

Adult Social Care Charging Policy

This Policy sets out the Council's approach to charging for community and residential social care services. It is aligned to the Care Act 2014 and replaces the previous Fairer Charging Policy.

Document Control

Version control	v3.1
Author	Colyn Kemp
Key stakeholders / contributors	Members of the public Customers receiving care and their families Carers supporting people with care needs Providers of social care services Employees of the Council Elected members of the Council
Lead Directorate	People Services
Implementation due date	January 2021
Approval date and approving body	9 December 2020 - Council Cabinet

Supporting information

Policy or strategy type	Statutory external policy
Equality impact assessment date completed	7 September 2020
Safeguarding implications / assessment date completed	29 October 2020
Policy and Improvement review completed (Y/N)	Y
Revised / updated date	10 March 2021 (amended wording in 6.5)
Review date	January 2023 (two years from publication)

Table of Contents

1	Introduction	2
2	Policy purpose and key objectives	2
3	Background and context	3
4	Adult Social Care Charging Policy Principles	4
5	Scope of the Adult Social Care Charging Policy	5
6	Specific Adult Social Care Charging Policy Statements	6
7	Implementation	17
8	Charges, Fees and Allowances	18
9	Review of this Policy	18

1 Introduction

The Adult Social Care Charging Policy was last updated in July 2018 to incorporate two updates published in December 2016 and November 2017 clarifying some elements of the Policy originally published in 2016.

This biannual review of the Adult Social Care Charging Policy is published in accordance with section 9 of the Policy.

2 Policy purpose and key objectives

This Policy sets out the Council's approach to charging for community and residential social care services. It is aligned to the [Care Act 2014](#) and replaces the previous Fairer Charging Policy. Derby City Council will subscribe to the Care Act Principles and will adopt a series of complementary principles to guide the process of charging for care and support services.

The objective of the Policy is to provide a framework for applying charges and fees under the Care Act 2014 and thereby ensure a fair and consistent application of charges and fees. This supports the Council Plan which includes the intention to raise income from services where we can make a direct contribution to the funding of other services. In this case, income raised from charges for adult social care services will be spent on providing more adult social care services in order to protect and support vulnerable adults and older people.

3 Background and context

Sections 14 and 17 of the Care Act 2014 and the supporting [Statutory Guidance](#) provide a single legal framework for charging for adult social care and support. The Act states that local authorities have the discretion to choose whether or not to charge under section 14 of the Care Act following a person's or carer's needs assessment. A local authority may charge the adult except where it is required to arrange care and support free of charge. Where a local authority decides to charge, it must follow the Care and Support (Charging and Assessment of Resources) regulations and have regard to the guidance. A local authority may only charge up to the costs they incur when contracting for care.

After undertaking a public consultation, Derby City Council decided in September 2008 that it would charge for non-residential adult social care and support from January 2009.

Derby City Council has a duty to arrange care and support for those with eligible needs, and a power to meet non-eligible needs.

The Principles of the Care Act 2014 are that Derby City Council's 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 local authorities in the long-term.

4 Adult Social Care Charging Policy Principles

The following Derby City Council principles will be applied alongside the Care Act 2014 principles:

Principle 1 – Derby City Council will adopt a single Adult Social Care Charging Policy covering charges and fees for all adult social care services in both residential and non-residential settings.

Principle 2 – In accordance with the Care Act 2014, certain types of service will be provided free of charge. These services are:

- information and advice
- Independent Advocacy services provided under the Care Act 2014
- needs assessment of all types
- financial assessment
- support planning
- intermediate care
- community equipment and minor adaptations costing less than £1000
- aftercare services/support provided under section 117 of the Mental Health Act 1983 (see also Policy Statement number 6.68)
- Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care
- services for anyone suffering from any form of Creutzfeldt-Jakob disease.

Principle 3 - Derby City Council will charge up to the full cost of the service it provides and will not charge more than the cost it incurs. Fees and charges will be reviewed at least annually.

Principle 4 – customers will only be asked to pay what they can afford towards their care costs.

Principle 5 – Derby City Council will work out what individual customers can afford to pay towards their care costs by carrying out individual Financial Assessments, subject to the thresholds and limits set out by Government.

Principle 6 – Customers will be liable for charges from the start of the service.

Principle 7 – Customers will only pay for the services they receive or for services that Derby City Council has been unable to cancel either because the service is to be resumed such as in a care home, or because the customer failed to provide the required notice. Where the service provided has been commissioned on an outcome-focused basis, the customer will be charged their agreed contribution for each period irrespective of the actual services received during that period.

Principle 8 - Derby City Council will ensure that sufficient information and advice is available so that the customer or their representative are able to understand any contributions they are asked to make. Customers will be encouraged to seek independent financial advice, especially before entering into any long-term agreements.

Principle 9 – Derby City Council will not suspend means-tested services being provided as part of an agreed Support Plan when a customer refuses to pay their assessed charge and/or administration fee.

Principle 10 – Derby City Council reserves the right to pursue debt through the courts.

5 Scope of the Adult Social Care Charging Policy

Charges will be made in respect of the following support:

- All Personal Budgets will be subject to a Financial Assessment regardless of how the Personal Budgets are used or whether the budget is taken as a Direct Payment, an Individual Service Fund or Derby City Council commissions the care on behalf of the customer.
- Home Care (this includes help with personal care, practical tasks, shopping, bathing, night care and night sitting).
- Personal care provided in extra care settings.
- Day Care, whether in a day centre or other day activities
- Transport to and from a day care centre or other activity
- All meals
- Supported living arrangements, including the Shared Lives service
- Jointly funded services – contributions will be sought for the element of funding provided by Derby City Council only, this is regardless of whether the further funding is provided by the NHS, voluntary or charitable sector or some other body
- Lifelines and other Telecare equipment and services
- Community equipment and minor adaptations costing more than £1000
- Residential Respite Care
- Residential Care

- Nursing Care

Exclusions:

- Adaptations to property - the Financial Assessment for adaptations is determined by the Local Government and Housing Act 1989, Department of the Environment Circular 12/90 (Housing Renovations Grants)

6 Specific Adult Social Care Charging Policy Statements

Mental Capacity

- 6.1 Derby City Council will take into consideration the mental capacity of the customer, as well as any illness or condition they may have, when communicating with them, when carrying out a Financial Assessment and when collecting any debts. In line with the Care Act 2014, and the principles set out in the Mental Capacity Act 2005, Derby City Council will assume that customers have mental capacity and can make decisions for themselves unless it is established otherwise, in which case appropriate support will be identified.

Financial Assessments

- 6.2 Derby City Council has no power to assess couples or civil partners according to their joint resources. Each person must therefore be treated individually. 50% of any joint assets will be taken into account unless there is evidence of a different split in ownership.
- 6.3 Derby City Council will apply the nationally set limits and thresholds for Financial Assessment.
- For the financial year 2020/21, the capital limits set by central government are:
- (a) upper capital limit: £23,250
 - (b) lower capital limit: £14,250
- 6.4 Derby City Council has discretion to set higher capital limits for people receiving care other than in a care home. This Policy does not specify any higher limits, so the national limits apply. The national limits are reviewed annually and the most recently set national limits will be used in each subsequent financial year.

- 6.5 Derby City Council will apply the nationally set limits and thresholds for personal expenses allowance (PEA) and minimum income guarantee (MIG). Derby City Council will disregard payment of the enhanced rate of Personal Independence Payment (PIP) and take any eligible Disability-Related Expenditure incurred by the customer into account when carrying out a Financial Assessment for community-based care.
- 6.6 The treatment of capital is broadly the same for all care settings. Derby City Council will apply a tariff income to the capital assets held by a customer as detailed under the national guidelines.
- 6.7 Derby City Council will take all capital assets into account except those specifically disregarded under the regulations. Capital acquired through an Equity Release scheme based on the customer's main or only home will be taken into account alongside any other capital held by the customer. The residual beneficial interest in the customer's main or only home will be disregarded appropriately for the situation, i.e. for the first 12 weeks of long-term residential care, and completely for non-residential care.
- 6.8 Equity Release schemes can also be used to fund an annuity to provide a regular income. The capital used to purchase any such annuity will be disregarded. Derby City Council will take all income into account except those specifically disregarded under the regulations. Income arising from an annuity secured on the customer's main or only home will be disregarded provided that the conditions laid out in the regulations are met.
- 6.9 In conducting a Financial Assessment for community-based services, Derby City Council must disregard the value of the customer's main or only home, but will take into account all other property owned in whole or in part by the customer.
- 6.10 Derby City Council will apply the same rules for disregarding property for community-based services as it does for residential and nursing services. If, for instance, a customer moves into an Extra Care setting, and a spouse or other qualifying relative who lived in their former home continuously before the customer moved into the Extra Care setting continues to live in their former home, then the value of the customer's interest in the property will be disregarded until the spouse or other qualifying relative moves out.

- 6.11 If a customer owns or part-owns a property that is not their main or only home, Derby City Council will take the value of their interest in the property into account when calculating a customer's contribution.
- 6.12 Where it is taking the value of a property into account for the purposes of a community care Financial Assessment, Derby City Council will disregard all rental income from that property.
- 6.13 Where it is taking the value of a property into account for the purposes of a residential/ nursing care Financial Assessment, Derby City Council will disregard all rental income from that property.
- 6.14 Where it is taking the value of an occupational pension, personal pension or retirement annuity into account for the purposes of a Financial Assessment, Derby City Council will disregard 50% of the occupational pension where 50% of that pension or annuity is paid to their partner who continues to live at home.
- 6.15 If a customer is only drawing a minimal income, or choosing not to draw income from a pension or similar financial instrument, then Derby City Council will apply notional income. This must be the maximum income that could be drawn under an annuity product. If applying maximum notional income, any actual income from the financial instrument will be disregarded to avoid double counting.
- 6.16 There will be no maximum weekly charge for non-residential services.
- 6.17 In some circumstances, Derby City Council may choose to treat a person as if a Financial Assessment had been carried out. For instance if, on the basis of evidence provided by the person Derby City Council is satisfied that they can afford, and will continue to be able to afford, any charges due. This is known as a "light-touch" Financial Assessment.
- 6.18 Derby City Council will regularly reassess a person's ability to meet the cost of any charges to take account of any changes to their resources. Customers MUST notify Derby City Council promptly when their financial circumstances change and may request a review of their Financial Assessment at any time. Officers will check the financial assessment and adjust as necessary, taking into account any additional information available. Any change in customer contributions will usually be backdated to the date that the financial circumstances changed.

- 6.19 Customers who refuse to cooperate with the Financial Assessment process will be treated as if they have more than the upper capital limit. They will therefore be treated as a Self-Funder and charged at full cost. Self-funding customers living in residential and nursing care will be required to make their own arrangements with the care home to make payment of the full fees directly to the home.
- 6.20 Where Derby City Council decides that a customer has deliberately deprived themselves of assets in order to avoid paying care costs, Derby City 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 recover the lost income by charging that person.
- 6.21 Subject to the outcome of a Financial Assessment, a contribution is expected for young people entering adulthood with an eligible care need.

Direct Payments

- 6.22 Derby City Council will apply the national guidelines on Direct Payments.
- 6.23 Direct Payments will be paid net of any assessed customer contribution. The customer will be expected to top up the Direct Payment account with their assessed contribution.
- 6.24 Where a customer who takes their Personal Budget as a Direct Payment refuses to top up the account with their assessed contribution, Derby City Council may suspend the Direct Payment and arrange managed services instead. Alternatively, Derby City Council may choose to top up the Direct Payment account and invoice the customer separately for their contribution.
- 6.25 Direct Payments will continue to be paid during periods of hospitalisation of up to four weeks in order to allow the customer to pay retainers as required, for example to a Personal Assistant. This period may be extended depending on individual circumstances and with the approval of the customer's care manager.
- 6.26 Derby City Council will reclaim unspent Direct Payment money that is regularly carried forward from one month to the next subject to the prior agreement of the customer's care manager to such a reclaim being made.

Charging for Services - general

- 6.27 Where Derby City Council decides to charge for services and undertakes a Financial Assessment, Derby City Council will support the customer to identify the available options for how best to pay any charge.

- 6.28 Charges will apply from the start of the service. In order to help prevent a debt arising, a nominal charge may be applied initially which will be adjusted and backdated once the Financial Assessment has been completed.

Charging for Services – services not subject to a Financial Assessment

- 6.29 All meals, whether provided at a day centre or delivered to a customer's home, will be charged at full cost and will not be subject to a Financial Assessment.
- 6.30 All lifelines and other telecare equipment and services will be chargeable in full. Where telecare equipment and services are provided as part of an agreed Support Plan to meet eligible social care needs, the charge will be subject to the outcome of a Financial Assessment.

Charging for Services – Community Care, including respite care

- 6.31 Where Derby City Council commissions timetabled support on behalf of a customer, the cost for each service visit will be charged to the customer, subject to the outcome of their Financial Assessment.
- 6.32 The customer will be charged for services that Derby City Council has been unable to cancel where the customer has failed to provide the required notice unless this was due to a valid reason such as emergency hospital admission or emergency respite admission. Normally, customers must provide at least 48 hours' notice to their Care Agency to cancel planned care without incurring charges.
- 6.33 Where Derby City Council commissions outcome-based support on behalf of a customer, there will be no timetabled care to charge customers against. As is the case with Direct Payments, customers will pay their assessed contribution, regardless of the actual episodes of care provided.
- 6.34 Where a customer needs more than one carer to deliver their care (known as "double-up" calls), Derby City Council will pass on the full cost of the service, subject to the outcome of the Financial Assessment.

- 6.35 When a customer is receiving respite care or short term residential care (that is, when someone is in a care home for a period not exceeding four consecutive weeks in any 12-month period), other than post-hospital-discharge recovery periods, Derby City Council has the power to charge as if they were receiving domiciliary care. Derby City Council will instead make a nominal charge equal to the Pension Credit/basic Universal Credit rate, depending on the customer's age, less the statutory personal expenses allowance.
- 6.36 When a customer is being cared for away from home in a hospital or in accommodation such as a care home, and they cannot arrange to protect their property or pets themselves, Derby City Council must act where it believes that if it does not take action there is a risk of moveable property being lost or damaged. Derby City Council will recover any reasonable costs incurred in protecting the moveable property from the customer.

Charging for Services – Residential or Nursing Care

- 6.37 When a customer needs to move into long-term residential care, is admitted to a registered Care Home or registered Nursing Home, Derby City Council will disregard the value of the customer's main or only home in their financial assessment for 12 weeks starting from the date of admission to residential care.
- 6.38 If a customer permanently moves out of their main or only home to go into an Extra Care placement or a Supported Living setting, Derby City Council will treat them as if they had moved into another property that they had purchased or rented and will not allow a 12 week disregard on the value of the vacated property if they have retained possession (this has effectively become their second property).
- 6.39 If a customer moves out of their main or only home to go into an Extra Care placement or a Supported Living setting for a specified trial period of up to 12 weeks, Derby City Council will disregard the customer's beneficial interest in the vacated property for the duration of the trial period.

- 6.40 Top-up payments must be made where a customer chooses more expensive residential or nursing care than Derby City Council is offering. An agreement will have to be signed for a top up before the care home placement goes ahead or before financial assistance is provided when the customer is already in a care home placement. A customer is not allowed to pay their own top-up except where a deferred payment has been agreed or where after care services are being provided to the customer under Section 117 of the Mental Health Act. Derby City Council has discretion over whether to allow a top-up payment to be deferred after the first 12 weeks of long-term residential care.
- 6.41 Where a top-up payment is to be made, Derby City Council will need to satisfy itself that the top-up is sustainable. Derby City Council may accept any top-up deemed to be reasonable given considerations of affordability, sustainability and available equity but will retain discretion over whether or not to agree to a given top-up.
- 6.42 When agreeing to a deferred top-up, Derby City Council will put a written agreement in place with the customer explaining what might happen to any top-up requested if the person reaches the equity limit and moves on to local authority support in paying for their care. In these circumstances, Derby City Council may not be willing to fund the top-up, and the customer may need to find other ways to pay for it or be prepared for a change in their care package.
- 6.43 Any top-up payment agreed will be regularly reviewed to ensure that it remains affordable. If there is a breakdown in the arrangement to pay an agreed top-up, Derby City Council may move the customer to an alternative care home at Derby City Council's standard rates after reviewing the customer's care needs.

Deferred Payment Agreements (DPAs)

- 6.44 Derby City Council will apply the national guidelines on eligibility for Deferred Payment Agreements designed to help customers pay towards the cost of their residential care.
- 6.45 Derby City Council has discretion to enter into a Deferred Payment Agreement with a customer whose care and support is provided in Extra Care or Supported Living accommodation. Derby City Council will normally exercise this discretion if the person intends to retain their former home and fund some or all of the associated care and accommodation costs from a Deferred Payment Agreement registered as a priority charge on the property, provided that there is sufficient equity in the property to underwrite the loan.

- 6.46 Derby City Council has discretion to enter into a Deferred Payment Agreement based on security other than that specified in the regulations. Derby City Council will consider alternative forms of security offered by a customer in cases where a first charge on a property cannot be secured. Each case will be considered on its merits. Derby City Council may review the list of potentially acceptable forms of security at its own discretion. Examples that may be considered include:
- a third-party guarantor, subject to the guarantor having or offering an appropriate form of security;
 - a solicitor's undertaking letter;
 - a valuable object such as a painting or other piece of art;
 - an agreement to repay the amount deferred from the proceeds of a life assurance policy or from fixed term savings plans.
- 6.47 Derby City Council will apply an administration charge for setting up and managing a Deferred Payment Agreement. This will be set at the rate used in the national Care Act impact assessment. Derby City Council will review the rate from time to time to ensure that it reflects the true cost incurred.
- 6.48 Derby City Council will not apply an annual maintenance charge for providing a Deferred Payment Agreement. Derby City Council may review the decision not to apply an annual maintenance charge at its own discretion.
- 6.49 Derby City Council will apply a compound interest charge throughout the lifetime of Deferred Payment Loans at the maximum set out in the Care Act 2014 and the supporting Statutory Guidance.
- 6.50 Derby City Council will set an 'equity limit' to the value of each Deferred Payment Agreement based on the customer's equity in the asset against which the DPA is secured. Initially, this limit will be set at the value of the property minus ten per cent, minus the lower capital limit (£14,250 in 2020/21), minus any other encumbrances in place.
- 6.51 When a Deferred Payment Agreement is approaching 70% of its equity limit, Derby City Council will meet with the customer and/or their representative to discuss what will happen when the equity limit is reached.
- 6.52 Once a Deferred Payment Agreement has reached its equity limit, Derby City Council may not be willing to continue funding the placement and the resident may need to find other ways to pay or be prepared for a change in their care package.

Joint Funding

- 6.53 When a customer enters a residential or nursing placement, they may be required to contribute towards Derby City Council-funded elements of the care. A Financial Assessment will determine the value of any contribution due. Health-funded elements of the care are always free to the customer.
- 6.54 Where a customer's residential or nursing care placement is jointly funded by health, this joint funding only applies to the placement offer made by Derby City Council.
- 6.55 Where a customer chooses a residential or nursing care placement that costs more than the offer made by Derby City Council, a third party top-up will be required. The possible scenarios are laid out in the following table:

Scenario	Level / impact of NHS funding	Third-party top-up
Placement price is at or below the Derby City Council offer	NHS funding reduces the net cost to Derby City Council. The customer may still be required to contribute.	A third party top-up is not required
Placement price is above the Derby City Council offer	NHS funding reduces the net cost to Derby City Council. The customer may still be required to contribute.	A third party top-up is payable to cover the difference between the Derby City Council offer and the placement cost

Self Funders

Definition: a Self Funder is a customer who has assets in excess of the upper capital limit (£23,250 in 2020/21). Customers who refuse to cooperate with the financial assessment process will be treated as if they were a Self Funder.

General approach: Self Funders are expected to arrange and fund their own care. If they are unable to do so, even with the support of others, then Derby City Council will arrange the care on their behalf. An administration fee will be charged for doing this for customers receiving community-based services.

Self Funders will be charged the full cost of any services provided as they receive them.

If the customer has disclosed their financial details, Derby City Council will estimate when the customer's assets will fall below the upper capital threshold and will contact them near that time to arrange a review of their Financial Assessment.

If a Self Funder's assets fall below the upper capital threshold sooner than expected, they should contact Derby City Council and request a review of their Financial Assessment. In these circumstances, the customer will be asked to explain why the capital has reduced sooner than expected. Derby City Council will consider whether or not the customer has deliberately deprived themselves of assets in order to avoid paying care costs.

If the customer has not disclosed their financial details, and they later wish to ask for financial support, they must contact Derby City Council when their assets are getting close to the threshold to request a Financial Assessment.

- 6.56 Derby City Council will apply administration charges (set-up and annual maintenance) to recover the costs it incurs where it is asked to arrange community-based services on behalf of someone with assets above the Upper Capital Limit.
- 6.57 The set-up administration charge will be payable when the community-based services in an agreed Support Plan are first set up for a new customer.
- 6.58 The annual maintenance administration charge will cover all changes to the community care support plan required in the next 12 months. The fee will be payable in advance. The first charge will be applied when the community-based services are first set up. Subsequent annual charges will become payable on the anniversary of the initial start date. If during the year, administrative support is no longer required (if, for instance, the self-funder decides to arrange their own services), Derby City Council will refund a proportion of the annual maintenance administration charge for any whole calendar months remaining.
- 6.59 When a Self Funder is in short-term residential care for up to eight weeks, they will be charged the full cost fee less an allowance to reflect the fact that the customer has to continue to maintain their own home.
- 6.60 Self Funders are responsible for informing Derby City Council when their assets fall below the upper capital limit and for promptly providing evidence of the depreciation of their assets. Derby City Council will contribute to the cost of care and support from the date the approach was made subject to a satisfactory review of the updated financial information provided. Derby City Council may, at its discretion, contribute to the cost of care and support from the date that the customer's savings dropped below the upper capital limit, but this will not normally be the case.

- 6.61 In the unlikely event of a Provider Failure (i.e. when a service the customer is receiving can no longer be provided and the reason for that is that the provider's business has failed), Derby City Council will give self-funders information and advice about finding alternative services. Derby City Council will make a charge for arranging alternative care and support for someone with assets above the Upper Capital Limit, in the same way as it would for on-going services.

Direct Services

The Council is a direct provider of care in very limited settings. The Council will apply the charging principles set out in this document in determining whether to charge an individual where services are provided to customers with eligible care and support needs.

- 6.62 The Council may also sell spare capacity to customers without eligible care and support needs, or offer services that do not require the person to have an eligible need, or are aimed at supplementing care and support over and above eligible services. A separate service specific charging policy will cover the details of how this operates for relevant services and the Council will set out an individual agreement with each customer that will detail the obligations of both the Council and the customer. The fees due will be subject to an annual review in terms of inflationary and other cost pressures and all customers will be notified in advance of any proposed change to fee levels. Derby City Council will charge the actual cost of providing the services purchased privately, but delivered through Derby City Council's Direct Service teams
- 6.63 Derby City Council will establish an Individual Service Agreement with each customer setting out the details of the contracted services and outlining the obligations of both Derby City Council and the customer.

Debt

- 6.64 Derby City Council's Fair Repayment Promise is that "If you owe money to the Council such as rent or Council Tax, your repayment will be at an affordable rate." Where any arrears of social care charges are due and depending on the customer's specific circumstances, people may be given a reasonable length of time in which to pay the money and may not be expected to pay it all off in one go.

Carers

- 6.65 The Care Act 2014 allows Derby City Council to charge carers for the services provided, but the Council has decided that no charges will be applied for services provided directly to carers to support them. Derby City Council may review the decision not to charge carers at its own discretion.
- 6.66 All forms of respite or replacement care that involve personal care to the customer must, under the Care Act, be treated as services to the customer rather than to the carer. This means that respite that includes the provision of personal care will be seen as part of the customer's personal budget and the customer will therefore be charged for it following a Financial Assessment.

Deputyship and Appointeeship service

- 6.67 Derby City Council will apply an administration charge to recover the costs it incurs where it agrees to act as a Deputy or an Appointee for a person without capacity living in the community. Where it is incurred as part of an agreed Support Plan to meet eligible social care needs, the charge will be subject to the outcome of a Financial Assessment.

Section 117 Aftercare

- 6.68 Further to Derby City Council Principle 2 (above) and in accordance with the Derby and Derbyshire joint policy on Aftercare for Detained Patients under Section 117 Mental Health Act 1983, to which the Council is a co-signatory, only **care and support services directly related to the reason for the section 117 aftercare will be provided free of charge**. In all cases, top-ups (where a customer chooses to pay for more expensive residential or nursing care) will be chargeable.

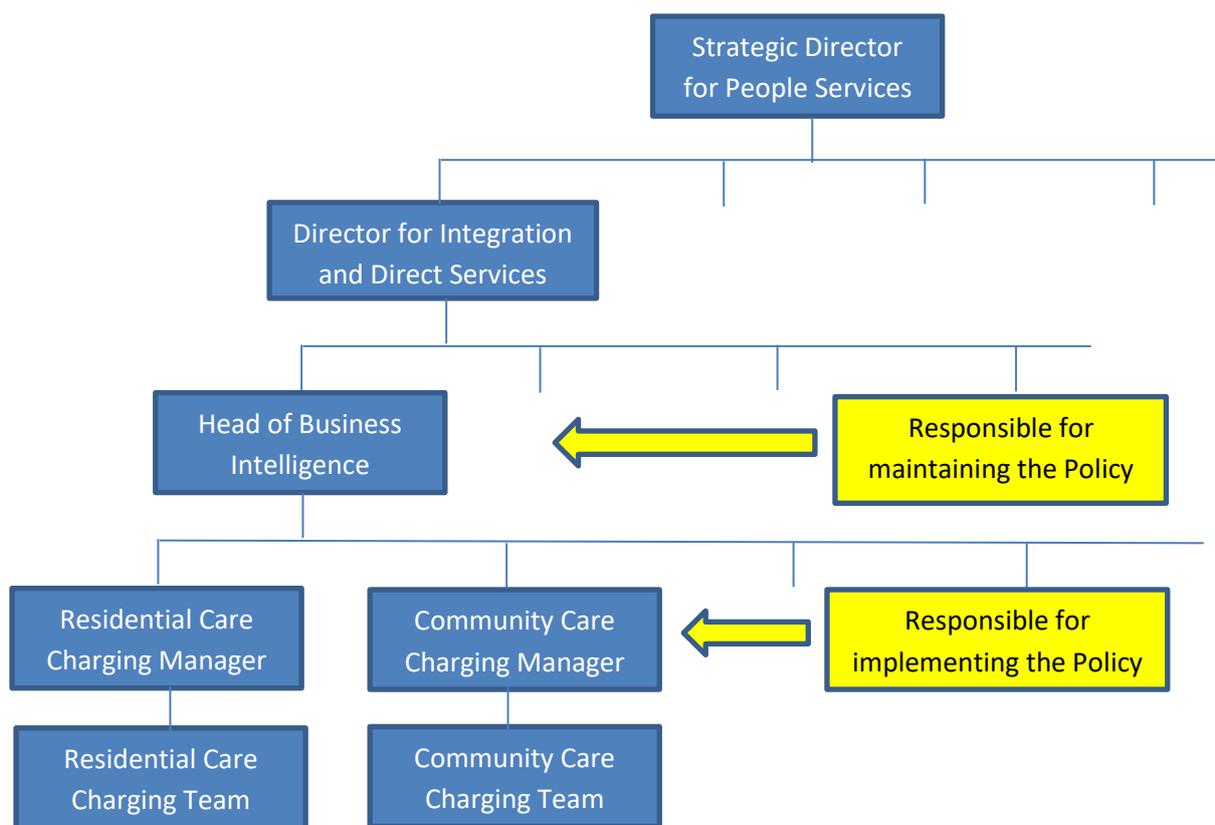
7 Implementation

All new customers receiving their first financial assessment after the implementation of this Policy will be subject to the revised Policy.

All customers receiving a service prior to the implementation of this Policy will be subject to the revised Policy when notified by a letter from the Finance Team or at their next Review, whichever is the sooner.

All existing Deferred Payment Agreements will continue under the conditions defined in the form of agreement signed with the customer.

Figure 1: Organisational chart showing the roles responsible for maintaining and implementing Derby City Council’s Adult Social Care Charging Policy.



8 Charges, Fees and Allowances

Some charges, fees and allowances are set by Central Government. All charges, fees and allowances that are set by Derby City Council will be reviewed annually.

9 Review of this Policy

This Policy will be reviewed at least biannually. The Council reserves the right to revise the Policy more frequently if circumstances change. The intention is that the Policy will remain in place until the underlying legislation changes.