



City of **Stoke-on-Trent**

Non- Residential Charging Policy

POLICY INFORMATION SHEET	
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Responsible officer(s)	Lee Calvert, Senior Manager

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1.0 Introduction and Legislation Framework

- 1.1 The main aim of this policy is to provide a consistent and fair framework for charging all individuals who receive care and support services, following an assessment of their individual needs, and their individual financial circumstances.
- 1.2 The policy will be reviewed annually and be updated to take into account best practice guidance and changes in statute.
- 1.3 This policy complies with the Care Act 2014 which provides a single legal framework for charging for care and support in Adult Social Care Services. It describes the principles and procedures used by Stoke-on-Trent City Council when assessing individual's contribution towards the cost of their non-residential community care services.
- 1.4 Section 14 of the Care Act 2014 gives local authorities the power to charge adults for care and support. This applies where adults are being provided with care and support to meet needs identified under Section 18, Section 19 or Section 20 of the Care Act 2014. These needs are sometimes referred to as 'identified or assessed needs. Section 17 of the Care Act permits local authorities to undertake an assessment of an individual's financial resources to determine the amount, if any, that they will be required to pay towards the cost of their care.
- 1.5 Local Authorities must follow the regulations and Care and Support Statutory Guidance issued under the Care Act 2014. For example, in developing policies on charging and financial assessment, Local Authorities must comply with the following document:

'The Care and support (Charging and Assessment of Resources) Regulations 2014' which sets out:

 - How a Local Authority is to carry out a financial assessment if the Local Authority is to charge for care and support.
 - Rules on treatment and calculation of income and capital within a financial assessment (including notional income and notional capital where a person has deliberately deprived themselves of an asset)
 - Rules on minimum allowances to be given within a financial assessment
 - The power to charge the costs of putting arrangements into place in specific situations.
- 1.6 The Care and Support Statutory Guidance (including Annexes), issued by the Department of Health and Social Care under the Care Act 2014, sets out much of the detail regarding provision and charging for care and support.
 - Telecare
 - Direct Payments and Personal Budgets
 - Maintenance packages of care (packages of care provided by the Council's Enablement service which remain ongoing following termination of an Enablement intervention up to the maximum 6 week)
 - Administration fee for money management.
- 1.7 Further information relating to the Care Act 2014 can be found by following the

links below to the Department of Health website:

[Care and support statutory guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274222/care_and_support_statutory_guidance.pdf)

[Care Act factsheets - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274222/care_act_factsheets.pdf)

2.0 Principles of the Policy

The overarching principles of the Council's charging policy are to:

- Ensure that people are charged appropriately and not charged more than it is reasonably practical for them to pay;
- Be comprehensive and equitable, to reduce variation in the way people are assessed and charged so those with comparable needs or services are treated similarly;
- Ensure charging is clear and transparent, so people know how they will be charged;
- Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
- Be sure that the City Council's finances are sustainable in the long term.
- People receiving Local Authority arranged care and support other than in a care home need to retain a certain level of income to cover their living costs. Under the Care Act 2014, charges must not reduce people's income below a certain amount, but Local Authorities can allow people to keep more of their income if they wish. This is a weekly amount and is known as the minimum income guarantee (MIG).
- Any charge for care and support services will not exceed the cost that the Council incurs in meeting the assessed needs.

3.0 Scope and Exclusions

3.1 Stoke-on-Trent City Council have a statutory responsibility to meet eligible care and support needs of people who require non-residential care and request that assistance of the City Council. The City Council will meet identified needs where the Individual is ordinarily resident in Stoke-on-Trent or is present in its area but of no settled residence.

3.2 All non-residential services fall within the scope of this policy and include:

- Care in a person's own home (also known as domiciliary care)
- Supported Housing
- Extra Care
- Shared Lives Services
- Day Care Services (including place based and in the community)
- Transport
- Respite

- Telecare
- Direct Payments and Personal Budgets
- Maintenance packages of care (packages of care provided by the Council's Enablement service which remain ongoing following termination of an Enablement intervention up to the maximum 6 week)
- Administration fee for money management.
- Joint funded services
- Storage
- Cleaning
- Shopping
- Looked after pets as a result of a hospital admission
- Brokering care for self-funding citizens

3.3 Services not included within the scope of this policy:

- Residential/Nursing Home Care
- Respite and short stays in residential/nursing homes
- Continuing Health Care (CHC) funded packages – this is a service funded by NHS and is the responsibility of the Integrated Care Board (ICB). If a decision is taken to backdate CHC services, then any charges collected will be reimbursed from the date CHC was awarded.

3.4 The Council may not charge for the following services as they are legally exempt from charging under the Care Act 2014:

- Any services provided as After Care Services under section 117 of the Mental Health Act 1983.
- Enablement service/Discharge to Assess Care services – which are short term intervention to avoid inappropriate admissions to hospital or facilitate discharge from hospital - for a period as determined by the City Council on an individual basis.
- Equipment and adaptations costing less than £1000.
- Services provided to people suffering from Creutzfeldt Jakob disease.
- Providing any information and advice about the availability of services or for an assessment.
- Services for children and young people under 18 years
- Former Relevant Children may be exempt from some costs related to living near to where they work or are in continued education or training

Please see guidance within the Care Act 2014 for further information.

4.0 Home Care Charges and notification periods

- Where applicable, charges for services will be based upon the hours commissioned by the Council and agreed with the individual when developing

their care and support plan. Weekly charges may fluctuate if the actual care delivered differs to planned. However individuals will not be asked to pay more than they can afford, as determined by their financial assessment. The charge to be paid for these services will be determined by carrying out a financial assessment.

- Charges for services will apply unless a minimum of 1 weeks' notice is given to the provider by the Individual or their representative. However, in extenuating circumstance for e.g. an emergency hospital admission or ill health the requirement to give 1 weeks' notice would be waived and a charge not applied. A senior manager within Adult Social Care will be required to make this decision.

4.1 Extra Care Charges

4.1.1 Residents who have eligible needs under the Care Act and have been assessed as requiring extra care housing will be financially assessed for commissioned services within their care and support plan. The commissioned service will include an emergency response service by care staff and any additional support required as a result of emergency intervention.

4.1.2 For any services which have been commissioned by the Council within the care and support plan the provider will require a minimum of 1 weeks' prior notice to cancel a service otherwise full charges will be incurred. However, in extenuating circumstance for e.g. an emergency hospital admission or ill health the requirement to give 1 weeks' notice would be waived and a charge not applied. A senior manager within Adult Social Care will be required to make this decision.

4.1.3 All care provided to an individual within Extra Care Housing will be agreed between the Individual and the Council and reflected in the care and support plan.

4.2 Day Care Charges

4.2.1 Charges for day care services will be identified in the commissioned care and support plan and calculated within the financial assessment.

4.2.2 Day care places are pre-booked and the cost of the service is still incurred if an Individual does not attend. Therefore, charges will apply for non-attendance for a period up to 4 weeks if prior notice is not given. However, if prior notice is given the day care place will be held open for up to 4 weeks and will not incur a charge. After this 4-week period the day care place will be cancelled, and a discussion will take place between the social care worker and the adult (and/or their representatives) about how the individual assessed needs will be met.

4.2.3 Where an individual gives prior notice of non-attendance or wishes to cancel a day care place, then one weeks' notice is required, and an individual will not be charged. However, in extenuating circumstance for e.g. an emergency hospital admission or ill health the requirement to give 1 week's notice would be waived and a charge not applied. A senior manager within Adult Social Care will be required to make this decision.

4.2.4 There is no charge made to adults when the service is not available for

example on bank holidays when the Centre will be closed.

4.2.5 The provision of meals and refreshment will vary between day services however charges for meals and refreshments are outside the scope of the financial assessment. This is in line with the Care and Support Statutory guidance issued by the Department of Health which considers this a substitute for ordinary living costs.

4.3 Care at Home and Supported Living

4.3.1 The level of support required will be discussed and agreed within the care and support plan following a Care Act assessment. Where applicable, charges for services will be based upon the hours commissioned by the City Council and determined by carrying out a financial assessment. Weekly charges may fluctuate if the actual care delivered differs to planned. However individuals will not be asked to pay more than they can afford, as determined by their financial assessment.

4.3.2 Individuals will be required to give their care provider one weeks' prior notice for cancelling a service otherwise full charges will be incurred. If visits are cancelled on a regular basis, or the visits are lasting longer or less time than the commissioned care package the social care worker may undertake a review of the Care Act assessment, and the financial assessment may also be updated to reflect the change in the care package. However, in extenuating circumstance for e.g. an emergency hospital admission or ill health the requirement to give 1 weeks' notice would be waived and a charge not applied. A senior manager within Adult Social Care will be required to make this decision.

4.3.3 Missed visits due to non-attendance of the carer are not chargeable. The individual must notify the relevant care provider as soon as possible so that a charge is not made incorrectly and also notify their social care worker as soon as possible who will investigate why the provider has not arrived.

4.4 Transport

4.4.1 Within Care Act assessment, all relevant transport options will be considered (if required) as a provision to meet an identified need and any offer by the City Council to provide transport will be made only where there are no suitable alternative transport options available or in a circumstance where transport itself is identified as an eligible need. Where transport is provided by the City Council, or in the instances where transport is an eligible need, then the charge for this will come within the financial assessment.

4.4.2 A daily rate will be charged for City Council Transport provision. Whether a charge is payable will be determined by completion of an individual financial assessment. The individual will be required to give one weeks' notice to the transport service if they wish to cancel a planned journey otherwise full charges will be incurred. However, in extenuating circumstance for e.g. an emergency hospital admission or ill health the requirement to give 1 weeks' notice would be waived and a charge not applied. A senior manager within Adult Social Care will be required to make this decision.

4.4.3 Where the City Council signposts individuals to community transport or a public bus when other personal forms of transport are not available, individuals will be

charged a fare for using this form of transport which they are required to pay directly to the service provider. These charges are not subject to financial assessment and the full cost levied by the transport provider is to be paid by the individual.

4.4.4 The Council retains the discretion to organise transport, even where this is not required to ensure provision of services to meet any assessed eligible need and support. Any such request will be considered on an individual basis.

4.4.5 Further information and detail may be found in the City Councils Adult Social Care Transport Policy

5.0 Personal Budgets and Direct Payments

5.1 A personal budget is an amount of City Council funds that is judged to be sufficient to meet the identified needs of a person who is eligible for care and support. A personal budget for those people receiving care in a community settling can be taken as a direct payment. Direct payments are an option for people who would like to arrange their own care and support at home instead of receiving services commissioned and arranged by the City Council. A personal budget or a portion of a personal budget will be paid into a separate bank account held separately by the individual or an authorised 3rd party to commission the care and support to meet their needs. The City Council has a separate Direct Policy for further information.

6.0 Charges for Shared Lives Service

6.1 Shared Lives schemes provide care and support to vulnerable adults with learning disabilities who find it hard to live on their own.

6.2 Any person needing Shared Lives care will undertake a Care Act assessment and their needs will be identified within the care and support plan.

6.3 Long Stay Carers - The level of support for the Individual will be agreed within a care and support plan following a Care Act assessment. Where applicable, charges for services will be based upon the level of support required and identified within the care and support plan and determined by carrying out a financial assessment. Any housing costs will be claimed through benefit entitlement through either Housing Benefit or Universal Credit housing costs, normally based upon the Local Housing Allowance rates. The person requiring care may also be asked to contribute towards their own board and lodging costs from their benefit entitlements. The City Council determines individuals accessing a long-term placement pay a fair contribution to the board and lodgings in consultation with the DWP cost of living recommendations and the Shared Lives Plus guidance, any person specific costs will be agreed and detailed in the arrangement agreement. Any other extra costs relating to the individuals care and support needs are identified in the arrangement agreements which is signed by all parties prior to a placement taking place.

6.4 Short Stay Carers - The level of support for the Individual will be agreed within a care and support plan following a Care Act assessment. Where applicable, charges for services will be based upon the level of support required and identified within the

care and support plan. The individual accessing a placement will incur the usual respite charges as per council policy and the Shared Lives Carer will be paid per night for their services to the individual. Payments to Shared Lives Carers are processed by the Shared Lives Team on a weekly basis once the placement has taken place and payments are processed by the finance team on a fortnightly basis. Any other extra costs relating to the individuals care and support needs are identified in the arrangement agreements which is signed by all parties prior to a placement taking place.

6.5 Short Stay Carers - The level of support for the Individual will be agreed within a care and support plan following a Care Act assessment. Where applicable, charges for services will be based upon the level of support required and identified within the care and support plan. The individual accessing a placement will incur the usual respite charges as per council policy and the Shared Lives Carer will be paid per night for their services to the individual. Payments to Shared Lives Carers are processed by the Shared Lives Team on a weekly basis once the placement has taken place and payments are processed by the finance team on a fortnightly basis. Any other extra costs relating to the individuals care and support needs are identified in the arrangement agreements which is signed by all parties prior to a placement taking place.

7.0 Charges for Money Management.

7.1 An Appointee can deal with the Department for Work and Pensions benefit of someone who cannot manage their own affairs because they are mentally incapable or severely disabled.

7.2 The City Council can become an Appointee for a person who is in receipt of care services where they are incapable of managing their benefit income themselves and have no family or any other person close to them to support them. This appointment is made by the Department for Work and Pension (DWP) and is called a Corporate Appointeeship.

7.3 The City Council can be an Appointee where a person:

- Is mentally incapable or severely disabled
- Is incapable of managing their benefit income
- And there is no other close family member or suitable person able to take on this role.
- Has had it deemed to be in their best interest pursuant to MCA 2005.

7.4 The City Council will open an account in their name and manage any benefit income. The City Council will make sure that the person receives the benefits they are entitled to. The City Council will also work with the person to establish a budget for paying bills and enable the person to make choices about personal expenditure.

7.5 There is a charge per week for this service the rate of which is decided by whether the person lives in a residential or nursing home setting or in their own home. This is reviewed on an annual basis.

7.6 The City Council can also become a Deputy for a person where appropriate. The Court of Protection will appoint a Deputyship, and this works in a similar way to an Appointeeship. The Order also permits the City Council to look after people's assets and income. Part 19 of the Court of Protection Rules 2007 sets out the fixed costs that may be claimed by public authorities acting in Court of Protection proceedings. These fixed costs are payable from a person's account in line with this practice direction.

8.0 Storage and looked after Pets

8.1 The City Council must take all responsible steps to protect the moveable property of an adult with care and support needs who is being cared for away from home, in a hospital or in accommodation such as a care home, and who cannot arrange to protect their property themselves; this could include their pets as well as their personal property (for example, private possessions and furniture). Local authorities must act where it believes that if it does not take action there is a risk of moveable property being lost or damaged.

8.2 This duty on the City Council lasts until the adult in question returns home or makes their own arrangements for the protection of property or until there is no other danger of loss or damage to property; whichever happens first. Often a one-off event is required such as the re-homing of pets or ensuring that the property is secured. However, if costs are incurred or if there are ongoing costs the local authority can recover any reasonable expenses they incur in protecting property under this duty from the adult whose property they are protecting.

9.0 Brokering care for self-funding individuals

9.1 Under the Care Act 2014, the City Councils can charge a brokerage fee for self-funders accessing managed services in the community (but not in residential settings) that covers 'only the costs that local authorities actually incur in arranging care'. This can include costs relating to contract negotiation/management and administration costs in addition to time spent by front line staff dedicated to statutory duties, such as assessment of care and support needs and support planning.

9.2 Providing information advice and guidance, signposting, developing support plans or providing lists of providers, referring to a direct payment support service or identifying the indicative cost of support required are not classed as brokerage and would not incur the brokerage fee.

9.3 The brokerage service does include taking a service user/family to see community provision; contacting providers to discuss a person's individual requirements; negotiating a rate with non-City Council contracted providers; arranging taster sessions; setting up City Councils contracted homecare and/or daycare; identifying community resources and providers who can help to meet a person's needs; and allowing self-funders to access City Councils contracted rates with providers contracted to provide care in the community.

10.0 Carers

10.1 Support services for carers that are provided or commissioned by Adult Social Care are free. This includes information, advice and preventative services. There is no charge to carers for any services provided directly to them to support them in their role as a carer. However, the Care Act 2014 provides Local Authorities with the power to charge for support for carers, where they have an eligible support need in their own right.

10.2 Where services are provided directly to the individual to meet their eligible care needs, in order to provide the carer with support, the individual will be charged in accordance with this policy.

11.0 Benefits Advice

11.1 A benefits check will be offered to all Individuals who are subject to a financial assessment under the non-residential charging policy. The benefits check may be undertaken during a phone call, by post, by a visit or by any other means deemed appropriate and effective by the City Council in agreement with the individual.

11.2 The benefits check will consider the individual's income to calculate whether they may be entitled to any means tested or non-means tested benefits based on their individual circumstances. The benefits check will only consider the Individuals circumstances at the time of the benefits check; the accuracy of the advice given will be dependent on the information given by the individual and or their representatives.

11.3 A check will also be completed to identify possible entitlement to other means-tested awards e.g. Council Tax Reduction Scheme (CTRS).

11.4 Individuals will be advised of any potential entitlement to benefits and encouraged to complete the appropriate claim forms. Information on how to complete the claim forms will be offered to the individual along with information on organisations who may be able to assist with the completion of forms.

11.5 Where individuals have been advised that they are entitled to receive new or increased benefits, but do not claim them promptly, notional income will be applied. Therefore, individuals will be deemed to be in receipt of those benefits from four weeks after the benefits check was completed.

11.6 If a benefit overpayment is identified the Individual will be advised of the probable overpayment and be signposted to the relevant department of the Department for Work and Pensions to correct any overpayment. Each organisation is responsible for the quality and accuracy of the personal information it obtains, uses and shares. If it is discovered that information held is inaccurate the City Council's representative will ensure that their records are updated accordingly.

11.7 Individuals must notify the Corporate Assessment Client Finance team of any changes in benefit income and/or a change in circumstance which is likely to affect their income as soon as it occurs. The individual's financial assessment will then be reviewed to take into account these changes and any revised calculation will be

backdated to the start of the benefit payment or the date of the first financial assessment, whichever is the latter.

12.0 Consent to Share Financial Information

12.1 The City Council has a data sharing agreement with the Department for Work and Pensions (DWP) which enables the City Council to access information relating to individuals personal, relationship (where relevant) and financial information for the purpose of:

- Helping to ensure an accurate assessment of charging for care services
- Supporting any application for DWP benefits
- Local Council Tax Reduction (LCTR) scheme
- Any other welfare provisions

12.2 In order to improve the quality and timeliness of social care financial assessments and in some cases carry out a light touch financial assessment, the City Council will share information within its own systems regarding Individuals who are also in receipt of housing benefit or council tax reduction.

12.3 The Council is under a duty to protect the public funds it administers and may use the information provided from the financial assessment for the prevention and detection of fraud. We may share this information across the City Council's services and also other bodies responsible for auditing and administering public funds.

13.0 Mental Capacity to Manage Finances

13.1 The Mental Capacity Act 2005 sets out people's rights and what happens when a person has lost capacity to manage or make decisions about their finances. It also sets out how individuals can plan ahead to appoint someone, while they still have capacity, to make decisions for them in the future if they lose capacity.

Individuals who lack capacity to manage their finances:

13.2 If a person is legally appointed to act for someone, we are arranging care and support for, who lacks mental capacity to manage their finances, they must provide us with:

- Evidence of their legal authority to act as the financial representative for that person, such as a copy of:
 - ❖ A registered Lasting Power of Attorney for property and financial affairs; or
 - ❖ A registered Enduring Power of Attorney (made and signed before 1st October 2007; or
 - ❖ A Court Order appointing them as Deputy for property and financial affairs.
- Any financial information required to carry out a financial assessment for the person needing care and support.

13.3 The City Council will then:

- Send any correspondence addressed to the person(s) appointed for the person they represent
- Require the person(s) acting to sign any financial documents or contracts on behalf of the person they represent
- Require the person(s) acting to settle any invoices for care charges raised in the name of the person they represent.

13.4 If the application to be the financial representative is in process the City Council will:

- Give information about any potential charges for the care and support services arranged, the date these charges may start from and explain how the financial assessment is carried out to the person appointed.
- Where a financial assessment is able to be completed the City Council will send the person appointed any invoices for assessed care and support charges but allow for payments to be delayed until legal authority is received to access the necessary accounts.
- Where a financial assessment is not able to be completed the City Council will defer the financial assessment until a person is appointed as the legal financial representative and they can provide the relevant information needed. The City Council will backdate any assessed charges to the date of commencement of services.

13.5 Where the Individual lacks capacity in regard to financial decisions and there is no one appointed to make those decisions, where necessary and/or appropriate, financial decisions will be made following the guidance and best interest process set out in the Mental Capacity Act and Mental Capacity Act code of practice.

14.0 Rebuilding Relationships

14.1 A financial assessment will be undertaken for all individuals with eligible needs under the Care Act who are in receipt of chargeable services. The financial assessment will ensure that the individual:

- Has sufficient money to meet their housing costs and any disability related expenditure.
- Retain their basic minimum income guarantee (MIG), in line with the Care Act 2014 guidance.

14.2 The purpose of the MIG is to leave enough money for individuals to meet their day to day living expenses, for example the cost of rent, food and utilities. After charging, a person must be left with the minimum income guarantee (MIG) as set out in the Care and Support (Charging and Assessment of Resources) Regulation 2014. In addition, where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for Local Authorities care and support, the charging arrangements should ensure that they keep enough money to cover the cost of meeting these disability related costs.

14.3 Where care is provided by way of a Shared Lives Scheme or another form of supported living, further deductions may be taken from the MIG figure in order to meet these costs, or, alternatively these costs may need to be paid by the individual to their carer from this sum.

14.4 The financial assessment will be calculated on the basis that the individual is receiving all the benefits that they have been identified as being entitled to i.e. if the individual is entitled to receive welfare benefits but is not claiming those benefits the financial assessment will assume that those benefits are in payment at the correct amount four weeks after they have been advised to make the claim.

14.5 The financial assessment takes into account income from the following disability benefits:

- Severe Disability Premium (in Income Support or Employment Support Allowance).
- Attendance Allowance (AA).
- Disability Living Allowance (DLA) Care Component.
- Constant Attendance Allowance (CAA) and
- Exceptionally Severe Disablement Allowance (ESDA)
- Personal Independent Payment (PIP) daily living component.
- Universal Credit

Other bespoke income arrangements may also be taken into account depending on an individual's specific situation.

14.6 The higher rate of AA or DLA Care is only taken into account when care services are provided either on a 24-hour basis or during the day and during the night.

14.7 The higher rate of AA or DLA Care is only taken into account when care services are provided either on a 24-hour basis or during the day and during the night.

14.8 If PIP is in payment no distinction is made between day and night care, therefore PIP is taken fully into account in the financial assessment. Where PIP is in payment and day or night care is not being arranged by the City Council this may be considered as part of the disability related expenditure.

14.9 Income is assessed net of any Income Tax and net of any housing costs or Council Tax less any Housing Benefit or Council Tax reduction.

14.10 Individuals in receipt of War Widow/Widower Pension are given a £10 disregard. War Veteran Pensions are disregarded in full. Any War Supplementary Payments are also disregarded.

14.11 The assessment calculation is represented as:
Chargeable Income =

Actual income less MIG
Less Housing Costs
Less Disability Related Expenditure

14.12 The financial assessment does not include any income from earnings in the calculation

14.13 The financial assessment may be undertaken by phone, by post, by a visit, or by any other means deemed appropriate or effective by the City Council and agreed by the individual.

14.14 Financial assessments will be reviewed at regular intervals (at least annually) as directed by the City Council, when benefits change or as changes occur in an individual's financial situation.

14.15 Where a review of an individual's financial assessment is undertaken the individual will be consulted and a copy of the review will be provided to them together with a copy of the City Council's complaints procedure.

15.0 Disability Related Expenditure (DRE)

15.1 Disability Related Expenditure (DRE) is expenditure which individuals incur in addition to their day to day living costs where the cost is more than normal expenditure and incurred due to disability rather than choice.

15.2 The amount of DRE is deducted from the financial assessment when determining an individual's charge.

15.3 Council can award a standard weekly DRE allowance based on an individual's disability related benefit income.

15.4 These standard allowances will be reviewed and revised if necessary, on an annual basis as actual disability related expenditure information is gathered and may increase or decrease as a result.

15.5 Should an individual feel that the standard allowance they have been offered does not accurately reflect their disability related expenditure under this policy, they may request an individual assessment. This may involve a home visit by a member of staff from the City Councils Financial Assessment Team who will require supporting evidence of all expenditure. An individual assessment of DRE may result in a lower or higher assessment than the standard award as a result.

15.6 Types of expenditure made necessary by any disability might include:

- Payment for community alarm system
- Privately arranged care or domestic help
- higher than usual fuel bills.
- Additional costs due to a special diet.
- Purchase of equipment such as a stair lift or electric wheelchair
- Additional laundry costs
- Additional cost of clothing, bedding and footwear.

- Basic garden maintenance.

15.7 The above list is not exhaustive, and any reasonable additional costs related to disability will be considered in light of individual needs. Further information can be found in Appendix 1 of this policy.

16.0 Calculation of Actual Contribution

16.1 The actual calculation in relation to contributions due from each individual will be the outcome of the individual assessed weekly amount calculated from the financial assessment or the actual cost of care, whichever is lower.

16.2 There is no set maximum weekly charge.

17.0 Light Touch Financial Assessments

17.1 In some circumstances, the City Council may be able to offer a light touch financial assessment. To do so it must be satisfied on the basis of evidence provided by the person that they can afford and will continue to be able to afford any charges due.

17.2 The main circumstances in which the City Council will carry out a light touch financial assessment are:

- Where a person has significant financial resources and does not wish to undergo a full financial assessment for personal reasons but wishes to access local authority support in meeting their needs.
- Where there is a small or nominal amount charged for a particular service which a person is clearly able to meet and would clearly have the relevant minimum income left and carrying out a full financial assessment would be disproportionate.

When an individual is in receipt of benefits which demonstrate that they would not be able to contribute towards their care and support costs.

17.3 The City Council, will inform people when it intends to carry out a light touch financial assessment and a full financial assessment can be requested as an alternative.

18.0 Exceptional Circumstances

18.1 The City Council retains discretion to depart from any aspect of this policy where appropriate (provided it complies with the law). If an individual or their representative feels that the City Council should depart from this policy in their case, they can make a request to that effect by contacting the City Councils Financial Assessment Team on 01782 236620, email fairercharging.sp@stoke.gov.uk

19.0 Refusal to Co-operate with a financial assessment and non-disclosure or financial details.

19.1 If an individual with capacity or their representative refuses to co-operate with a financial assessment they are likely to be required to pay the maximum charge applicable from the date the chargeable services commenced unless information as to their capital and income is already available to the City Council in which case those figures may be used to inform the assessment.

19.2 Individuals have the right to choose not to disclose their financial details. If this right is exercised, they will be required to pay the maximum charge applicable at the time the service was delivered.

20.0 Deprivation of Assets

20.1 Where the City Council believes that an individual may have tried to deliberately avoid paying for care and support costs through depriving themselves of assets – either capital or income, it may charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, seek to recover the lost income from charges from that person.

20.2 It is for the individual or their representative to prove that they no longer own an asset or capital. Failure to do so will result in the City Council treating the individual as though they still possess the asset or capital.

20.3 The City Council will consider questions of deprivation of income and capital when:

- The Individual ceases to possess the said income or capital which could otherwise have been taken into account for the purpose of assessing their contribution towards their care services.
- The individual/carer purposely deprives themselves of income or capital which would otherwise have been available to them, e.g. ownership of a property is transferred to another person or the beneficiary of an insurance policy is changed so that the monies are not available to the individual.

21.0 Non-payment of Care Charges

21.1 Failure to make payment will result in action being taken to recover the debt in accordance with the City Council's Corporate Debt Recovery Policy.

21.2 Individual circumstances will be handled with sensitivity, however in fairness to those people who pay their assessed contributions; non-payment will be handled in line with the City Council's own policies on debt management. Ultimately the Council may institute County Court proceedings to recover the debt.

22.0 Cancellation of service due to a financial charges

22.1 If an individual/carer wishes to cancel their service due to the level of the charge the City Councils Financial Assessment Team will advise the designated social care worker who may undertake a risk assessment to ascertain any risks due to unmet needs. If risks are identified these will be discussed with the individual and

wherever possible measures put in place to minimise the impact of any identified risks.

23.0 Right to Review

23.1 If the individual or their appointed representative disagrees with their assessed contribution calculation or feels that they have insufficient funds to pay the charge they have the right to a review of the amount of their assessed contribution.

23.2 Individuals will be made aware of their right to appeal their assessed calculation within a 30-day period if, following the outcome of a review, he or she still considers they cannot afford to pay.

23.3 They can start the process by contacting the City Council's Financial Assessment Team, Contact us via: 01782 236620, or fairercharging.sp@stoke.gov.uk

Stoke-on-Trent City Council's Non-Residential Charging Policy

Appendix 1 Disability Related Expenditure

1. Introduction

- 1.1 This appendix provides further information on section 17 of Stoke-On-Trent City Council's Non-Residential Charging Policy; disability related expenditure (DRE).
- 1.2 The Council adheres to point 37 of the Department of Health's (DH) Care and Support Statutory Guidance (issued under the Care Act 2014) which states that local authorities should "allow the person to keep enough benefit to pay for necessary disability related expenditure to meet any needs which are not being met by the local authority".
- 1.3 The amounts stated in this appendix are correct as at March 2023, will be effective from April 2023, and will be reviewed annually.

2. Qualifying criteria/principles

- 2.1 Any DRE granted by the City Council reduces the person's charge so increases the subsidy provided by the tax payer. The City Council has an obligation to protect the public purse so has to differentiate between want and need. DRE may only be granted if it is classed as a need.
- 2.2 DRE will be considered when;
 - the person has little or no choice other than to incur the expenditure, to maintain independence of life
 - it would be unreasonable to expect a lower cost alternative item or service to be

used

- the cost can be verified by receipts/bills/invoices
- deemed necessary by the City Council, the need for the expenditure has been verified by an appropriate expert.

2.3 DRE will not be considered when;

- it is “normal” expenditure, for example; external window cleaning
- the person has opted to buy items privately instead of claiming on the NHS; for example, continence products
- the NHS provides only short-term funding, e.g. for physiotherapy, however if the person’s General Practitioner (GP), NHS registrar or NHS consultant writes to confirm that the expenditure is of benefit then we will allow it
- the person has purchased “medically” related items and/or services for example; non-prescribed tablets and complementary therapies. This is because the benefit of such items can be disputed. However, if the person’s General Practitioner (GP), NHS registrar or NHS consultant writes to confirm that the expenditure is of benefit then we will allow it.

2.4 Throughout this document there are references to thresholds set by the National Association of Financial Assessment Officers (NAFAO), an organisation to which the City Council and many other local authorities subscribe. To promote uniformity, the majority of NAFAO members use these thresholds.

2.5 If an item of expenditure includes an element of disability related cost, then only this will be permitted. For example, if a window cleaner is employed to clean the windows inside and out, then the cost of the internal window cleaning would be allowed.

2.6 We can only consider expenses incurred by the person; if a third party bears the cost no allowance can be given. This also applies if the cost is met through the City Council’s Direct Payments scheme.

2.7 Where disability related expenditure benefits other adult occupants within the property e.g. £20 is paid for a weekly cleaning service, then only the person’s equal share of the expense will be permitted.

2.8 Where a person/appropriate person/invoicee discloses a DRE for the first time, any applicable allowance for this applies from the Monday of the week that the details are fully disclosed.

3. Evidence

3.1 Unless specified, no allowance may be given without a member of the non-residential charging team witnessing a full receipt/bill/invoice and, if necessary, accompanying proof of need as deemed appropriate by the City Council.

3.2 Receipts will always need to specify the service rendered, cost, frequency of service supplied and the name of the payer. If supplied by a business, we will need 4 weeks' of sequential receipts. If the service is supplied monthly or less frequently we will need 2 sequential receipts. Where the service is supplied by a private person then sequential receipts are not necessary. However, the receipt(s) must show:

- The payers' full name and address
- The payees' full name and address
- The regular services rendered. Blanket comments, such as "anything my mum may need", are unacceptable so this element of the cost will be disregarded
- Cost
- Frequency of service supplied
- How long this paid arrangement has been in place.

The City Council can provide a blank template.

4. TYPES OF DISABILITY RELATED EXPENDITURE

A. Gas, electric and coal

A.1 Every household incurs fuel costs. We recognise that a person's fuel bills may be higher than average due to their health needs. We will allow all expenditure in excess of the average as DRE.

A.2 We will calculate the full annual cost of fuel bills; gas, electric, solid fuel and oil through the use of a full, recent years' worth of actual/estimated bills. We cannot accept payments made under any budget scheme. We cannot accept the amount of the cost of meter tokens but we can allow a statement from the energy supplier showing the actual cost of usage.

A.3 We will determine the annual heating threshold relevant to the type of property and number of adult occupants. The thresholds have been supplied by NAFAO.

A.4 All adult occupants of the property will be deemed as being equally responsible for contributing towards household fuel costs. If more than two adults live in the property, an amount equal to the difference between the single and two-person rates for the relevant property type will be added for each additional person. For the financial year 2023/24 the average expenditures are:

	1 adult	2 adults	3 adults	4 adults
Flat / Terrace	£3,344.0 4	£4,407.2 1	£5,470.3 8	£6,533.5 5
Semi-Detached	£3,551.8 7	£4,677.8 3	£5,803.7 9	£6,929.7 5
Detached	£4,325.0 5	£5,695.0 7	£7,065.0 9	£8,435.1 1

A.5 For the purposes of point A.4, we include all adults who stay overnight in the property for the equivalent of at least 7 nights a month.

A.6 Example:

A person who lives with their partner in a semi-detached house incurs annual expenditure of £4,994.96. The threshold is £4,677.83 so there's a difference of £317.13. This excess is deemed as being entirely due to the person's needs so is divided by 52 to give a weekly DRE of £6.10.

A.7 If more than one person within the property is subject to a non-residential charging assessment by the City Council then the excess expenditure will be split equally between them. For example, if two adults lived together and they both received care, the £6.10 granted in point A.6 would be £3.05 each.

A.8 Winter fuel and cold weather payments are entirely disregarded from all our calculations.

B. Water

B.1 Every household incurs water costs. We recognise that a person's water bills may be higher than average due to their health needs. We will allow any expenditure in excess of the average as a DRE. Therefore, this DRE can apply only to those who are on a water meter and whose annual bills are more than they would be if they were on water rates.

B.2 Water rates greatly differ between properties. Severn Trent Water publishes an annual scheme of charges. Pages 40 + 41 of the 2023/24 document:

[Our charges](#) | [My Account](#) | [Severn Trent Water \(stwater.co.uk\)](#)

gives details of the charges that are levied to households whose request for a meter is not honoured. The City Council uses this to represent the average bill as summarised below:

	Single occupancy	Multiple occupancy
Detached	£290.08	£577.84
Semi-Detached	£266.29	£478.22
Other properties	£242.51	£414.90

B.3 For the purposes of point B.2, we include all adults who stay overnight in the property for the equivalent of at least 7 nights a month.

B.4 Example:

A person who lives with others in a semi-detached house incurs annual expenditure of £498.00. The threshold is £478.22 so there's a difference of £19.78. This excess is deemed as being entirely due to the person's needs so is divided by 52 to give a weekly DRE of £0.38.

B.5 If more than one person within the property is subject to a non-residential charging assessment by the City Council then the excess expenditure will be split equally between them. For example, if two adults lived together and they both received care, the £0.38 granted in point B.4 would be £0.19 each.

C. Personal care

C.1 Personal care is only: bathing (including hair washing and hair drying), preparing meals, administering medication, sitting service, personal assistance and supervision (generally applicable for those with limited mental capacity).

As per point 6.1 of the non-residential charging policy, people receiving the high rate of DLA care, PIP care or AA receive a partial disregard if they do not receive night time care via the City Council. If such people submit a receipt for personal care which includes night time care, then for this element of the expenditure, the City Council will only allow the cost which exceeds the partial disregard.

Please note: hair dressing e.g. cut, colour, perm is a cosmetic want, not a disability related need.

- C.2 If the total allowance is greater than £14.99 weekly the Financial Services Officer - Non Residential will decide what allowance is permissible. They may refer to Adult Social Care for assistance with their decision making and will note their decision on the assessment form. This is to ensure that the City Council's funds are protected as per point 2.1.

D. Privately arranged respite care and holiday costs

- D.1 If the person has made private arrangements for respite care and does not receive a direct payment for respite then the social worker will be asked to grant or deny the DRE. The same principle applies if the person goes on holiday and incurs DRE e.g. they have to pay for a carer to attend to them. Allowances for the holiday itself will not be given as this is "normal" expenditure.

E. Domestic help

- E.1 The Care Act states local authorities are to allow "reasonable costs of basis.....cleaning or domestic help, if necessitated by the person's disability....". We have defined domestic help as only: cleaning (including interior window cleaning), laundry/ironing, shopping, animal care (e.g. dog walking) and the associated transport costs of the provider.
- E.2 The maximum weekly cost allowed is £25.00 of which a maximum of £10.00 a week can be for transport costs. There is no published data on the average time spent cleaning so the City Council has chosen this as it equates to more than two hours a week of the cost of the living wage.

F. Specialist washing needs

- F.1 Due to a health complaint e.g. incontinence or excessive production of saliva, a person may need to launder more frequently than one would expect. If so, the standard NAFAO allowance will be granted. As at 2023/24 this is £4.56 a week.
- F.2 Allowances will be given for related costs such as replacement clothing and/or bedding. No allowances will be given for items that the NHS could provide but the person has chosen not claim.

G. Specialist clothing and footwear

- G.1 The Office for National Statistics (ONS) compiles “the living costs and food survey”. In July 2022 they published their report “Family Spending in the UK: April 2020 to March 2021” (the next release is due to be announced):

Historically the City Council used table 3.13E “Expenditure of one adult retired households by equivalised disposable income quintile group...” as this is the group we most commonly financially assess. As this data has not been refreshed since 24 January 2019 we have to now use a different table.

The most suitable table available at March 2023 is A11 “Detailed household expenditure by age of household reference person...where the household reference person is aged 75 or over”. The weighted number of persons in the household is 1.5.

[Family spending workbook 1: detailed expenditure and trends - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/people-in-work-and-retirement/leisure-time-and-transport/family-spending-workbook-1-detailed-expenditure-and-trends)

We have used the most generous allowances; This shows average weekly expenditure for clothing and footwear as £6.80. The weighted average of number of persons in this type of household is 1.4 so this equates to £4.53 per person.

This equates to £117.78 annually.

- G.2 Therefore, the City Council has proportioned this to represent “normal” annual expenditure on footwear as £137.28 and “normal” annual expenditure on clothing as £137.28. Reasonable additional cost is deemed to be DRE if it complies with points G.3 and/or G.4.
- G.3 If a person needs to have footwear made for them (this does not include wide fitting shoes/slippers) or experiences excessive wear and/or tear the City Council will deduct the afore mentioned buffer from the annual cost and allow the remainder as DRE.
- G.4 If a person needs to have clothing made or tailored for them (due to a disability related need, not a cosmetic want) City Council will deduct the afore mentioned buffer from the annual cost and allow the remainder as DRE.
- G.5 If a person is frequently replacing clothing due to excessive wear and/or tear then the City Council will deduct the afore mentioned buffer from the annual cost. If the person is buying expensive items when it would be reasonable for them to purchase less expensive items, the City Council will base its calculations on the less expensive items.
- G.6 The City Council will use its discretion to decide whether proof of the additional expenditure is necessary and what form this proof should take.
- G.7 No allowance can be given to those receiving war disablement pensions (WDP); this recognises the extra wear and tear that is caused through incontinence and the use of an artificial limb. However, if the WDP was less than the expense the difference will be included.

H. Specialist diet

- H.1 The Office for National Statistics (ONS) compiles “the living costs and food survey”. In July 2022 they published their report “Family Spending in the UK: April 2020 to March 2021” (the next release is to be announced):

Historically the City Council used table 3.13E “Expenditure of one adult retired households by equivalised disposable income quintile group...” as this is the group we most commonly financially assess. As this data has not been refreshed since 24 January 2019 we have to now use a different table.

The most suitable table available at March 2023 is A11 “Detailed household expenditure by age of household reference person...where the household reference person is aged 75 or over”. The weighted number of persons in the household is 1.5.

[Family spending workbook 1: detailed expenditure and trends - Office for National Statistics \(ons.gov.uk\)](#)

We have used the most generous allowances; This shows average weekly household expenditure for food and non-alcoholic drinks as £52.30. The weighted average of number of persons in this type of household is 1.5 so this equates to £34.86 per person.

- H.2 Firstly therefore a person’s weekly grocery expenditure will need to be more than £34.86 for DRE to be considered. Secondly, the person may be asked to obtain proof from their GP that their specialist dietary needs are more expensive than a non-specialist diet. This will need to be submitted along with a month’s worth of grocery shopping receipts. These will be reviewed by the Financial Service Officer - Non Residential.

I. Gardening

- I.1 The City Council will allow only the cost of basic gardening; e.g. an allowance cannot be given for those who pay their gardener to complete maintenance tasks during the winter. The receipt will need to specify how often the gardener visits during all seasons. If a receipt is provided without this information the expense will be allowed only over 8 months of the year. (March – Oct inc.). To represent the fact that the City Council covers only basic garden maintenance, there is a maximum allowance weekly allowance.

- I.2 The Office for National Statistics (ONS) compiles “the living costs and food survey”. In March 2021 they published their report “Family Spending in the UK: April 2019 to March 2020” (the next release is not due until June 2022):

Historically the City Council used table 3.13E “Expenditure of one adult retired households by equivalised disposable income quintile group...” as this is the group we most commonly financially assess. As this data has not been refreshed since 24 January 2019 we have to now use a different table.

The most suitable table available at March 2023 is A11 “Detailed household expenditure by age of household reference person...where the household reference person is aged 75 or over”. The weighted number of persons in the household is 1.5.

This shows average weekly expenditure for household goods and services as £23.30. The weighted average of number of persons in this type of household is 1.5 so this equates to £15.53 per person.

As the ONS does not provide explicit data on gardening services, the above has been used as a guide. The City Council has also referred to statistics published by the Royal Horticultural Society (RHS).

<https://www.rhs.org.uk/about-the-rhs/pdfs/about-the-rhs/commercial-opportunities/media-pack-the-garden>

In 2014 the RHS stated “Our readers’ gardens are on average more than half an acre in size (10 times larger than the average UK garden)” and “Average time spent gardening between March – October is 10 hours a week”.

- I.3 This data leads us to conclude that the average garden needs one hour of maintenance for the 8 months March – October. This is generous as one would expect RHS members to be avid gardeners but the City Council can only cover the cost of basic garden maintenance.
- I.4 At March 2023 www.livingwage.org.uk stated the UK living wage as £10.90 an hour. The City Council understands that there are on-costs such as tax and national insurance however gardening services are required for only 8 months of the year. The City Council has set a maximum weekly gardening allowance of £10.90 for the financial year 2023/24.

J. Specialist equipment / adaptations

- J.1 Each allowance will be based on the life span of the equipment and purchase price. The cost of the maintenance, insurance and repair will be allowed 1) over the relevant term e.g. annual service for a wheelchair 2) as a separate item to the actual wheelchair.
- J.2 If, at the time of the first financial assessment, a receipt is not available for an item that has cost up to £500 then the visiting officer conducting the financial assessment will need to see the item. If the claimed expense seems reasonable then it will be included in the assessment.

- J.3 The following expenses will be allowed over a period of 500 weeks: powered/manual wheelchair, powered/reclining chair, powered/turning bed, hoist, stair/vertical lift, bed guard, commode, bath/shower chair/seat, support rails, furniture raisers, portable ramp and toilet frame.
- J.4 The following expenses will be allowed over a period of 250 weeks: crutches, frame, walker, hearing aid, specialist kettle, perching stool, grabber, pressure cushion and orthopaedic pillow/mattress.
- J.5 The purchase of a computer will only be deemed as DRE for those who are blind, partially sighted or deaf. For such people we will also allow for specialist software e.g. voice recognition software. Such allowances will be given over 250 weeks.
- J.6 Maximum monetary allowances exist for some items as suggested by NAFAO. These figures are updated annually.
- J.7 Adaptations made to the house, garden and caravan in respect of a person's disability will be allowed over a period of 1000 weeks if proof of the expenditure is supplied.
- J.8 Adaptations made to a car in respect of a person's disability will be allowed over a period of 250 weeks if proof of the expenditure is supplied.
- J.9 Allowances given will be based upon the anticipated lifespan of the item from the date of initial purchase (i.e. when new). Allowances will only be given for the remainder of the relevant lifespan. For example, if at the time of the first financial assessment, a receipt was provided showing that a wheelchair had been purchased 80 weeks ago then the allowance would be given for the remaining 420. However, if e.g. a second-hand manual wheelchair had been purchased when the item was approximately 300 weeks old then the allowance could only be given for a further 200.
- Please note; the wheelchair would be allowed over 500 weeks as detailed in point J.3 but the allowance would expire after 1) 420 weeks and 2) 200 weeks.
- J.10 We will only allow DRE for one of each item unless indoor and outdoor versions are required. For example, we will not allow the cost of two reclining chairs but we will allow for both an outdoor and indoor wheelchair.
- J.11 Reasonable hire costs of equipment may be included if they are due to waiting for supply of equipment from the City Council.
- J.12 The cost of key safes is not allowed.

K. Internet access

- K.1 Internet access will only be deemed as DRE for those who are blind, partially sighted or deaf. The cost of the associated line rental will not be classed as DRE as owning a phone line is "normal" expenditure.

L. Medical costs

- L.1 The cost of prescriptions or the cost of an annual prepayment certificate, whichever is lower, will be allowed. Prescriptions for “routine” short-term conditions, for example antibiotics for a throat infection, will not be allowed as this is “normal” expenditure.
- L.2 Prescription delivery costs, if paid to the pharmacy, are allowable in full.

M. Transport costs

- M.1 If a person has to pay more for their transport because of their disability then these additional costs may be permitted.
- M.2 If the costs of transport are over and above the mobility component of DLA or PIP, if in payment, then reasonable excess will be allowed as DRE. “Reasonable” means that if the person has decided not to use a suitable, cheaper form of transport then the excess will not be allowed as per point 2.1. “Reasonable” also refers to the types of trips undertaken.
- M.3 The Office for National Statistics (ONS) compiles “the living costs and food survey”. In March 2021 they published their report “Family Spending in the UK: April 2019 to March 2020” (the next release is not due until June 2022):

Historically the City Council used table 3.13E “Expenditure of one adult retired households by equivalised disposable income quintile group...” as this is the group we most commonly financially assess. As this data has not been refreshed since 24 January 2019 we have to now use a different table.

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[Family spending workbook 1: detailed expenditure and trends - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/family-spending-workbook-1-detailed-expenditure-and-trends)

We have used the most generous allowances; This shows average weekly expenditure for transport as £26.20. The weighted average of number of persons in this type of household is 1.5 so this equates to £17.46 per person.

Transport costs greater than £17.46 a week will be allowed if they are reasonable. “Reasonable” means that if the person has decided not to use

- M.4 If the person is able to utilise their free bus pass but opts to pay for transport then no allowance may be given as per point 2.1.

N. Further costs

N.1 As acknowledged in point 17.3 of the policy, it is not possible to provide a comprehensive list of DRE, as the process needs to be as flexible as possible to account for a person's needs, however, the overall aim is to allow for reasonable expenditure needed for independent living by a disabled person.

Therefore, if a person incurs reasonable expenditure occasioned by age, medical condition or disability which is not covered by this appendix then it will be considered by the City Council's Financial Services Officer – Non Residential who may need to refer to Adult Social Care.

N.2 If a request is not allowed then the decision can be appealed by writing to the non-residential charging team. The matter will then be referred to the City Council's Financial Services Team Manager. They may need to refer to Adult Social Care. The Financial Services Team Manager has final discretion over whether to include items as DRE.

N.3 All decisions, including the justifications, will be recorded to aid further decisions.