

Fairer Charging (ref 41)

1. The Government has a policy called 'Fairer Charging'. It is intended to ensure that council charges for home care and other non-residential services provided or funded by social services departments are fair and reasonable. It takes the form of guidance issued under the *Social Services Act 1970 (Section 7)*.
2. The background to the development of this guidance lies in concern about the often wide variation in charges identified in the *1998 Modernising Social Services White Paper*, the *1999 Royal Commission Report on Long Term Care* and the *2000 Audit Commission Report, Charging with Care*.
3. It links to the Fair Access to Care Policy/Guidance, to the development of the *Single Assessment Process for Older People* and the introduction of Direct Payments.
Key features of the Guidance on Fairer Charging are:-
 - Charges for different types of non-residential social service and allied services - and how they affect the individual - should be considered together and not in isolation
 - Flat rate charges are not well regarded and are only considered acceptable in limited circumstances
 - Charges should not reduce users' incomes below the basic levels of Income Support (or the guarantee credit part of Pension credit) plus 25%
 - If disability benefits are to be taken into account as income, the individual's disability related expenditure should be assessed and taken into account. Certain disability payments are, however, specifically protected
 - Councils must provide comprehensive benefits advice at the same time as assessing the individual's ability to pay charges
 - Councils must disregard earnings in assessing ability to pay a charge - thus removing a barrier to work for disabled people and their carers.
 - As a minimum, the same savings limit should apply as for residential care - and councils can be more generous than this
 - Carers' care-related expenditure should be taken into account in any assessment
 - People receiving Direct Payments should be treated as if they are receiving the equivalent services.
4. Councils retain their discretion over whether and how much to charge and there is still considerable scope for variation - for instance, in whether to disregard or include disability benefits in the assessment of income.

If you require further information or have other queries contact Housing Options.

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