

# Charging for Adult Social Care – Review and Appeals Procedure

Reference:  
Version No: 0.5  
Issue Date: August 2024

## Document Control

<b>Document Ref:</b>		<b>Date Created:</b>	July 2016
<b>Version:</b>	0.5	<b>Date Modified:</b>	August 2024
<b>Revision due</b>	October 2024		
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<b>Equality Impact Assessment: (EIA)</b>	Date undertaken:		
	Issues (if any):		

## Change History

Version	Date	Description	Change ID
0.1	Nov 2017	Audit recommendation	
0.2	August 2020	Staff titles updated	
0.3	August 2022	Author updated	DH
0.4	October 2023	Update to process for deprivation cases, timescale for reviews & ability to pay applications	DH
0.5	August 2024	Updated ability to pay process	DH

## Related Documents

Reference	Title	Tier
	<a href="#">Adult Social Care Charging Policy</a>	



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## **1. Purpose**

- 1.1. The aim of this document is to encourage a fair and open resolution of any issues relating to the amount that a person is asked to pay under the West Berkshire Council's (WBC) Charging Policy for Adult Social Care.
- 1.2. The process provides a safeguard to those people who have been assessed to make a contribution, who feel that they cannot reasonably afford to pay the assessed contribution (or part of it) or feel that the contribution has been incorrectly assessed.
- 1.3. This procedure should be read in conjunction with the Charging Policy for Adult Social Care.
- 1.4. This procedure forms part of the Adult Social Care Complaints procedure. Complaints in relation to the conduct of a member of staff undertaking the financial assessment or review are dealt with through the main Adult Social Care complaints process.

## **2. Applicability**

- 2.1. This procedure is for all staff within Adult Social Care and Care Commissioning, Housing and Safeguarding.

## **3. Roles and Responsibilities**

- 3.1. The Service Manager for Client Financial Services and the Financial Assessment and Charging Team Manager have overall responsibility for ensuring that challenges to charges for care are managed appropriately in accordance with these agreed standards.
- 3.2. The Service Manager - Client Financial Services is responsible for:
  - Directing and reviewing this procedure, ensuring that it is up to date.
  - Ensuring that there is effective communication on these procedures.
  - Ensuring compliance with published procedures, changes to working practices and technology changes.
- 3.3. The Financial Assessment and Charging Team Manager is responsible for the day-to-day management and implementation of these procedures.
- 3.4. All members of the Financial Assessment and Charging Team are responsible for familiarising themselves with and ensuring that they comply with this standard.

## **4. Challenges to the charge for care**

- 4.1. It is for the person who has been financially assessed, with help if necessary, from an adviser, friend or advocate to demonstrate to the Council that their means are insufficient to reasonably meet their assessed contribution or that their contribution has been incorrectly assessed.
- 4.2. The Council will consider challenges to care charges within 1 month of the date of charge notification and only accept at its discretion those received outside this timescale.

- 4.3. The Council has a form (WB10) on which a person can request a review of their assessed charge and set out the reasons why the request is being made. This can be completed by the person receiving care or with assistance from a family member, friend, Care Manager/ Social Worker, or advocate. A request may also be made via the telephone or by email to the Financial Assessment and Charging Officer who made the original decision.
- 4.4. For Non-Residential care charges - In exceptional circumstances where the assessed contribution would cause financial hardship, a person can request an Ability To Pay application form. The Financial Assessment & Charging Team Manager will assess whether a reduction in the assessed contribution can be allowed for a period of up to 6 months based on the individual's circumstances and the income and expenditure detailed in the application.
- 4.5. An Ability To Pay application will not be considered if the person receiving care has capital in excess of £1000.
- 4.6. An Ability To Pay application will be considered as Stage 1 – review of the assessed charge.
- 4.7. While a review or appeal is being undertaken any invoices relating to the original assessed contribution should be paid.
- 4.8. In cases where payment of the assessed contribution would cause financial hardship, the Financial Assessment and Charging Team Manager can defer contributions until the review is completed. It must be pointed out that if the amount of the contribution is not altered, non-payment of invoices could create even more financial hardship.

## **5. Stage 1 – review of the assessed charge**

- 5.1. The review will be considered by the Financial Assessment and Charging Team Manager who will make contact with the appropriate person to acknowledge the review request within 5 days of receipt. Template letter WB11 available if needed.
- 5.2. The information used in the Financial Assessment will be reviewed, ensuring the information is accurate and complete.
- 5.3. The Financial Assessment and Charging Team Manager may contact the appropriate person to ensure that all relevant information has been provided and to establish whether there are any additional factors or information which should be taken into consideration.
- 5.4. The assessed contribution will be recalculated if appropriate.
- 5.5. The outcome of the review will be advised in writing within 5 working days of the decision. The outcome will detail any changes to the contribution, the effective date, and the right to access the next stage of the process if a person is dissatisfied with the outcome and explanation provided.
- 5.6. Where there is doubt regarding the stated expenditure, or expenses appear higher than typically expected, the Financial Assessment and Charging Team Manager will request that evidence to support the amount claimed is provided. The Financial

Assessment and Charging Team Manager may use their discretion in making decisions about the appropriate allowances to be awarded.

- 5.7. Non co-operation or objection to the principle of making a contribution will not qualify a person for a reduction in their contribution.
- 5.8. If someone is not satisfied with the outcome of their review they should notify the Client Financial Services Service Manager that they wish to progress to a Stage 2 appeal within 10 working days of the review outcome.
- 5.9. Due to the complex nature of cases where deprivation of assets or income has occurred, the Financial Assessment & Charging Team Manager may have been involved in the decision outcome. In these cases, any appeal will go straight to Stage 2 of the Review & Appeals procedure. The appeal should be made within 20 working days of the decision letter.

## **6. Stage 2 – Appeal**

- 6.1. Timescales for the acceptance of appeals against charges for care will be consistent with those used in the Statutory Complaints Procedure.
- 6.2. Appeals will be considered by an Appeals Panel. This panel consists of three people, the Service Manager for Client Financial Services, a care Service Manager and a Team Manager or Assistant Team Manager. The Appeals Panel will be convened within 20 working days of the Council receiving the initial request for a review.
- 6.3. The Financial Assessment and Charging Team Manager can provide a written submission to that panel before the panel hearing.
- 6.4. In extraordinary circumstances if the panel members consider from the submissions that the appeal is “frivolous, vexatious, repetitive or out of jurisdiction” the panel can recommend to the Service Director – Adult Social Care that the appeal should not be heard. The decision of the Service Director as to whether to proceed is final.
- 6.5. The Review Panel will consider the issues and information presented at the stage 1 review and any new relevant information. The person receiving care and support may make representations themselves or a nominated representative can make representations to the panel meeting.
- 6.6. The Panel will be able to seek legal advice where appropriate.
- 6.7. The Chair of the Review Panel will advise the appellant of its findings and recommendations in writing, within 3 working days of the panel hearing.
- 6.8. Where a person dissatisfied with the outcome of their appeal they have the right to approach the Local Government Ombudsman and should be provided with information on how to do so.

## **7. Appendix 1 – forms**

[Ability To Pay application form](#)

WB10 - Request to review charge

WB11 – Review request acknowledgement

WB12 – Appeal form

WB13 – Appeal request acknowledgement

WB14 – Appeal outcome