £250 a week no matter what their income or capital is and many people will only pay a small amount or proportion of the total care costs paid by the Council.

What is the minimum amount the Government says I need to live on?

The Government sets a 'minimum income guarantee' each year, and the Council has decided to increase the minimum amount for everyone under pension age. The minimum weekly amounts for 2017-18 are set at:

- **£151.45 for single people under pension age**
- **£189 for single people over pension age.**

Additional amounts will be added for people who have dependent children, some people getting disability benefits, or those that receive a carer's allowance.

What income do you take into account?

We will take account of most of your income from benefits, pensions and other allowances.

Some of your income is ignored. This includes:

- Any earnings you get from a job
- The mobility component of Disability Living Allowance or Personal Independence Payment
- The first £10 per week of War Widows or War Widowers pensions
- Housing Benefit
- Council Tax Benefit
- Child Benefit

What savings and assets do you take into account?

We will include in our assessment any savings or other assets that you could use to help you to pay for your care. Savings or capital includes money in Post Office, bank or building society accounts, shares or other investments.

It does not include the value of the home you live in. However if you own a second property this will be included in the financial assessment.

How are savings and assets taken into account?

Any savings under £14,250 are ignored and will not be used to work out how much you will pay.

If you have between £14,250 and £23,250 in savings or other assets we will add £1 for every £250 to your weekly income used to calculate the charge.

If you have more than £23,250 you will be asked to pay the full cost of your care.

What housing costs will you take off my income?

The housing costs we will take off your income are:

- Mortgage payments
- Rent
- Ground rent
- Council tax
- Service charges

The Council has also decided to take an extra £15 a week off your assessed available income as an allowance for utility bills such as gas and electricity.

Disability Related Expenditure (DRE)

If you are getting:

- Attendance allowance
- Care component of Disability Living Allowance
- Daily living component of Personal Independence Payment

We have to take any disability related expenditure off the amount that you can afford to pay. This might include for example any special clothing or special equipment that you are paying for from your income, which relate specifically to your disability.

The Council will work out your Disability Related Expenditure (DRE) as part of your financial assessment. You will need to provide evidence (e.g. receipts) of increased cost in order for the Council to work out DRE.

Paying for care and support

If you have to contribute towards your care and support, we will write to you to confirm the amount that you need to pay.

All care and support charges are applicable from the day your care and support commences, so if your financial assessment has not been completed by that date, you need to be aware that any charge will be backdated.

If you are struggling to pay your care and support costs, then you must let the Council know, even if you pay your contribution to your care provider. You may want to consider getting free help and advice to plan and budget your money. Help can be provided by a number of charities, support groups, and national organisations, such as Step Change, Money Advice Service and Citizens Advice. More information on how to contact these organisations is included at the end of this leaflet.



Further information on financial representation

If you have capacity to make decisions about your own financial affairs but you wish to have help and assistance, you can ask somebody to act on your behalf by appointing a financial representative. Your chosen financial representative can only act on your behalf with your explicit consent, which is required in writing.

Customers who lack mental capacity to deal with their financial affairs must have an appointed financial representative as follows;

- Registered 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 appointeeship by the Department for Work and Pensions for the purpose of benefits payments).

The Council will need to be provided with a certified copy of any legal order for our records.

Appointeeship by the Department for Work and Pensions (DWP)

You can apply for the right to receive and deal with the benefits of someone who can't manage their own affairs because they're mentally incapable or severely disabled. The DWP would normally visit to arrange an appointeeship. The DWP confirms appointeeship by issuing a BF57 form.

www.gov.uk/become-appointee-for-someone-claiming-benefits

Enduring Power of Attorney (EPA)

Enduring Power of Attorney is a given legal authority to help a representative manage your property, money and financial affairs. If you have EPA and the customer still has capacity, the customer must explicitly consent to you as the attorney acting on their behalf. Enduring Power of Attorney was superseded by Lasting Power of Attorney from October 2007.

Lasting Power of Attorney (LPA)

If you have LPA and the customer still has capacity, the customer must explicitly consent to you as the attorney acting on their behalf. A Lasting Power of Attorney can be registered as soon as it is drafted, or at a time when the donor loses capacity.

If the service user loses mental capacity, any existing EPA/LPA

must be registered with the Office of the Public Guardian (OPG).

If you have no Enduring or Lasting Power of Attorney in place at the time and a mental capacity assessment deems you as not having capacity, then an application for Property and Affairs Deputyship must be made to the Court of Protection.

How to make a Lasting Power Of Attorney

You can draw up a Lasting Power of Attorney agreement at any time, providing you have the capacity to do so. You can arrange this yourself by visiting <https://www.gov.uk/power-of-attorney> or you can arrange this through a solicitor. It can take up to 10 weeks for the LPA to be registered, and there is a registration charge to pay, unless you qualify for a reduction or exemption.

How to become a Deputy under the Court Of Protection

If you have not made arrangements for others to manage your finances, and you lose capacity, then someone must apply for a court order to make decisions for you. Deputyship applications may take up to 16 weeks to be dealt with.

If you decide to act for someone that no longer has the capacity to make financial decisions, it is recommended that you seek legal advice; that you fully understand your responsibilities, and that you are able to apply to become a deputy. You can apply to the court yourself www.gov.uk/become-deputy/overview or the court order can be arranged through a solicitor. Fees are payable to the OPG for application, supervision and annual report. Other fees are payable

depending on circumstances. The customer is responsible for meeting all charges relating to deputyship that are set by the Court of Protection.

The Court of Protection can grant an urgent/interim order or an emergency court order, in certain circumstances, e.g. when someone's life or welfare is at risk and a decision has to be made without delay. If the court agrees, someone will be able to make necessary decisions on your behalf. The urgent application must be for a specific decision that needs to be made without delay, e.g. to get money from the person's bank account to pay outstanding nursing home fees. You can make an emergency application if you need a court order for a decision in a very serious situation, e.g. to stop someone who lacks mental capacity from being removed from where they live or to give them treatment for a serious medical problem.

What happens if the individual lacks capacity to complete the financial assessment process?

Family members, friends or solicitors can apply to be the Property & Affairs Deputy. Where there is no one capable, willing or able to manage a customer's financial affairs, then the Council would apply for both appointeeship and deputyship and make decisions on the customer's behalf. The Council makes a charge for providing this service.



Useful contacts

For help or advice about charging for social care

Financial Assessment Team
London Borough of
Tower Hamlets
Albert Jacob House
1st Floor
62 Roman Road
London E2 0PG

Telephone: 020 7364 2038
Email:
FinancialAssessmentTeam
@towerhamlets.gov.uk
Web: www.towerhamlets.gov.uk

For general information, help and advice

Local Link

Provides free information, and face-to-face advice & advocacy to Tower Hamlets residents with support needs
<http://local-link.org.uk>
☎ 020 7001 2175

Advice

The UK's largest advice provider
Provides free independent

financial advice and money management help
www.eastendcab.org.uk
☎ 0344 826 9699

Age UK

Provide services and support to inspire, enable and support older people
<http://www.ageuk.org.uk/>
☎ 0208 981 7124

Care Aware

Provides independent financial advice
www.careaware.co.uk
☎ 0161 707 1107

For advice about managing your money

Money Advice Service

Free impartial advice to help you manage your money better
www.moneyadvice.service.org.uk
☎ 0300 500 5000

StepChange

Expert debt advice and fee free debt management
www.stepchange.org
☎ 0800 138 1111

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