# Version Control

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# Contents Page

|  |  |
| --- | --- |
|   | **Page**  |
|   |   |
| 1   | Introduction  | 2  |
| 2   | Key Principles   | 2 |
| 3   | Legal basis for charging and financial assessment  | 4  |
| 4   | Charging and financial assessment for care and support in care homes on a permanent basis    |  5  |
| 5   | Charging and financial assessment for care and support in non-care home settings   | 7  |
| 6   | Charging and financial assessments for carers  | 9  |
| 7   | “Light-Touch” financial assessments   | 9 |
| 8   | Deprivation of income and assets  |   9 |
| 9   | Reassessments  | 10  |
| 10   | Recovery of contributions to care and support costs   | 10 |
| 11   | Disability related expenditure  | 11 |
| 12   | Disputes and complaints  | 11 |
| Appendix 1: Disability related expenditure  | 12 |

**1. Introduction**

1.1 This policy provides a consistent and fair framework for charges for the care and support provided to adults, following an assessment of their needs, in compliance with the Care Act 2014.  Financial assessments are based on individual financial circumstances.

1.2 For the purposes of this policy, an adult is someone aged 18 years and above.

**2.** **Key Principles**

2.1 The overarching principle of this policy is that people will only be required to pay what they can afford towards their care and support.  People will be entitled to financial support based on a financial assessment and some people will not have to contribute anything towards their care and support.

          The council has adopted 5 guiding principles to make sure that charging is fair and equitable, and that arrangements and governance are simple and effective. These principles are derived directly from the [Adult Social Care Practice Framework](https://www.doncaster.gov.uk/services/adult-social-care/adult-practice-framework) and have been used as part of the development of this policy.

  We will:

            · **Deliver value** - Charges will contribute to council budgets and to keep support and resources available so that people who need them can live the life they choose and do things that matter to them, whilst not paying more than their financial assessment states they can afford to.

            · **Keep it simple** - Charging methods and rates will be transparent and simple to understand, they will comply with the law and be based on the recovery of costs for the support provided.

            · **Be ambitious** - Charges will support the continued development of high quality services and support options, so that people have choice and flexibility in meeting their care and support needs and aspirations, and will be helped to claim the full range of benefits that are available to them.

            · **Do it together** - The safety of people will always come first. Any new charges will be considered alongside existing charges and where necessary people will have their finances individually assessed.

           · **Expect everyone to do their bit** – Promoting choice and control, and exploring the least restrictive options for support, will ensure people can live the life they choose to lead and do the things that matter most to them, and ensure more sustainable use of resources.  The money people pay towards their care and support will not make them suffer financial hardship.  This allows people to have meaningful connections with their communities and to maintain or build relationships.

2.2 A person has a right to decline a financial assessment. If this is the case, we will assume they are able to meet their care and support costs in full.

2.3     At the time of assessment of the person’s care and support needs the Council will

          establish if the person has capacity to take part in the assessment.  If the person lacks

          capacity, the Council will find out if the person has any of the following as the appropriate

          person to be involved:

* enduring power of attorney (EPA)
* lasting power of attorney (LPA) for property and affairs
* lasting power of attorney (LPA) for health and welfare
* property and affairs deputyship under the Court of Protection
* any other person dealing with that person’s affairs (for example, someone who has been given [appointeeship](https://www.gov.uk/become-appointee-for-someone-claiming-benefits) by the Department for Work and pensions (DWP) for the purpose of benefits payments)

People who lack capacity to give consent to a financial assessment and who do not have any of the above people with authority to be involved in their affairs, may require the appointment of a property and affairs deputyship.  Family members can apply for this to the Court of Protection or the Council can apply if there is no family involved in the care of the person.

2.4      All information gathered for the purposes of charging and financial assessment

will be treated confidentially.  Information will only be shared with other individuals and organisations where data protection law allows.  A privacy notice on the Council website explains how personal information is used and stored.  The rights of individuals under data protection law are also set out on the Council website [Data Protection and Privacy](https://www.doncaster.gov.uk/services/the-council-democracy/privacy).

2.5 We will not charge for providing information and advice about the availability of care and support or for a financial assessment, a needs assessment or the preparation of a care and support plan.

2.6 We will not charge for arranging care and support in respect of a person with assets below the upper capital limit.   Details of the upper capital limit are available on the [Financial Assessments Fact Sheet](https://dmbcwebstolive01.blob.core.windows.net/media/Default/CouncilTaxBenefits/Documents/Financial%20Assessments%20Fact%20Sheet%20.pdf)

2.7 The financial assessment will include a benefits check to ensure people are getting all the benefits and allowances to which they are entitled, to assist them in meeting their contribution to care and support costs.

2.8      Pre-existing debt arrangements are not accounted for in the financial assessment.

2.9     The charging policy also applies to people in prison.  Although prisoners have restricted access to paid employment and benefits (earnings in prison are to be disregarded for the purposes of the financial assessments), any capital assets, savings and pensions will still be considered in their financial assessment.

**3       Legal Basis for Charging and Financial Assessment**

3.1 The Care Act 2014 provides a single legal framework for charging for care and support. It enables a local authority to decide whether or not to charge a person when it is arranging to meet their care and support needs, or a carer’s support needs.

3.2 Section 14 of The Care Act 2014 provides local authorities with the power to charge adults in receipt of care and support, where the local authority is permitted to charge for that care and support.

3.3 Section 14 of The Care Act 2014 instructs that local authorities are not permitted to charge for provision of the following types of care and support:

* Intermediate care, including re-enablement, for up to six weeks. This care may be provided free of charge for longer than six weeks where there are clear preventative benefits, such as when a person has recently become visually impaired.
* Community equipment (aids and minor adaptations) 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.
* 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.
* Assessment of needs and care planning.

3.4 Section 17 of The Care Act 2014 permits local authorities to undertake an assessment of financial resources. The financial assessment will determine the level of a person’s financial resource, and the amount (if any) which that person can afford to pay towards the cost of meeting their care and support needs.

3.5 The Care and Support (Charging and Assessment of Resources) Regulations 2014 provide the statutory framework for determining how much someone should contribute to their care and support costs. The Care and Support Statutory Guidance issued under The Care Act 2014, also provides specific guidance relating to charging and financial assessment.  As such, these statutory regulations and guidance form the basis of this policy, except where the Council exercises its power of discretion as set out within the regulations.

3.6 The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014 make provisions in relation to assessing the sustainability of top-up arrangements and deferred payments arrangements.

**4** **Charging and Financial Assessment for Care and Support in Care Homes on a Permanent Basis**

4.1     The Council will charge for care and support provided in a care home on a permanent basis.

4.2 If we determine that a person has unmet eligible needs for care and support, as per the Care Act 2014 and the person (or their representative) has decided that their needs are best met by permanently moving into a care home, they will be told exactly how much it will cost to meet their care and support needs.  This is known as their ‘Personal Budget’.  It will include the amount that the person must pay towards that cost themselves (on the basis of a financial assessment), as well as any amount that the Council must pay.

4.3     When a person is identified as being able to meet the full costs of their own care and support, due to exceeding the upper capital limit (see 2.6), they are known as a self-funder.  The Council will ensure the provision of information and/or advice and the person can set up a contract and pay the care home fees direct to a provider.

           Alternatively, the person can request that the Council arranges their move to the care home, including the contract and payment of fees direct to the care home, although they will not receive any financial assistance towards the cost of their care and support, until such a time as their capital falls below the upper capital limit.

4.4 Contributions are payable from the date care and support starts.

4.5 Subject to paragraphs 4.8, 4.9 and 4.11, the financial assessment will take into account the cost of meeting eligible care and support needs, income, capital and the value of any assets, including any mandatory disregards, which are prescribed in the [Care and Support Statutory Guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#charging-and-financial-assessment).  Dependent on the person’s financial circumstances, some of their income is ignored. This is known as ‘Personal Expenditure Allowance’ (PEA) and ‘Disposable Income Allowance’ (DIA).

4.6 Mandatory disregard amounts are updated annually and are published in the [Local Authority Circulars](https://www.gov.uk/government/publications/social-care-charging-for-local-authorities-2024-to-2025/social-care-charging-for-care-and-support-local-authority-circular) from the Department of Health & Social Care.

4.7 People with eligible care needs will be informed at the support planning stage of the standard amount of funding the Council makes available towards care and support provided by private sector care homes. This is known as ‘The Local Authority Rate’. This rate is inclusive of any assessed contribution of the person and, in the case of nursing care, includes the free nursing care element (FNC) paid by the NHS.

4.8     Where the Council is responsible for the contracting and the payment of providers, on behalf of the person, then billing arrangements between both the Council and the provider is based on the gross cost of care (the full agreed weekly).  Any client contribution towards the cost of care will be directly reclaimed, from the person, via an invoice from the Council.

4.9 Where a person is eligible to receive local authority funded support, but chooses to live in another local authority area, the Council will pay no more than the Local Authority rate prescribed by the host authority that the resident resides in.

4.10    People who self-fund and arrange their own care and support and choose to move to another area and then find that their funds have depleted should apply to the Local Authority area that they have moved to, to have their needs assessed.

4.11 Where a person chooses accommodation that is more expensive than the commissioned contracted rate a third party must meet the additional costs.    This additional cost (known as “top up”) must be sustainable and the third party must confirm that they are willing and able to meet the top-up for the duration of the agreement (which could be for some time into the future), including any price changes that may occur.  Both the third party and the person receiving care will be made aware of the top-up amount, to whom the payment is to be made, and the provision for reviewing the package of care on an annual basis.  Both parties will also be made aware of the consequences of failing to maintain top-up payments and the effect changes in any parties’ financial circumstances will have on the agreement, for example, the person may be asked to move to alternative, more affordable accommodation where this would be suitable to meet their needs.  The third party will be asked to enter into an agreement covering all of these points.  The Council has the right to refuse to fund accommodation where it seems likely a third party top up will not be sustained.

4.12 Where the Council is responsible for the contracting and the payment of providers, on behalf of the person, then billing arrangements between both the Council and the provider is based on the gross cost of care (the agreed weekly rate plus the top up).  Any top up costs will then be directly reclaimed, from the third party, via an invoice from the Council.

4.12   A person or third party will not be asked to pay a ‘top-up’ towards the cost of their accommodation where there are no other suitable or available options at the Local Authority rate.  In this instance, the Council will pay the full cost of the least expensive suitable and available option above the Local Authority rate.  If the person prefers a more expensive home, than the least expensive suitable and available option, then a third party will be asked to commit to paying a top-up to cover the difference in cost.

4.13   People who own a property may be eligible to defer paying some or all of their care costs by signing up to a Deferred Payment Agreement. The Deferred Payments Scheme is designed to help people who have been assessed as having to pay the full cost of residential care but cannot afford to pay the full weekly charge immediately because most of their capital is tied up in their home. A Deferred Payment Agreement enables Doncaster Council to effectively offer a loan to pay towards care fees using the value of the person’s home as security.  The Council will either pay an agreed part of the weekly care and support costs for as long as is necessary or loan the money needed to meet the shortfall, avoiding the need to sell the property to pay for care and support costs, during the person’s lifetime and if the person does not want to.  Doncaster Council will make deferred payment agreements available under the national ‘Universal Deferred Payment Agreement Scheme’ and the Council’s local Deferred Payment Agreement Scheme, providing the eligibility criteria has been met.  More information about the Council’s Scheme is available on the [Deferred Payment Agreement Fact Sheet](https://dmbcwebstolive01.blob.core.windows.net/media/Default/CouncilTaxBenefits/Documents/Financial%20Assessment%20Deferred%20Payment%20Agreement%20Fact%20Sheet%20.pdf)

4.14   Where planned or unplanned residential short stay (sometimes known as “respite”) or temporary care forms part of a person’s Care and Support Plan the financial assessment will treat income and capital in the same way as if the person was receiving care in a care home setting.  Extra household costs will be taken into account.  These are costs that a person might have to pay for their normal home, whilst spending time in residential respite or short stay care, for example, rent service charges, water rates and insurance premiums.

**5. Charging and Financial Assessment for Care and Support in the Community (not a Care Home)**

5.1 The Council will charge for care and support provided in other non-care home settings including a person’s own home.

5.2 If we determine that a person has unmet eligible needs for care and support, as per the Care Act 2014 and the person (or their representative) has decided that their needs are best met in their own home or other non-care home setting, they will require a financial assessment to determine how much they can afford to contribute towards the cost of their care and support.

5.3 If a person has been assessed as being eligible for care and support from Doncaster Council, they will be told exactly how much it will cost to meet their care and support needs.  This is known as their ‘Personal Budget’.  It will include the amount that the person must pay towards that cost themselves (on the basis of a financial assessment), as well as any amount that the Council must pay.

5.4     The person will be required to pay their contributions from the date their care and support starts.

5.5 The financial assessment take into account the person’s income, capital and value of any assets, including any mandatory disregards; which are prescribed in the [Care and Support Statutory Guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#charging-and-financial-assessment).  Mandatory disregard amounts are updated annually and are published in the [Local Authority Circulars](https://www.gov.uk/government/collections/local-authority-circulars)  from the Department of Health & Social Care.

5.6 The financial assessment will also take into account any housing costs and disability related expenditure incurred by the person. Section 11 and Appendix 1 of this policy gives more information about disability-related expenditure.

5.7 People with capital in excess of the upper capital limit will be responsible for meeting all of their care and support costs.  Details of the upper capital limit are available on the [Financial Assessments Fact Sheet](https://dmbcwebstolive01.blob.core.windows.net/media/Default/CouncilTaxBenefits/Documents/Financial%20Assessments%20Fact%20Sheet%20.pdf)

5.8 Where a person is identified as being able to meet the full costs of their own care and support, due to exceeding the upper capital limit (see 2.6), they are known as a self- funder.  The person can choose to arrange their own care and support, or they can request that the Council arranges the care and support that they require. Although they will not receive any financial assistance towards the cost of this, until such a time as their capital falls below the upper capital limit.

 5.9 Where the Council does support arranging, contracting or payment of homecare, then an annual charge will be applied, known as, the Self-funder annual administration fee.

The charge will be applied each year on the anniversary of the start date of the chargeable homecare. If a change of circumstance occurs mid-year, there will be no opportunity for a refund of an apportioned charge.  Details of the Self- funder administration fee are available on the [Financial Assessments Fact Sheet](https://www.doncaster.gov.uk/Documents/DocumentView/Stream/Media/Default/CouncilTaxBenefits/Documents/Financial%20Assessments%20Fact%20Sheet%202024.docx).  The fee applied will not be more than the costs incurred by the Council in making the arrangements and for the ongoing monitoring of the contract.

5.10 The Council will ensure that people retain at least the ‘Minimum Income Guarantee’.  This retained income level is designed to promote independence and social inclusion and is intended to cover basic needs such as purchasing food, after housing costs have been taken into consideration.  Housing-related costs, specifically mortgage repayments, payments by way of rent or ground rent, council tax or service charges will only be considered where the person is liable for such costs, i.e. holds the tenancy agreement or is party to the mortgage. The ‘Minimum Income Guarantee’ ensures that the person retains income to the equivalent of the annually published government rates.

5.11 In calculating housing-related costs associated with rent and council tax, this will be      calculated net of any benefits provided to support these costs, for example housing benefit and/or local council tax reduction.

5.12 Only the income and assets of the person requiring care and support will be taken into account.  Where this person receives income as one of a couple, or has joint assets, the starting presumption will be that they have an equal share of the income and assets. There is availability of an additional measure for people who are part of a couple, which includes the offer of a “better-off” assessment, taking account of the partner’s income and circumstances.

5.13   Where a person receives benefits, such as, Disability Living Allowance (DLA), Attendance Allowance (AA) or the enhanced daily living component of Personal Independence Payment (PIP), for a long-term illness or disability, then they will be included in the financial assessment.  If a person receives the enhanced daily living component of PIP and can evidence receiving additional care at night, their night care costs will also be considered as part of the financial assessment.

5.14   Where a person accesses a Direct Payment to purchase their own care and support and experiences a break in their care, their financially assessed client contribution (the amount the person must pay) towards the care and support costs must still be paid during the break.  As the Council pay Direct Payments as gross (the council payment into the Direct Payment account is the full weekly amount to be used for care as per the agreed Support Plan) the person will be billed separately for their client contribution.

**6** **Charging and Financial Assessments for Carers**

6.1 Where a carer, following a Carer’s Assessment, is drawing on support to meet their own support needs and to help them sustain their caring role, the Council will not charge for this support. This is to reflect the value the Council places on carers and recognise the significant contribution carers make towards the health and wellbeing of the person they support.

**7** **“Light-Touch” Financial Assessments**

7.1 In some circumstances, the Council may choose to treat a person as if a financial assessment had been carried out.  In order to do so, the Council must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford, any charges due.  The main circumstances in which the Council may consider carrying out a light-touch financial assessment are:

* Where a person has significant financial resources and does not wish to undergo a full financial assessment for personal reasons but wishes nonetheless to access support from the Council in meeting their needs. In these situations, the Council may accept other evidence in lieu of carrying out the financial assessment and consider the person to have financial resources above the upper capital limit.
* Where the Council charges a small or nominal amount for care and support, which a person is clearly able to meet and would clearly have the relevant minimum income left, and carrying out a financial assessment would be disproportionate.
* When a person is in receipt of benefits, which demonstrate that they would not be able to contribute towards their care and support costs.

7.2 Where a person does not agree to the charges that they have been assessed as being able to afford following a light-touch financial assessment, a full financial assessment will be carried out.

7.3 In all circumstances where a light-touch financial assessment has been carried out, the person will have the right to request a full financial assessment.

**8** **Deprivation of Income and Assets**

8.1 While the Council accepts that people should be able to spend the money they have saved as they wish, it is important that people pay the contribution to their care and support costs they are responsible for.  This is key to the overall affordability and sustainability of care and support.  By ensuring everyone pays their contribution, the Council is in a better position to ensure that care and support is available for everyone who needs it.

8.2 If a person has tried to deliberately avoid paying for care and support costs through depriving themselves of assets – either capital or income, the Council may charge the person as if they still possessed the asset.  If the asset has been transferred to another person, for example a relative, the council has the power to recover charges from that person using Section 70 of the Care Act 2014.

**9** **Reassessments**

9.1 All financial assessments will be reviewed at least once a year following the Government’s annual uprating to benefits and allowances and changes in the Council’s care and support charges.  Reassessments may also take place at other times during the year to take account of any changes in a person’s circumstances that may affect how much they have to pay towards the cost of their care and support.  People have an obligation, throughout the year, to promptly advise the Council of any changes in income, where it could result in an increase or decrease to what they pay towards the cost of their care and support.

9.2     When a Third Party agreement is in place the sufficiency of the Third Party contribution will also be assessed at least once a year and after such an assessment the amount of the contribution may need to be revised, possibly due to a change in the Care Home fees or other changing circumstances.  In addition, any change in circumstances to the person responsible for the top-up can trigger a review.  A review of top-up arrangements can be requested at any time.

9.3 Regular reassessments will also be made if a person has been assessed as having to pay the full cost of their care due to having capital above the upper limit. This is to identify where the person’s capital may have reduced to such a level that they may be liable to pay less towards their care and support.  If a delay is experienced in the assessment process this will not be of financial detriment to the person, as where their capital has fallen below the threshold during the waiting period this will be backdated to the date that it is confirmed that their capital fell below the threshold.

**10** **Recovery of Contributions to Care and Support Costs**

10.1 The Care Act 2014 consolidates the Council’s powers to recover money owed for arranging care and support.  These powers can be exercised where a person refuses to pay the amount they have been assessed as being able to afford to pay or have been asked to pay (where the cost of care and support is less than the maximum they have been financially assessed as being able to afford).

10.2 The powers granted to the Council for the recovery of debt also extends to the person drawing on care and support or their representative, where they have misrepresented or have failed to disclose (whether fraudulently or otherwise), information relevant to the financial assessment relating to what they can afford to pay.

10.3 The initial stages of debt recovery will involve discussing the debt with the person or their representative.  Social care workers will be advised of the debt and will become involved as appropriate.  In all cases the desired outcome is to prevent debt escalating and for the person receiving care and support or their representative to enter into affordable repayments of the debt as well as being able to pay ongoing costs as they arise.

10.4 The Council will approach the recovery of contributions to care and support costs reasonably and sensitively and will only proceed with Court action where all alternatives have been exhausted.  At this stage the Council will proceed with action through the County Court.

**11** **Disability Related Expenditure**

11.1 If a person drawing on care and support (other than in a care home on a permanent or temporary basis) receives a disability benefit such as Disability Living Allowance (Care or Mobility), Personal Independence Payment or Attendance Allowance, the Council will ensure the person can keep enough income to pay for any necessary disability related expenditure, used to meet any needs which are not being met as part of their care and support plan.

11.2 Only additional disability related expenditure, which is necessary, will be taken into account.  The Council has the right not to allow expenses that should be met by other agencies, such as the NHS. This applies to therapies such as physiotherapy, chiropody and incontinence pads.

11.3 A list of disability related expenditure the Council will include in the financial assessment is at Appendix 1 to this policy.

**12** **Disputes and Complaints**

12.1 A person may dispute or make a complaint about any aspect of the financial assessment or how the Council has chosen to charge for care and support.

12.2 The first stage is to ensure that the financial assessment has been conducted and calculated correctly.  Requests for a financial reassessment should be direct to:

The Financial Assessments Team

Doncaster Council

Civic Office

Waterdale

Doncaster

DN1 3BU

Email: FinAssess1@doncaster.gov.uk

Online: [Complaints and compliments - City of Doncaster Council](https://www.doncaster.gov.uk/complaints)

Telephone: 01302 737391

12.3    A senior Financial Assessments Officer who was not involved in the original assessment

           will carry out a reassessment.  They will check whether the information provided in the

           original assessment was treated correctly and consider any new information provided

           that may affect the assessment

12.4 Complaints about the Council’s charging policy are subject to the Care and Support Complaints Procedure as set out in The Local Authority Social Services and NHS Complaints Regulations 2009.  Complaints should be addressed in the first instance to:

The Complaints Manager

Civic Office

Waterdale

Doncaster

DN1 3BU

Complaints can also be made using the online complaints form on the Council’s website at <https://www.doncaster.gov.uk/services/get-in-touch/complaints-and-compliments> or by e-mailing SocialCareComplaints@doncaster.gov.uk

 **Appendix 1**

**Disability Related Expenditure**

The Council will include the following disability-related expenditure within the financial assessment for people drawing on care and support, other than in a care home on a permanent or temporary basis.

1. Payment for a non-Doncaster Council provided community/pendant alarm system
2. Costs of any privately arranged care services required, including short stay/ respite care in a residential care home
3. Costs of any specialist items needed to meet the person’s disability-related needs, for example:

* Day or night care for which the person has an eligible need but is not being arranged by the Council;
* Specialist washing powders or laundry;
* Additional costs of special dietary needs due to illness or disability (evidence from the person’s GP may be required);
* 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 occasioned by age, medical condition or disability;
* Reasonable costs of basic garden maintenance, cleaning or domestic help, if necessitated by the person’s disability and is 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 the waiting for supply of equipment from the Council;
* Personal assistance costs, including any household or other necessary costs arising for the person;
* Internet access for example for blind and partially sighted people;
* 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. Where the Council provides transport and the person wishes to use alternative transport at a higher cost, the cost of Council provision will be used to determine any allowance
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This list is not exhaustive and the Council will allow for any other reasonable additional costs directly related to a person’s disability, including those incurred for recreational and leisure activities.

The Council will not allow for items where a reasonable alternative is available at no cost or at a reduced cost, for example, where incontinence pads are available on the NHS but the person decides to purchase them privately.

All other expenditure will be assessed as either an everyday living cost or will be reviewed as a specific need against the persons’ care and support plan.