



Adult Social Care

Wellbeing Advice and Support Service Extra Care Policy

Version 5.2

Version: 5.2 FOI Status: Public	Derbyshire County Council - Adult Social Care Wellbeing Advice and Support Service Extra Care Policy	Originally Issued: May 2017 V5.2 Issued: March 2024 Review Due: September 2024 Author: Gaynor Bulheller
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If you would like to make any comments, amendments, additions, etc please email ASCH.AdultCare.Policy@derbyshire.gov.uk

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1. Legal Framework

- 1.1 Local authorities have discretion to choose whether or not to charge under Section 14 of the [Care Act 2014](#) following a person's needs assessment.
- 1.2 Where the council decides to charge, it must follow the [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#) and have regard to the [Care and Support Statutory Guidance October 2014](#) or as further amended.
- 1.3 The council will apply the principles set out in the [Mental Capacity Act 2005](#) concerning individuals lacking capacity to manage their finances. Where an individual lacks capacity to make decisions about their finances, the council will try to identify whether they have appointed an attorney under a lasting power of attorney for finances or whether an order has been made by the court of protection appointing a deputy for their finances. The attorney or deputy is a lawfully appointed representative of the individual.
- 1.4 Where the individual has no lawfully appointed representative, the council will communicate with family members to obtain financial information and encourage family members where appropriate to apply to the court of protection to be appointed as deputy (finance and property). Only where there are no family members or friends will the local authority consider applying to be appointed as the individual's deputy (finance and property).

2. Policy Aims and Objectives

- 2.1 This policy has been designed to comply with the [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#) and has regard to the statutory guidance.
- 2.2 The aim of this policy is to provide a reasonable, fair and consistent contribution framework for all individuals. The policy is also designed to ensure that no individual is treated less favourably on the basis of difference and this policy has been subject to an equality impact assessment.
- 2.3 The income generated from contributions will help maintain and develop services for vulnerable people.

3. Principles of the Policy

- 3.1 For the purpose of this policy, extra care is defined as:

“A joint initiative between Derbyshire County Council and a social housing provider to provide purpose-built accommodation with 24-hour on-site support for older and vulnerable people.”

For the purpose of this policy the term “individual” will be used to refer to:

- people not known to the council who self-refer into extra care and either buy, rent or have shared ownership of an apartment
- people known to the council but who, following an assessment, are ineligible to receive a personal budget

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- current individuals of the council already in receipt of a personal budget and are receiving non-residential services or individuals who, following an assessment, are eligible to receive a personal budget
- people sponsored in a residential care home setting who transfer into extra care

3.2 Any wellbeing advice and support service contributions requested will take account of the relevant legislation and guidance.

3.3 All requested contributions will be fair and reasonable. No-one will be asked to contribute more than it is reasonably practicable for them to pay in accordance with their means.

3.4 This contributions policy aims to be transparent and easy to understand.

3.5 As an integral part of the financial contributions process all individuals will be offered appropriate benefits advice and assistance. This will ensure that their incomes are maximised.

3.6 Any contribution requested will be compliant with the current Care and Support (Charging and Assessment of Resources) Regulations 2014 including:

- ensuring an individual's net income is not taken below the basic level of income support/employment support allowance/guarantee element of pension credit plus a 'buffer' of 25% Minimum Income Guarantee (MIG)
- where the individual has a dependent child (as defined in section 12) the appropriate additional allowance will be given in the calculation of the individual's MIG
- the value of the main residence of the individual will be disregarded
- capital assets and savings will be assessed at a minimum level in line with the charging regulations and the statutory guidance
- individuals who work will not have their earnings included in the calculation of income
- partners' income and savings will be disregarded (unless received as part of a joint entitlement)
- the additional cost of disability will be recognised, and appropriate allowances made
- the contribution made within the financial year will not exceed the total cost of services provided in that period
- relevant allowances will be made in relation to unmet housing costs (see point 5.9)

3.7 Individuals will have recourse through the disputed financial assessment procedure to ask for a review of their contribution if they feel:

- there has been an error made in the collection of the information for the formal financial assessment

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- they believe that the contributions policy has not been applied correctly to their particular financial circumstances

Or through the financial contribution review procedure if they believe payment of the contribution would be more than is reasonably practicable for them to pay based on proof of their means.

- 3.8 Individuals will be required to give a declaration of their financial circumstances to allow the determination of the correct contribution level. If the individual lacks capacity to deal with their financial affairs, they will need to inform the council of the name and contact details of the person or professional who is their appointee or lawfully appointed representative, such as an attorney under a lasting power of attorney for finances, or a financial deputy.
- 3.9 Alternatively, if they do not have a lawfully appointed representative, they will be asked to indicate which relative or friend is assisting them with their finances and agree to allow the relevant worker to liaise with that relative or friend so that disclosure of financial information can be made promptly. The individual's lawfully appointed representative, or if none, their informal representative, will be expected to furnish full and accurate financial information.
- 3.10 Individuals will be asked to visit [Better Off Derbyshire](#) where they should submit their financial information for review by the financial assessment and charging team who will confirm the contribution due. Relevant supporting evidence must be provided
- 3.11 Individuals (or, if they lack capacity for their finances, their representative) who refuse to give sufficient information and appropriate evidence to enable a full financial declaration to be completed will be assumed to be able to meet the full cost of the wellbeing advice and support services and will be asked to contribute accordingly. Details of current contribution levels and capital bandings [Appendix A](#).
- 3.12 Individuals who are subject to a Mental Health Act 1983 Section 117 Aftercare Order, whilst not being required to contribute towards their non-residential care and support purchased via their personal budget, will be financially assessed to make a contribution towards the wellbeing advice and support service.
- 3.13 Wellbeing advice and support service contributions will be collected on a regular and timely basis, usually by direct debit to the council.
- 3.14 The non-payment of contributions will lead to the instigation of the debt recovery procedures.

4. Reviews of the Policy

- 4.1 Guidance recommends that the council should review their wellbeing advice and support service contribution policy biannually in consultation with stakeholders.
- 4.2 All contributions and this policy will, in accordance with guidance, be reviewed annually. The wellbeing advice and support service contribution is set to match the amount paid to the housing provider and may be subject to change accordingly. The current

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contributions are detailed in [Appendix A](#)

- 4.3 The pension age set by the government is currently increasing to bring the pension age for women to the same as that for men. This is creating some pension ages that have to be expressed in terms of years and months. The council has decided to adopt a straightforward approach for aspects of this policy, where reference needs to be made to pension age (in particular minimum income levels) by defining pension age for all individuals with reference to the increasing pension age for women; and by reviewing this pension age annually, in increments of a full year, and in arrears of the government set age increasing. For ease of completion, the declarations individuals will be asked to fill in will refer to “born before” and “born after” dates.

5. Financial Contribution Procedures

- 5.1 Under the support agreement between the individual, the housing provider and Derbyshire County Council in extra care settings, the following services will be available under the terms of wellbeing advice and support services:
- access to housing support and advice
 - access to an alarm response
 - budgeting and welfare benefits advice and support
 - social contact
 - information about community services
- 5.2 All individuals entering extra care, either as tenants or owner occupiers, will have access to the wellbeing advice and support services and be financially assessed in accordance with this policy irrespective of whether they wish to access these services or not.
- 5.3 Individuals in receipt of a personal budget and as such in receipt of either commissioned services, direct provision or a direct payment, will be assessed under both the Co-Funding for Non-Residential Care Services and the Wellbeing Advice and Support Services Policy. Individuals will only be asked to contribute under one of the policies.
- 5.4 The calculation that results in the higher contribution will be payable by the individual, with the lower contribution resulting in those services being provided free of charge.
- 5.5 Where a couple or joint tenants occupy an apartment, each individual will be financially assessed in their own right. However, there are maximum contributions per apartment and per individual which apply.
- 5.6 The maximum wellbeing advice and support service contribution is based on each apartment. The maximum co-funding contribution is based on each individual’s financial circumstances. The current maximum wellbeing advice and support contributions can be found at [Appendix A](#).
- 5.7 Where the combined contributions for a couple or joint tenants due under the co-funding policy exceed the maximum wellbeing advice and support service contribution, then the combined co-funding contributions will be payable.
- 5.8 The council, in line with Treatment of Income of the Care and Support Statutory

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Guidance Issued Under the Care Act 2014, will have regard to unmet housing costs in the determination of contributions.

- 5.9 For the purposes of this policy “unmet housing costs” are defined as:
- mortgage payments net of any benefits provided to support these costs
 - rent net of any benefits provided to support these costs
 - council tax net of any benefits provided to support these costs
 - service charges (net of utilities)
- 5.10 Individuals will have the right to an allowance being given for unmet housing costs when calculating their eligible income for wellbeing advice and support service purposes.
- 5.11 In order for any allowance for unmet housing costs to be given, evidence of both the cost and the shortfall will need to be provided. Where no evidence is provided, then no allowance(s) will be given.
- 5.12 Where an income maximisation check identifies benefits that are due in relation to housing costs it is expected that the individual will, with or without support, make appropriate application(s) for those benefits. Where an individual declines to make such application for housing costs, the council will calculate their wellbeing advice and support service contribution as if those benefits are in payment.
- 5.13 In line with 18.3, where there is a change in the individual’s financial circumstances which affects the level of unmet housing costs then the council should be notified and where requested, relevant evidence provided.
- 5.14 [Section 15](#) details how the council will deal with the consequences for non- disclosure of financial information.
- 5.15 The individual must notify the council of any changes in unmet housing costs, either increases or decreases, in order that the relevant reassessment of wellbeing advice and support service contributions can be undertaken.
- 5.16 Failure to notify the council of any changes in unmet housing costs will result in requests for an increase in the allowance, only being given from the date of the request, and revised evidence is provided to the council.
- 5.17 Failure to notify the council of any reduction in the amount of unmet housing costs will result in a reassessment of the Wellbeing Advice and Support Service contribution from the day the reduction in unmet housing allowance should have been applied. If this reassessment results in arrears of wellbeing advice and support service contributions being due, then these must be paid in full.

6. Income Maximisation

- 6.1 For all individuals entering extra care the offer of a referral for an income maximisation check will be made.

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- 6.2 In order for the income maximisation check to be undertaken, individuals will be asked to visit [BetterOff Derbyshire](#) where they can complete a benefits check to assess their income and entitlements.
- 6.3 Where it is not possible for the individual or their representative to undertake the income maximisation and/or contribution determination in BetterOff they will be contacted by a member of the Welfare Rights Service (WRS).
- 6.4 Under these contribution arrangements, there is an expectation that individuals will claim or apply for any additional income that the income maximisation exercise reveals. Where necessary, appropriate support will be identified to assist the individual to do so.
- 6.5 Any refusal by the individual, or if they lack capacity to deal with their finances, their representative, to make an application for any benefits or allowances, that the income maximisation identifies, will result in any contribution being determined as though the appropriate benefits and allowances are being received.
- 6.6 Wellbeing advice and support service contributions will reflect the identified increased income during the period the claim is being made. However, any additional amount may be accrued until such time as the additional income the individual has in payment, at which point any arrears of contributions accrued will be required to be paid.
- 6.7 Where it is unclear what actual resources the individual has, the council will contact the Department for Work and Pensions (DWP), including Job Centre Plus, disability benefits centres and pension services and any other organisations for confirmation. This will be undertaken in line with the data sharing agreements between the DWP, local councils and county councils, following the introduction of the Welfare Reform Act 2012.
- 6.8 The individual may be requested, and supported, to supply relevant documentary evidence to ensure that correct applications can be made for relevant benefits and allowances not currently in payment.
- 6.9 Wellbeing advice and support service relates to an arrangement between the individual and the council, and failure to provide all requested documentation may result in the contributions being levied as though the benefit or allowance are in place.
- 6.10 Where it would appear that the outcome of this income maximisation exercise may change any previous contribution, WRS will make the individual aware of this information and that the outcome of the benefit claim will be notified to the finance team.
- 6.11 Notification of the result of the income maximisation check will be passed to the finance team, who will verify the contribution, formally notify the individual of the weekly contribution due, how this has been calculated, and the arrangements for payment. This information will be provided as promptly as possible, and after any future changes in contribution.
- 6.12 The council fully accepts the individual's right to seek independent advice on benefits and income issues, and that in these circumstances an individual may decline an income maximisation check. However, individuals would still be required to complete a financial

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declaration (see [Section 15](#)).

7. Treatment of Income

- 7.1 This policy will have regard to the treatment of income in line with Treatment of Income of the Care and Support Statutory Guidance, issued under the Care Act 2014.

8. Treatment of Capital

- 8.1 This policy has regard for the capital levels as determined in Treatment of Capital of the Care and Support Statutory Guidance, issued under the Care Act 2014.
- 8.2 The value of an individual's property which is owned and which is their main residence is not treated as a capital asset for the purposes of this policy, in line with Treatment of Capital of the Care and Support Statutory Guidance issued under the Care Act 2014. The current capital thresholds and bands that apply to this policy can be found at [Appendix A](#).
- 8.3 The value of any property owned that is not the main residence of the individual will be treated as a capital asset and will be deemed to be capital for the purpose of the "financial declaration", as will the value of any second and subsequent properties and land that is owned both in the United Kingdom and abroad.
- 8.4 Any capital held by the individual which has been acquired through equity release will be treated as available capital for the purposes of this policy.
- 8.5 Where an individual owns their property prior to entering extra care, their intentions as to their former property will have a bearing on any contribution that may be due.
- 8.6 Individuals who owned their former residence prior to entering extra care, but who are not intending or are unable to purchase their apartment will be deemed to hold capital based on the value of their former home and any other capital assets held. Financial contributions will be calculated based on these combined totals.
- 8.7 The council understands that there may be instances where an individual may not be able to make payment of some or all of their assessed contribution until such time as their capital is acquired through the sale of their property. Where it is considered reasonable to do so, the council will accrue a proportion or all of the contributions due until such time as the sale proceeds are available. In these circumstances the council may require the individual to sign an undertaking acknowledging the accrued contributions will be due to be paid once the sale proceeds are available.
- 8.8 Where the council has agreed to accrue all or part of the individual's contribution this will be reviewed at regular intervals. Where the council considers that reasonable steps are not being taken to sell the property, consideration will be given to ending the agreement to accrue contributions. The ending of the agreement may require all accrued charges being due to be paid with immediate effect and all ongoing contributions paid as they become due.
- 8.9 It is acknowledged that some individuals entering extra care who intend to purchase an

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apartment will be unable to do so until they release the capital from their former home. In these instances, the anticipated purchase price of the extra care apartment will be disregarded, and an allowance made against the total capital assets declared for the purposes of the financial assessment. Any anticipated residual equity along with all other eligible capital assets held, will be used to determine the level of contribution due from the date the tenancy agreement is signed.

- 8.10 For the disregard described at [8.9](#) to be given, the following criteria must be met:
- the individual's former property is promptly put up for sale
 - formal arrangements with the housing provider are set up for purchasing an apartment once the property sale has been completed
- 8.11 Once the individual's former property has been sold and the extra care apartment purchased, any balance of the sale proceeds will be deemed to be available and any contributions accrued during the property sale must be paid and ongoing contributions paid as they become due.
- 8.12 Where an individual initially intends to purchase an extra care apartment but then subsequently changes their mind, or there are none available to purchase, a reassessment of their contribution will be undertaken back to the date the tenancy agreement was signed. The reassessment will take into account the value of their former home in addition to any other capital assets.
- 8.13 This financial reassessment may result in considerable arrears of contributions becoming due which will require settlement in full. Failure to make payment of these arrears will result in the commencement of the debt recovery procedures.
- 8.14 It is acknowledged that there may be instances where an individual initially intended to have a tenancy agreement with the housing provider, then subsequently make the decision to purchase all or part of an extra care apartment. In these circumstances a reassessment will be undertaken, back to the date of the original tenancy agreement, based on the revised capital held following the purchase of the apartment. If this results in a reduction in contribution, and an overpayment of contributions has been made, then this will be refunded to the individual.
- 8.15 Following purchase of the extra care apartment any remaining capital held, along with other capital assets, will be used to determine any ongoing contributions.

9. Disability Related Expenditure

- 9.1 Where an individual feels that the additional cost related to their disability is over and above that already allowed in the contribution determination, they are entitled to an individual assessment of their disability related expenditure under the Financial Contribution Review Procedure (FCRP).
- 9.2 Where an individual requests a review but they are not in receipt of attendance allowance, disability living allowance (care) or personal independence payment (daily living component) then an appropriate claim should be submitted as part of this initial review process. The submission of a successful claim and the awarding of these

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allowances and any other associated benefits may mean the individual now considers their increased income is sufficient to meet any additional disability costs without the need to go through the full formal review process.

- 9.3 Individuals can request assistance in making the applications including help in completing the forms under the wellbeing advice and support service.
- 9.4 The council reserves the right in circumstances where an individual refuses to make the relevant applications, they may be financially assessed as if those rates of benefits/allowances are in payment

10. Basic Income Levels

- 10.1 In determining the basic income levels and MIG the council will comply with the Care and Support (Charging and Assessment of Resources) Regulations 2014 and have regard to the statutory guidance.
- 10.2 The statutory guidance requires that the council's contribution policy should ensure that the individual's net income will not be reduced below the basic level of income support and/or pension credit (guarantee element) plus a 25% buffer.
- 10.3 For individuals under pension age (see [4.3](#)) the council has set the minimum income level to an amount equivalent to the support group rate of Employment Support Allowance (ESA) plus a buffer of 25%. For simplicity, this minimum income level will be applied to all those under pension age at the rate set by government for ESA for those over the age of 25 rather than having a third rate for those under 25.
- 10.4 Individuals in the first 13 weeks of their claim for employment and support allowance, and so receiving the lower 'assessment phase' rate of benefit, will have this source of income ignored when considering their financial resources in relation to the minimum income level. For clarity it should be stated that ESA support group rate exceeds the income support level set out in the statutory guidance.
- 10.5 Where an individual has an eligible dependent child in their household an allowance for each eligible child will be given when calculating the MIG in compliance with the Care and Support (Charging and Assessment of Resources) Regulations 2014. (See [Section 12](#)).
- 10.6 Tariff income from capital will be determined in accordance with the starting lower threshold used for individuals entering residential and nursing care, in line with the statutory guidance. The current capital thresholds and tariff income bandings can be found at [Appendix A](#).

11. Treatment of Couples (Including Civil Partners) and Joint Tenants

- 11.1 When completing a financial declaration for one of a couple, the council will have regard for the treatment of income and assets in line with the Care and Support Statutory Guidance, issued under the Care Act 2014.
- 11.2 The guidance states: "The local authority has no power to assess couples or civil partners according to their joint resources. Each person must therefore be treated individually."

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- 11.3 The council will only have regard to an individual's means and not their partner's means when assessing their ability to make a wellbeing advice and support service contribution.
- 11.4 Each individual of a couple will be deemed to hold equal shares of capital held together unless evidence can be provided to the contrary.
- 11.5 Where means tested benefits are assessed/received jointly, e.g., employment support allowance, pension credit, universal credit or income support, each individual will be deemed to have a right to 50% of that income for the purposes of determining the individual's minimum income level.
- 11.6 Where a couple or joint tenants occupy an apartment, each individual will be financially assessed in their own right, however, there are maximum contributions per apartment and per individual which apply.
- 11.7 The maximum wellbeing advice and support service is based on each apartment, but the maximum co-funding contribution is based on each individual. The current maximum contributions can be found at [Appendix A](#).
- 11.8 Where the combined contributions for a couple/joint tenants due under the co-funding policy exceed the maximum wellbeing advice and support service charge, then the combined co-funding contributions will be payable.

12. Dependent Children

- 12.1 For the purpose of this policy the definition of a dependent child is as follows.
 - 1. The child can be up to 18 years* of age **but also must:** be either: of pre-school age, or in full time non-advanced education or approved unwaged training.

Non advanced education is defined as more than 12 hours per week at school or college. University education is not included in this description as it is deemed to be advanced education.

Approved unwaged training must not be provided under a contract of employment. Nineteen-year-olds can only be included if they started such education or approved training before their nineteenth birthday.

You cannot count homework, private study, unsupervised study or meal breaks towards the 12 hours, and the education can only be up to and including A-level, Scottish Highers, NVQ Level 3 or equivalent.

Traineeships as part of the 16-19 study programmes are deemed to be full-time non-advanced education.
 - 2. The child lives in the same household as the individual.
 - 3. The individual receives child benefit and/or child tax credits for the child, or they are not in receipt of child benefit and/or child tax credits as they have income above the

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upper earnings threshold but would be entitled to those benefits were their income to be reduced.

4. Where the individual requesting a “dependent child allowance” satisfies points 1-4, but is not the recipient of the relevant qualifying benefits (point 4) but is the spouse, civil partner or unmarried partner (as defined for state benefit purposes) of the qualifying benefit recipient, the allowance will be given.

- 12.2 The council will consider on an individual basis the continuation of a dependent child allowance when the child is over the age of 18 years where points 2–4 still all apply.
- 12.3 In order for the appropriate allowance(s) for each dependent child, all of the above criteria must be met for each child that an allowance is requested for. (See [Appendix A](#)).
- 12.4 Where all the above criteria are not met, or the required evidence to confirm eligibility to the dependent child allowance is not provided, then no allowance for that child will be made when determining the contribution.
- 12.5 The council reserves the right to only include any dependent child allowance in the calculation of the contribution from the date that all relevant information and evidence is provided to the council.
- 12.6 The individual must notify the council if they believe that their entitlement to a dependent child allowance changes. Reasons to notify the council may include, but are not limited to, the child attaining 16 years of age but is:
 - not in full time non advanced education (1) or
 - approved unwaged training (2)
 - no longer living in the individual’s household
 - not receiving child benefit/child tax credit payments in respect of the child
- 12.7 Failure to notify the council of any increase in the number of dependent children in the individual’s household will result in any requests for additional allowances only being given from the date the request and revised evidence is provided to the council.
- 12.8 Failure to notify the council of any reduction in the number of dependent children in the individual’s household will result in a reassessment of the contribution from the day the reduction should have been applied. If this reassessment results in arrears of contributions being due, then these must be paid in full.

13. Maximum and Minimum Contributions

- 13.1 The current maximum contributions can be found in [Appendix A](#).
- 13.2 Where an individual’s contribution is determined at less than £2.00 per week this will not be deemed financially viable to collect.

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14. Voluntary Contributions

- 14.1 In occurrences where the individual's financial declaration would result in them not being required to make a contribution, the individual may wish to make a voluntary contribution. An example of this may be where an individual has significant disregarded income.
- 14.2 Any voluntary contribution will not be expected to exceed the maximum contribution for the apartment or individual.
- 14.3 The council will accept a voluntary contribution for as long as the individual wishes.

15. Non-Disclosure of Financial Information and False Financial Declarations

- 15.1 All individuals will only be asked to disclose information that will enable an accurate income maximisation check to be undertaken and appropriate information on their capital, so that subsequently, the council can accurately determine the level of contribution to be levied.
- 15.2 Individuals have the right to decline to give their financial details, but in doing so agree to pay the maximum contribution. The current maximum contributions can be found at [Appendix A](#).
- 15.3 Individuals who refuse to give a financial declaration, and as such are liable for the maximum contribution, have the right to contact the finance team at any time to request the opportunity to make a full financial declaration. Any subsequent reduction in contributions will only be applied from the date of the financial declaration.
- 15.4 Any individual found to have given an inaccurate declaration of their financial circumstances, either knowingly or unwittingly, will be subject to a revised contribution determination. This determination will be undertaken irrespective as to whether the individual is still accessing services.
- 15.5 Any revised contribution, either by formal financial determination or default maximum cost, will be applied from the appropriate date the contribution should have applied. If the backdating of this contribution results in arrears of contributions being due, then these will be required to be promptly paid in full. Failure to make payment of any arrears of contribution will result in the instigation of debt recovery procedures.

16. Deprivation of Assets

- 16.1 When consideration is given as to whether a deprivation of assets has occurred, the county council will have regard to deprivation of assets of the Care and Support Statutory Guidance issued under the Care Act 2014.
- 16.2 In deciding whether an individual has deprived themselves of income and/or capital for the purposes of reducing any contribution liability, the council will have due regard to the timing and reason of the disposal.
- 16.3 Where the council considers that deprivation of assets has occurred, any contribution deemed to be due will be determined as though the individual continues to receive or hold

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those assets.

- 16.4 Where the individual has transferred an asset to a third party in an attempt to reduce their liability to contributions, the third party will be liable to pay the council the difference between what would have been charged, and the contribution being made by the individual.
- 16.5 Where the individual has transferred assets to more than one third party, each of the individuals will be liable to pay the council the difference between what would have been charged and the contribution being made by the individual in proportion to the amount they received.
- 16.6 The maximum liability of a third party will be limited to the benefit they received from the transfer.
- 16.7 Individuals have recourse through the Disputed Financial Assessment Procedure should they disagree with the council's deprivation of assets decision.
- 16.8 Failure by the individual or the third-party who has received the asset, to make payment of the contributions will result in the instigation of the Debt Management Procedure.

17. Notifications of Contributions

- 17.1 All individuals, or their representatives, will be provided with a breakdown of how their wellbeing advice and support service contribution has been determined.
- 17.2 Any wellbeing advice and support service contribution determined will be payable from the date the tenancy agreement is signed, or the individual takes ownership of the apartment. Notification of the contribution will be provided as promptly as possible.
- 17.3 This notification will also provide details of the initial processes to follow should the individual feel that a mistake has been made in the calculation of their contribution, or that they are unable to make payment.

18. Changes in Individuals' Circumstances

- 18.1 Individuals will be required to pay their determined weekly contribution whilst they are eligible to access wellbeing advice and support services, irrespective of whether the individual wishes to use or chooses not to access these services.
- 18.2 Individuals will continue to make payment of their contribution during any periods spent away from the apartment. This includes hospital stays and short-term services following discharge from hospital.
- 18.3 Individuals will be required to make payment of the determined weekly contribution including weeks that they do not access services with the exception of respite care in a registered care home setting. As individuals are required to make a contribution towards respite care in a registered care home setting, under the Care and Support Statutory Guidance or as further amended, they will not be required to make funding contributions for any nights that the individual spends in respite care. However, individuals will still be

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liable to make payment of the proportion of their contribution for the number of days they are at home in any week.

- 18.4 Individuals who have a change in financial circumstances, either up or down, **must notify** the council and this may result in a review of their contribution. [Section 15](#) of this policy sets out the procedure regarding the consequences of non-disclosure of financial information. If the person lacks capacity to deal with their finances, then their representative must notify the council if there is a change in the person's financial circumstances.
- 18.5 Where an individual notifies the council of a reduction in income or capital, any subsequent reduction in contribution will only apply from the date a new formal financial declaration is given, along with appropriate evidence.
- 18.6 Increases in income and/or capital may result in an increase in contribution, e.g., a successful claim/backdating for attendance allowances/disability living allowance (care)/personal independence payment or where additional benefits/allowances become available to the individual. The non-notification by an individual of a change in their financial circumstances will result in the backdating of the increased contribution from the date the revised contribution should have applied which may result in arrears being due.
- 18.7 Where an individual becomes aware that they are the beneficiary under the terms of a last will and testament it is required that the individual takes all reasonable steps to acquire the legacy available to them in a timely manner.
- 18.8 The council will deem the reassigning or refusal to accept a legacy as deprivation of assets and reserves the right to financially assess the person as though they were in possession of those assets when determining any contribution. ([See Section 16](#))
- 18.9 In the event that an individual does reassign or give away a legacy, but does not pay the increased contribution, the council will consider transferring liability for any additional contribution to the individual(s) receiving the individual's share of the legacy assets. This liability will be limited to the value of the legacy asset received by the individual(s).
- 18.10 It is expected that individuals will take proactive steps to receive any legacy by either one of the following:
- if the individual is the executor of the estate, they take steps to administer the estate personally, including making application for probate if necessary, or appoint an appropriate person, e.g., solicitor
 - if the deceased has made a will but the individual is not the executor of the estate, the individual should make representation to the executors to ensure that the legacies are made in an appropriate timeframe
 - if there is no will, but the individual is an entitled relative, that they make application for letters of administration or appoint someone to do it upon their behalf
- 18.11 If the relevant application/representations are not made within 6 weeks of the deceased's demise, without good reason, the council reserves the right to deem the individual to be

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in possession of the legacy and look to recalculate the contribution on the individual's assumed revised assets.

- 18.12 Capital limits will be reviewed at least annually to ensure that they are in line with Treatment of Capital section of the Care and Support Statutory Guidance, issued under the Care Act 2014.
- 18.13 Where an individual feels that a mistake has been made in the calculation of the contribution, they will have a right to a review under the Disputed Financial Assessment Procedure.
- 18.14 Wellbeing and support service contributions will cease when the tenancy ends. If an individual moves out of the extra care scheme but doesn't end the tenancy, then contributions remain payable.

19. Performance Standards

- 19.1 All people who come into contact with the welfare benefits, financial assessments and benefits officers, and financial assessments and charging teams, expect:
- to be treated with dignity and respect and in a courteous manner
 - that all staff will be trained and be competent in their particular role
 - staff will only ask for information that is needed for the Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Care and Support Statutory Guidance or as further amended
 - that all information, both personal and financial, will be treated in the strictest confidence and not divulged without that individual's consent (or where they lack capacity to consent, their representative's consent) except in cases where information is required to be shared to prevent crime and disorder, and/or to prevent significant harm to adults or children as required by safeguarding children and vulnerable adult policy and procedures
 - that if it is necessary to meet the person, or their representative, in their own home, the visiting officer will be punctual, or make contact to explain their delay and give the individual/representative the opportunity to re-arrange the meeting
 - in the advent that a visit is required - all visiting officers to carry a photo identity badge along with details of how their identity can be verified - individuals should not allow access to their property by anyone who does not have a Derbyshire County Council photo identification badge
 - individuals or their representative to be given details of who they can contact for advice, support and progress during and after the Care and Support (Charging and Assessment of Resources) 2014 process
 - copies of all forms completed during the Care and Support (Charging and Assessment of Resources) 2014 process to be made available, upon request
 - to be made aware of their rights including "Complaints, Comments

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and Suggestions” and Financial Contribution Review Procedure

What we expect from individuals and/or their representatives is that:

- individuals and their representatives will treat council staff with the same dignity and respect that they would expect to receive
- representatives will show proof that they have been lawfully appointed as representatives, such as giving a copy of the court of protection order or the lasting power of attorney for finances document to the council staff
- all questions will be fully and accurately answered
- the weekly contribution levied will be paid promptly by the agreed method. Individuals will raise any concerns or issues with us in a timely manner thereby allowing the council the opportunity to resolve these as soon as possible
- all additional information and documents requested will be supplied in a timely manner

20. Quality Monitoring and Evaluation

- 20.1 All welfare rights and finance staff will be subject to regular reviews to ensure compliance, accuracy and consistency.
- 20.2 All individuals, or their representatives, will be offered the opportunity to be selected to take part in client surveys and reviews to monitor the Care and Support (Charging and Assessment of Resources) 2014 client journey.
- 20.3 The individual experience of the Care and Support (Charging and Assessment of Resources) 2014 process will include:
- interaction with staff of the department
 - accuracy of the information requested and gathered
 - accuracy of the contributions calculated
 - standard of correspondence and information provided

Appendix A: Current Weekly Contribution Levels and Capital Bands – April 2024

Maximum Contributions for Wellbeing Advice and Support Service contribution

This amount is linked to the amount paid to the housing provider and will be reviewed in April each year:

1 April 2024 £17.90 per apartment

Capital Thresholds

For inclusion in determination of the Well Being Advice and Support Service Contributions:

Below £23,250 NIL

Capital Above £23,250 Full cost

Minimum Income Guarantee levels

Individuals **over** Pension Age:

Single person £272.69

With Carer's premium £329.69

Individuals **under** Pension Age:

Single Person £198.82

With Carer's premium £255.82

For each dependent child the adult is responsible for that is a member of the same household an additional allowance of £101.25.

Capital Bandings

Lower threshold £14,250

Capital bands £250.00

Maximum Weekly Wellbeing Advice and Support Service Contribution

1 April 2024 £17.90 per apartment

Approval and Authorisation History

Approval and Authorisation History

Name	Job Title	Date
Authored by Andrew Bartle	Finance Manager	May 2017
Approved by Graham Woodhouse	Head of Finance	May 2017
Authorised by QA	Quality Assurance Group	May 2017

Change History

Version	Date	Name	Reason
Version 1	May 2017	Andrew Bartle	First Full Version
Version 2	March 2021	Gaynor Bulheller	Review and revision
Version 3	May 2021	Gaynor Bulheller	Change to Appendix A. Revised costs for financial year 21/22
Version 4	May 2022	Gaynor Bulheller	Change to Appendix A. Revised costs for financial year 22/23
Version 5	Sept 2023	Gaynor Bulheller	Change to Appendix A. Revised costs for financial year 23/24
Version 5.1	December 2023	Gaynor Bulheller	Change to Appendix A. Revised costs for financial Year
Version 5.2	March 2024	Gaynor Bulheller	Change to Appendix A.