

Sheffield City Council



Fairer Contributions Policy

April 2015 (updated April 2021)

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1 Legislative Background

- 1.1 Under Section 14 of the Care Act 2014 local authorities has discretion to make a charge for Adults Social Care provided under sections 18 – 20 of the Care Act 2014.
- 1.2 The exercise of the power under Section 14 is governed by regulations titled “The Care and Support (Charging and Assessment of Resources) Regulations 2014”.
- 1.3 This regulation is supported by Statutory Guidance issued under the Care Act 2014, “Care and Support Statutory Guidance”.
- 1.4 Where regulations and statutory guidance are updated the guidance at the time care is delivered will be applied.

2 Key Principles

The key principles of the fairer contributions policy are:

- 2.1 It relates to all non-residential support provided to adult Service Users, and carers in accordance with the Care Act 2014.
- 2.2 Contributions will not be made for providing advice about the availability of support or for the assessment of community care needs.
- 2.3 Contributions will not exceed the full cost of providing the support.
- 2.4 Where a person has been financially assessed as having resources above the upper capital limit as defined in the Care Act, they may access care and support from the Council and an arrangement fee may be charged to cover the costs incurred to the Council for arranging the care on their behalf.
- 2.5 It encourages the link between the policy and maximising Service Users’ Income and encourages and enables 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.
- 2.6 A full financial assessment is offered to ensure that people are not charged more than it is reasonably practicable for them to pay
- 2.7 Where a ‘light touch’ financial assessment has taken place the option of a full financial assessment will also be given.
- 2.8 Contributions will not reduce a Service User’s disposable income below the relevant cost of living allowance levels as specified in section 6.12.1 below.

- 2.9 The Service User will be advised of the contribution rates applicable to the support they receive by their social care assessor. The actual contribution calculated after the full financial assessment has been completed will be dated from the start of their support.
- 2.10 Be comprehensive, to reduce variation in the way people are assessed and charged.
- 2.11 Be clear and transparent, so people know what they will be charged.
- 2.12 Apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings.
- 2.13 Be sustainable for local authorities in the long-term.
- 2.14 Support will not be stopped if a Service User refuses to pay or appeals against their contribution.
- 2.15 An appeals mechanism will be available.
- 2.16 Any debt accrued could be recoverable as a civil debt in line with the Council's debt recovery policy.

3 Scope of the fairer contributions policy

- 3.1 Where the local authority arranges care and support to meet a person's needs, it may charge the adult, except where the local authority is required to arrange care and support free of charge.
- 3.2 Contributions will be sought under sections 14 to 19 of the Care Act. Contributions will be made for services such as:
- Home Care (this includes help with personal care – including practical tasks).
 - Day Care, whether in a day centre or other day activities.
 - Transport, whether to and from a day centre, or for some other reason.
 - Partnership/Grant Aid Contracts.
 - Adaptations (equipment), except where assessed as being needed under the Community Care (Delayed Discharges) Act 2003.
 - Supporting People services may be included in the Service User's package of care, and as such, charged for in accordance with the Fairer Contributions Policy and future guidance issued by the Department of Health.

- Direct Payments (unless used to purchase Short Term Residential/Nursing Care)
- Adult Family Placements - Long Term Adult Family Placements (Shared Lives).
Where a Service User is in receipt of a Long Term Adult Family Placement they will be assessed as requiring to pay their disposable income towards the cost of their care at the placement, this is in addition to any board they pay their carers.
- Personal budgets will be subject to a contribution regardless of how they are used or whether the budget is taken as a Direct Payment, Individual Service Fund or the Council commissions the care. (Unless used to purchase Short Term Residential/Nursing Care)
- Jointly funded services – contributions will be sought for the element of funding provided by Sheffield City Council only, this is regardless of whether the further funding is provided by the NHS, voluntary or charitable sector or some other body.
- Accommodation that is not provided in a registered care home, this will usually be respite that does not take place in a Residential or Nursing home.

3.3 Where a service user is financially assessed as having resources above the capital limits as defined in the Care Act, an arrangement fee may be charged. The arrangement fee will only cover the costs that the local authority actually incurs in arranging care. The arrangement fees will take account of the cost of negotiating and/or managing the contract with a provider and cover any administration costs incurred.

3.4 There are other types of support for which contributions are made. However, these are outside the scope of this policy. The local authority will not charge for certain types of care and support which must be arranged free, these are:

- Residential Care - charging for residential covered by the Care Act Regulations and guidance contained in Care Act.
- Residential Respite Care – Respite Care in a residential/nursing home will be charged for under the Care Act Regulations and guidance contained in Care Act.
- Adaptations – ACT Specific the financial assessment for adaptations to property is determined by the Local Government and Housing Act 1989, Department of the Environment Circular 12/90 (Housing Renovations Grants). Adaptations costing less than £1,000 in some circumstances will also be provided free under the Community Care (Delayed Discharges) Act 2003.
- City Wide Care Alarms – Are at present outside the scope of the Fairer Charging Policy, but will be charged for against a menu of prices depending upon the service that the person chooses to purchase.

- Intermediate care, including reablement, which must be provided free of charge for up to six weeks. This means that if the reablement ends in less than six weeks and ongoing care and support is needed, this charging policy will then apply.
- Community equipment (daily living equipment and minor adaptations). Must be provided free of charge whether provided to meet or prevent/delay needs. A minor adaptation is one costing £1,000 or less.
- Care and support provided to people with Creutzfeldt-Jacob Disease.
- After-care services/support provided under section 117 of the Mental Health Act 1983. People who need additional care and support to meet eligible needs that are unrelated to their need for aftercare will be charged for within this policy.
- 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.
- More broadly, any services which a local authority is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
- Assessment of needs and care planning may also not be charged for, since these processes do not constitute “meeting needs”.

4 Continuity of Support

- 4.1 The policy supports the legal view that care and support provided to people in order to meet assessed needs cannot be refused or withdrawn by the Council if the Service User does not pay the financially assessed contribution.
- 4.2 A pro-active recovery process will be used when collecting the contribution.

5 Maximisation of Income

- 5.1 The policy supports the view that all Service Users should be offered advice and support on maximising their income. This may take the form of benefits advice, advice on Council Tax discounts or how to claim on health insurance schemes, and staywarm schemes etc.
- 5.2 Where appropriate a referral may be made to The Department for Work and Pensions or another organisation to assist in this process with the agreement of the Service User.
- 5.3 Where a Service User has received additional income to that which was available at the financial assessment it is their duty to inform the Financial Assessments and Advice Team of the change in circumstance as this may affect their financial

assessment. Failure to notify of any increase in income or asset will be backdated to the date the increase took place.

6 Assessment of resource

6.1 Provision of Information

- 6.1.1 Following an assessment of need, carried out in accordance with the Council's duties under the Care Act 2014, each Service User provided with a personal budget will be informed of the value of that budget. This is so the Service User knows that any contribution payable is no more than their personal budget, (unless there are any changes to the budget, for example a temporary increase).
- 6.1.2 Each Service User will be asked to provide details of his/her income and assets to enable a financial assessment to be undertaken to determine what his/her contribution towards the cost of his/her support will be.
- 6.1.3 Supporting evidence will be required to confirm the financial details. Examples of acceptable supporting evidence are:
- Receipts
 - Invoices
 - Bank Statements/Bank Book
 - Bonds
 - Stock and Share Certificates
 - Benefit Award Letters
 - Payslips
 - Deeds of Trust
 - Deeds of Gift
- 6.1.4 This list is not exhaustive or exclusive, Service Users are encouraged to keep any appropriate supporting evidence for financial assessments and reassessments.
- 6.1.5 Where a Service User's finances are being managed by an authorised person they will be required to provide proof of this authorisation, (such as a Court of Protection Order, Lasting/Enduring Power of Attorney Document or letter of Appointeeship).

6.2 'Light-touch' financial assessment

- 6.2.1 Where a service user has significant financial resources, they can choose to have a light touch financial assessment. In this situation, other evidence will be accepted in lieu of carrying out the full financial assessment. A light touch financial assessment may also be carried out if a person is receiving minimal benefits however this will be decided on a case by case basis.

- 6.2.2 In all cases where a light touch financial assessment is carried out, a full financial assessment will still be offered and available to the Service User or the person who is authorised to manage their financial affairs.

6.3 Non-Disclosure of Information

- 6.3.1 A Service User who does not disclose the necessary information to complete a financial assessment will be assumed to be able to meet the maximum contribution toward the cost of his/her support. Examples of non-disclosure include:
- Missed appointments (without satisfactory reasons)
 - Agreeing to pay the maximum contribution
 - Refusing to provide information when requested
- Where this is to be applied, written notification will be given.

6.4 Value of Assets

- 6.4.1 A Service User with assets valued at more than the upper capital limit as defined in the Care Act 2014 will be required to pay the maximum contribution for his/her support.
- 6.4.2 If a service user has close to the capital limits, an estimation of when their capital will fall below the capital limit can be made if evidence of their income, capital and expenses are provided. This will avoid the need for another financial assessment. A full financial assessment can still be requested at the time the capital reduces below the capital limit to resolve any dispute.
- 6.4.3 The value of the property that the Service User lives in will be disregarded. However, if the Service User moves out of their main home on a permanent basis the Financial Assessment & Advice Team should be informed as the value of the property or the proceeds of the sale may be taken into account in a financial assessment.
- 6.4.4 If a Service User transfers their interest in a property that they own for less than the property's value than this may be taken into account as notional capital in a financial assessment if a Service User later moves home or enters permanent Residential/Nursing Care.
- 6.4.5 Apart from the property in which the Service User lives other capital may be disregarded as defined in the Care Act 2014.
- 6.4.6 Tariff Income will be calculated on assets valued between the lower and upper capital limits in line with the Care Act 2014.

6.5 Notional Capital

- 6.5.1 In some circumstances a person may be treated as possessing a capital asset even where they do not actually possess it. This is called notional capital. Some examples are Capital which would be available to the person if they applied for it Capital that is paid to a third party in respect of the person Capital that a person has deprived themselves of in order to reduce the contribution towards their care and support.
- 6.5.2 Notional capital will be reduced weekly by the difference between the weekly rate the person is paying for their care and the weekly rate they would have paid if notional capital did not apply. For cases where the total capital is over the capital limit, notional capital will be calculated and reduce once the total capital falls to the capital limit.

6.6 Deprivation of Capital

- 6.6.1 It is up to a Service User to prove that they no longer own an asset. Where the Service User has disposed of an asset they may be treated as still being in possession of this asset if he/she intentionally deprived or decreased their overall assets to reduce the amount they pay towards their care. Guidance will be taken from the Care Act 2014.
- 6.6.2 Sheffield City Council reserves the right to request historic bank statements to determine whether or not a Service User has deprived him/her of capital.
- 6.6.3 Disputes regarding deprivation of capital will be reviewed within the appeals process.

6.7 Assessing Income

- 6.7.1 The Service User's Total Income will be calculated. Examples of income included:
- State Benefits (e.g. Retirement Pension, Income Support/Pension Credit, Employment and Support Allowance)
 - Carer's Allowance
 - Job Seekers Allowance (JSA)
 - Attendance Allowance
 - Disability Living Allowance Care component and Personal Independence Payment Daily Living component.
 - Occupational/Private Pensions.
 - Tariff income on all savings and investments (this will be £1 per week income for every £250 of capital between the capital limit as set out in the Care Act 2014).
 - Income from private Health Insurance Schemes.
 - Income from other sources.
- This list is not exhaustive or exclusive.

6.8 Notional Income

- 6.8.1 In some circumstances a person may be treated as having income that they do not actually receive. This is known as notional income. Some examples are:
- Income that would be available on application but hasn't been applied for
 - Income that is due but has not been received
 - Income that the person has deliberately deprived themselves of to reduce what they pay towards their care.

6.9 Deprivation of income

- 6.9.1 If a Service User deprives him/her of income for the purpose of reducing their contribution then they will still be treated as receiving this income. Guidance will be taken from the Care Act 2014.
- 6.9.2 It is up to a Service User to prove that they no longer have the income. Failure to do so may result in the Service User being treated as if they still have that income.
- 6.9.3 Sheffield City Council reserves the right to request historic bank statements to determine whether or not a Service User has deprived him/her of capital.
- 6.9.4 Disputes regarding deprivation of income will be reviewed within the appeals process.

6.10 Income Disregards

- 6.10.1 Income disregards will be applied as per the Care Act 2014. Examples of disregarded and partially disregarded income are:
- Earnings as defined in the Care Act 2014
 - Disability Living Allowance (Mobility Component) and Mobility Supplement
 - Personal Independence Payment (Mobility Component) and Mobility Supplement
 - War Widows and Widowers Special Payments
 - Other War Widows Pensions and War Disablement Pension - £10 disregard applies
 - Child Tax Credit, Child Benefit or income paid to maintain a child.
 - Savings Credit Disregard based on qualifying income
 - Social Fund payments (including winter fuel payments).
 - Charitable Payments
- This list is not exhaustive or exclusive.

6.11 Beneficial interest in income and capital

- 6.11.1 In some circumstances the Service User may have a legal right to a share in the value of an asset, for example a bank account, even if it is not in their name.

- 6.11.2 If the council has some reason to believe that the Service User does have means other than those initially disclosed, a request will be made for the Service User to arrange for the partner to disclose their relevant resources.
- 6.11.3 If there is no such disclosure the Service User may be treated as having sufficient access to resources beyond than those held in his own name.
- 6.11.4 In these circumstances the Service User will be assumed able to meet the full contribution of their support.
- 6.11.5 Where there is a dispute in these matters such cases will be referred to the Decision Making Panel for a decision.

6.12 Cost of living allowance

- 6.12.1 People will retain an allowance to cover the cost of living independently and this will be no less than the statutory Minimum Income Guarantee. This cost-of-living allowance will be uplifted each year with a budget for increases linked to pension and benefit increases. Where additional amounts for the cost of living are required (for example as a result of the service user being a carer, disabled, or having dependent children) additional allowances will be given as per the Care Act and accompanying regulations.
- 6.12.2 It is expected that the cost of living allowance will cover the following:
- Food and drink
 - Clothing
 - Insurance, including building & contents, mortgage protection, life assurance
 - Water rates
 - Fuel bills such as gas, electricity and solid fuel.
 - Cigarettes or tobacco
 - Transport (including bus fares) unless exceptional transport costs are incurred as a result of a disability and not covered by a personal budget.
 - TV licence and subscriptions to satellite or digital TV companies.
 - Telephone/internet/broadband bills.
 - Repair and replacement of household items
 - Other expenditure such as credit card debt or personal loans (including County Court Judgements) and arrears.
 - Service plans and extended warranties
 - Holidays
 - Upkeep of second homes.
 - Any expenditure that is not a direct housing cost or directly linked to a disability.

6.13 Housing costs

- 6.13.1 Allowances will be made for housing costs net of any benefit received towards these.

6.13.2 The following will be considered as housing cost:

- Rent (less any electricity, heating, gas, water rates, food, or any service charge that would usually be expected to be paid for out of the cost of living allowance).
- Council Tax
- Mortgage Repayments
- Ground Rent

6.13.3 Where a service user lives with an adult carer and is not directly liable for housing costs, e.g. is not on the tenancy agreement, they will only be allowed a housing cost allowance if there is an increase to their carer's costs as a result of the cared for person living there (for example a non-dependant deduction on housing benefit or loss of single person discount on Council). The allowance made in these circumstances will be equal to the additional cost to the adult carer.

6.13.4 Where a service user is jointly liable for housing costs with their spouse an allowance will be made equal to half of the net housing costs.

6.13.5 Where payments are received from an insurance policy to cover mortgage repayments the allowance will be made net of payments received.

6.14 Disability-related expenditure

6.14.1 If the Service User receives a disability benefit such as Disability Living Allowance (Care), Personal Independence Payment – Daily Living or Attendance Allowance, additional allowances can then be given to reflect additional costs incurred as a result of the Service User being disabled. The Service User's assessment of need should identify disabilities or medical conditions that indicate that additional allowances should be given.

6.14.2 Where disability-related benefits are taken into account, the local authority should make an assessment and allow the person to keep enough benefit to pay for necessary disability related expenditure to meet any eligible needs which are not being met by the local authority.

6.14.3 In assessing disability-related expenditure, local authorities should include the following. However, it should also be noted that this list is not intended to be exhaustive and any reasonable additional costs directly related to a person's disability should be included:

- Payment for any community alarm system.
- Costs of any privately arranged care services including respite care to meet eligible need.

- Costs of any specialist items needed to meet the person's disability needs, for example:
 - Day or night care which is meeting an eligible need and is not being arranged by the local authority.
 - Specialist washing powders or laundry.
 - Additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt).
 - Special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability.
 - Additional costs of bedding, for example, because of incontinence.
 - Any heating costs, or metered costs of water, above the average levels for the area and housing type.
- Reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability to meet an eligible need and not met by the Council;
- Purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the Council. Only where these costs are actually incurred.
- Personal assistance costs, including any household or other necessary costs arising for the person, if required to meet an eligible need not met by the Council.
- Other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable for the Council not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport, e.g. council- provided transport to day centres is available, but has not been used.
- In other cases, it may be reasonable for a council not to allow for items where a reasonable alternative is available at lesser cost. For example, a council might adopt a policy not to allow for the private purchase cost of continence pads, where these are available from the NHS.

6.14.4 Where money has been paid to a family member as a payment for them meeting an eligible need or other needs of the Service User. An allowance will not usually be given unless there are exceptional circumstances agreed by the Decision Making Panel. This follows the judgement in R vs Stockton on Tees Borough Council.

6.14.5 Where expenditure has been paid for out of a Direct Payment or Personal budget, no Disability Related Expenditure will be allowed for in the financial assessment.

- 6.14.6 In cases where the Service User feels that the allowance given does not cover the additional cost they can ask for this to be reconsidered.
- 6.14.7 Supporting evidence will be required to justify a higher allowance than the one being given. Higher Allowances may be approved by the Financial Assessment and Advice Team Manager. Copies of supporting evidence will be kept with the paperwork regarding the financial assessment.
- 6.14.8 If the supporting evidence is not available at the time of the visit a period of 28 days will be given to allow the Service User time to obtain the information or documents required, if provided within the 28 days any reassessment of the contribution level will be backdated to the original visit.
- 6.14.9 If the additional information is not provided within the 28 days any reassessment of the contribution level will be effective from the date the last piece of supporting evidence is received by the Financial Assessment and Advice Team.

6.15 Assessable Income

- 6.15.1 When all of the Service User's allowances and disregards have been calculated, these will be deducted from the total income giving the assessable income which is payable towards their personal budget.

6.16 The Contribution

- 6.16.1 The contribution applied will be equivalent to the Service User's disposable income or cost of service or the maximum contribution whichever is the lowest.
- 6.16.2 The percentage of the personal budget/cost of service that is used to calculate the contribution will be reviewed on an annual basis and may therefore be subject to change.
- 6.16.3 If the Service User's assessment results in a zero, or negative disposable income figure, support outlined on the care/support plan will be provided at a nil contribution.
- 6.16.4 The Service User or their authorised financial representative will be informed in writing of what their contribution will be, including a breakdown of the financial assessment, unless Service User has been assessed as having resources above the capital limit, or is nil fee.
- 6.16.5 If the Service User has a financial reassessment they will be informed again in writing of their new contributions with a breakdown of the financial assessment and a reason of the change of contribution.

7 Couples

- 7.1 Under the Care Act 2014 only the services user's own capital and income can be counted in the financial assessment.
- 7.2 Where the service user and one or more other person has a beneficial entitlement to income, or is beneficially entitled in possession to any capital asset except an interest in land, all owners of this income or capital will be deemed to own an equal share unless it can be proven otherwise by the service user or their financial representative.
- 7.3 Where the service user is part of a couple and they have jointly assessed income such as Pension Credit, Income Support, Employment and Support Allowance or Universal Credit then they will each be assumed to own equal shares in all circumstances. This will be regardless of whose name the income is in or their respective financial or life circumstances.
- 7.4 If the Council has reason to believe that the service user has access to capital or income that is jointly held other than that disclosed at the financial assessment then it has the right to assume that the service user is able to meet the full cost of their support. This will be the case until either the capital/income is disclosed or it has been shown that they do not have access to these resources.
- 7.5 Where there is any dispute in these matters such cases will be referred to the appeals process.
- 7.6 Where it is clear that by charging an amount assessed on the service user's individual finances this will lead to a financial detriment to their partner we will also offer a financial assessment based on the couples joint resources. This couple's financial assessment will only be used if it results in a better outcome for the service user and if their partner agrees to it.
- 7.7 If a couple's assessment is being completed the appropriate cost of living allowances will be allowed for each partner and any dependent children as appropriate. The capital limit will be twice the usual capital limit for a single person. Housing costs will be for the full amount unless there is another person liable for some or all of these. Disability Related Expenditure will be allowed for each partner that has an appropriate disability related benefit.
- 7.8 When the assessed income for the couple has been calculated this will then be halved to calculate the assessed income for each individual.

8 Direct Payments

- 8.1 Contributions for Service Users receiving Direct Payments will be assessed in accordance with the Care Act. These contributions will be deducted net unless there are special circumstances to why this cannot happen. However, an invoice may be issued for an initial period if the Direct Payments begin before a financial assessment can take place.
- 8.2 Any contributions that are not paid into the nominated Direct Payment account, Sheffield City Council have the right to start invoicing for the contribution. Any contributions owed for dates previous to invoice transfer will still have to be paid.

9 Agreement to Pay

- 9.1 Each Service User/authorised representative with the appropriate mental capacity will be required to sign an undertaking to pay.
- 9.2 If a Service User/authorised representative does not sign this form they will be deemed to accept the charge upon receipt of the care and support provided to the service user. An appeals processes is available should this be disputed.

10 Reassessment of contributions

- 10.1 All Service User contributions will be adjusted each April in line with benefit changes, and inflation. All financial assessments will be reviewed on an annual basis.
- 10.2 In addition if the Service User has a change in their financial situation they must inform the Financial Assessments and Advice Team, and a reassessment of their finances will be completed. Sheffield City Council reserve the right to recover any loss of income caused as a result of a change in circumstance not being disclosed.
- 10.3 Service Users must also inform the Financial Assessments and Advice Team of any “life changes” which effect their financial situation for example; the death of a partner, a partner moving out or entering permanent care, or the birth of a child they are liable to maintain or a child they are liable to maintain moving out.
- 10.4 Any reduction in the Service User’s contribution due to a change in financial situation or “life change” will take effect from the date the Financial Assessments and Advice Team were notified.
- 10.5 Service Users have the right to request a review or reassessment of their financial situation (within reasonable timescales).

11 Contributions towards service delivery

- 11.1 Contributions will be based on the actual cost of care provided.

- 11.2 Contributions will be affected in the following circumstances:
- Periods where the Service User pays a contribution towards Short Term Residential/Nursing care.
 - Admission of the Service User to permanent Residential or Nursing care.
 - The Decision Making Panel will consider requests to allow an additional Disability Related Expenditure for Service Users who do not take up service due to an unpredictable health condition (e.g. unable to attend day activities due to epilepsy).
 - Periods of planned support that Sheffield City Council have not fulfilled.
 - The support provided by the council increases, reduces or ends.

12 Contributions for support that includes short term care

- 12.1 Where a Service User receives support which includes both non-residential support, and short term care in the same week, contributions will be calculated separately for each in accordance with the appropriate guidance of the Care Act 2014.

13 Collection of income

- 13.1 If a Service User or authorised financial representative refuses to pay the assessed contribution, the Council will continue to provide support outlined in the support plan, but cases of non-payment will be subject to the council's income collection procedures, for example reminders and financial notices.

14 Customer Service

- 14.1 The Council is committed to providing a service that is accessible, accurate, prompt and helpful and that does not discriminate on the grounds of age, gender, sexuality, ethnicity, religion, disability or culture.
- 14.2 Any Service User who is unhappy with the service provided will be encouraged and enabled to speak to the relevant Manager and or complaints team.

15 Appeals

- 15.1 An appeals process is available to all service users. Appeals regarding financial assessments are to be made to the Decision Making Panel, and Revisit and Review Panel through the relevant Manager. For further information regarding the appeals process a Terms of Reference is available.

16 Data Protection & Confidentiality

- 16.1 The Council collects information to enable the assessment of need, calculate contributions relating to support provided and provide statistical data to the Government on its performance.
- 16.2 The information that is collected depends on the type of help, advice, support and care that a Service User needs.
- 16.3 The information may also be shared with other relevant people and agencies with the consent of the Service User or other statutory provision.
- 16.4 In certain circumstances information may be shared with other relevant people or agencies without the consent of the Service User, for example to prevent a crime being committed and where this is permissible in law.
- 16.5 A Service User has the right under The Data Protection Act 1998 to see their personal information held by the Council upon payment of the relevant fee.