

## Bradford MDC Supporting People Charging Policy – Final (September 2007) revised June 2009

### 1. Introduction

1. This paper sets out the policy for charging arrangements for Supporting People services in Bradford which came into force on April 1<sup>st</sup> 2003 and builds upon the Interim Charging Policy approved in February 2003 & September 2005. ***Please note that this document sets out the new charging policy arrangements to reflect the changes and supersedes any previous policies. This Policy also works in conjunction with the Councils Ability to Pay Policy.***

### 2. Scope of the Policy

1. The policy has been developed in accordance with guidance issued by the Communities in Local Government and takes into account as directed Bradford's policy on Charging for non-residential services. This policy will continue to be revised in line with further developments with the Councils Ability to Pay Policy on an annual basis.
2. Bradford imposes a charge for all non-exempt Supporting People services in line with CLG guidance and this policy reflects this position.
3. This policy has been drafted taking into account least financial risk to the Commissioning Body and the Administering Authority.
4. Each Supporting People service was fully reviewed and given 12 months notice by January 2007 and unit costs were reviewed as part of this process through the Value for Money exercise.

### 3. Principles of the Supporting People Charging Policy

1. The overall principles of the Charging Policy as directed by the CLG are that it should be: -
  - fair and understandable for users of services
  - as administratively simple as possible for all parties
  - balance risk appropriately between providers and the Commissioning Body
  - be consistent with other charging and income assessment policies locally
  - allow as much local flexibility as is consistent with the above, particularly in relation to moving to any new charging arrangements

## **4. Exempt Services**

1. Supporting People services that are intended to be short-term services (i.e. those with an intended duration of less than two years) will be exempt from charging.
2. Short-term services will be services primarily meeting the support needs of the following groups: women fleeing domestic violence, homeless people, young vulnerable people (including care leavers), ex-offenders, people with mental health problems and those with drug and alcohol misuse problems.
3. It is the scheme that is exempt from charging and not individuals within it.
4. This will have been subject to review during the service review whilst the service was on an interim contract.

## **5. Non Exempt Services**

1. Supporting People services that aim to maintain a degree of independent living and are provided for more than two years are deemed to be long term services and are not exempt from charging.

## **6. Chargeable services and Supporting People subsidy arrangements**

1. Services that are deemed long-term, where there is a limited degree of independent living as part of a permanent open-ended arrangement will be levied a charge. This will mainly affect older tenants in sheltered housing and supported living schemes for people with learning disabilities and people with mental health problems and/or complex needs.
2. Chargeable Supporting People services are primarily contracted for using the Block Subsidy model of contracting.
3. Service users in receipt of either partial or full Housing Benefit are “passported” to a nil charge for Supporting People services.
4. Any service user who does not receive Housing Benefit is entitled to request a Fairer Charging Financial Assessment in accordance with the Councils Ability to Pay Policy.
5. Any service user who does not get relief from either Housing Benefit passporting or Fairer Charging assessment will be charged for Supporting People services where charges apply.
6. Service users in receipt of both non-residential care services and Supporting People services should only be subject to one financial assessment and one charge for both services.

## 7. Rules for Payment of subsidy

1. Where a service user's entitlement to either full or partial Housing Benefit is confirmed, then they will be entitled to full Supporting People subsidy in respect of their housing related support charge. Also for service users entitled to a full or partial relief through a Fairer Charging assessment will be paid to service providers through the Block Subsidy contracting arrangements.
2. Supporting People subsidy is paid four weekly in advance. Providers receive four weekly schedules of subsidy for individual service users.
3. Underpayments of subsidy, when calculated will be paid in one instalment to service providers in the following payment run.
4. Overpayments of subsidy in respect of a service user will be recovered in one instalment in the following payment run. If ongoing payments are not being made to the service provider then arrangements will be made to issue an invoice to the provider in order to recover any outstanding overpayments.

## 8. Back-dating payments and circumstances where subsidy may continue to be paid

1. If a service user has been successful in qualifying for Housing Benefit they will then need to fill in a Supporting People application form which would give the Supporting People team the authority to verify their claim with the Housing Benefit department. Supporting People subsidy will then be effective from the date that the Housing Benefit claim commences.
2. Alternatively the Housing Benefit legislation allows for the back-dating of benefit for up to 52 weeks. If Housing Benefit has agreed to backdate a claim from a service user, Supporting People subsidy will be paid with effect from the date agreed by the Housing Benefit department. **Please note:** this will only apply in certain exceptional circumstances.
3. Please note that with effect from **1<sup>st</sup> October 2005** payments of Supporting People subsidy will only be backdated to **THREE MONTHS** from the date that the relevant application is received by the Supporting People team e.g. for a Supporting People Application form received on 1<sup>st</sup> September 2005, payments would be backdated to 1<sup>st</sup> June 2005 even though the service user has had Housing Benefit since the beginning of the year.
4. Where there has been a delay in a service user applying for a Fairer Charging assessment, backdating of subsidy will be backdated to the date the application form is received or will be backdated for no more than three months of when the form is received by the Supporting People team.

5. There will be flexibility to continue to pay subsidy in instances where people are admitted to hospital, residential care and prison in line with Housing Benefit regulations.

## **9. Change of circumstances**

1. Service Providers have a contractual obligation to notify Supporting People of any service users who leave the service or of a change of circumstances that they are aware of that may affect a service users continued entitlement to Supporting People Subsidy (e.g. entitlement to Housing Benefit has stopped, or a change in income, benefits, savings or capital).
2. Service users when notified of their entitlement to Supporting People Subsidy as a result of Housing Benefit entitlement will be issued with a Change of Circumstances Form which they will receive from the Support Provider. They will be asked to complete and return this form to the Service Provider who will then forward the form onto the Supporting People team. This is when they are still receiving a service from the Service Provider but their Housing Benefit has stopped.
3. Processes are in place for service providers to notify the Supporting People team where a service user's circumstances have changed however it has not been possible, for technical reasons, to receive details of service users who have become ineligible for Housing Benefit directly from the Housing Benefit Department. Work is being carried out around this; however a workable solution has not been derived as yet.
4. Service users who are entitled to Supporting People Subsidy as a result of a Financial Assessment will be subject to re-assessment in accordance with the Administering Authority's Ability to Pay Policy (normally 1 year on from the start of the original Financial Assessment).

## **10. Fairer Charging Assessments**

1. A working partnership between the Supporting People team and the Social Services Community Care Administration department is being developed to deliver an efficient and effective assessment process within available resources.
2. It is intended that service users and their support providers will be made aware of the possibility of receiving a financial assessment.
3. It will be the responsibility of the service user to request a financial assessment.

## 11. Fairer Charging Assessment Process

1. The service user will be asked to fill in a Supporting People Fairer Charging application form in the first instance.
2. The Supporting People Finance department would then send out the Personal Financial Statement (SPFC1) form to the service user or the provider. This form would then need to be filled in and it asks about the service user's income/ benefits, any savings and capital.
3. The Supporting People Finance department and the Social Services Community Care Administration department would then work out how much a service user will have to pay each week and will write to them informing them of this decision.
4. The charge levied could be between £0.00 and £85.00 a week; however this is subject to review on an annual basis.
5. If a service user has any extra expenses because of an illness or a disability. It is important that the Supporting People finance team are made aware of any such expenses as this may be able to reduce their charge.
6. A Financial Assessment may result in a partial or full award of Supporting People Subsidy for the service user depending on individual circumstances. In these cases the service user will need to make arrangements to ensure that the balance of the support charge continues to be paid to the Support Provider.
7. Where a service user is not entitled to any Supporting People subsidy and this has been identified from the Financial Assessment, it is their responsibility to carry on paying for the support charge to the Service Provider.
8. If a service user does not wish to have a financial assessment, they will not be able to take advantage of the possible increased income and lower charges and therefore may be expected to pay the full support charge.
9. If a service user decides to accept this then they would need to sign the 'Alternative Declaration' on the back of the financial information form (SPFC1) and send this back to the Supporting People finance department.

## 12. Minimum and Maximum charges

1. The maximum charge for Supporting People services is the determined unit cost of the service less any applicable protection via the Council's Ability to Pay Policy.
2. The maximum amount of subsidy payable will be determined by the contracted unit cost.

## **13. Apportionment of Income**

1. Where the cost of non-residential care services and Supporting People services exceeds the amount that the service user can pay, the income from charges will be apportioned across the non-residential care services and Supporting People cost centres according to procedures agreed with the Administering Authority.

## **14. Sharing Information**

1. Administrative arrangements are in place to allow information exchange between providers and the Supporting People team and at the moment the Supporting People team have a view only access to the Housing Benefit system. However further work is underway to look at a trigger system which would allow information to flow from the Housing Benefit department to the Supporting People team. Currently this information can only be picked up when the provider informs the Supporting People team.

## **15. Debt Recovery, Fraud**

1. Any losses caused by fraud or arrears will be borne by the collector of the charge, whether this is the landlord, support provider or Administering Authority.
2. Where a service user has not paid, legal action may be considered by those responsible for collection of charges.

## **16. Appeals**

1. The outcome of any dispute over payments of subsidy will depend on, for those passported to Housing Benefit, the result of an appeal against a decision on Housing Benefit entitlement.
2. Service Providers and/or service users have the right to appeal against the decision where the three months backdating policy has been applied. Any appeal should initially be made in writing to the Supporting People Lead Officer.
3. Appeals or complaints concerning the application of the Charging Policy in general will be managed in line with the City of Bradford Metropolitan District Council's, Adult Services Directorate's complaints process.

## **17. Reviews**

1. This policy will be reviewed as required, at least on an annual basis.

## 18. Hospital admission and SP payments

1. DWP guidance states:

**"If you or a member of your family is in hospital for up to 52 weeks, your HB/CTB will not change. After 52 weeks HB/CTB will not be payable for the person in hospital. So, if the claimant is a single person HB/CTB will cease, but if the claimant is a member of a couple, the member remaining in the home can claim in their own right. "**

2. In summary: as long as the HB is still being paid the SP subsidy will still be paid.