

Financial Charges Frequently Asked Questions

1. I don't have any money and am on benefits why am I being charged?

It is unfortunately now usual for people in receipt of adult social care to have to contribute towards their care.

2. I think that I am being charged too much. How do I challenge the decision?

Each local authority will have its own policy for financial charging for social care. If it is not available on the local authority's website you should ask for a copy of their policy. You should also have been provided with a copy of the financial assessment, the local authority's decision and reasons for the charges that you are being required to pay. There may be a time limit for challenging a decision, therefore you will need to get details of how to challenge the decision as quickly as possible so that you do not miss any deadlines for challenging the decision.

[We have produced an example letter of a challenge to a financial assessment for non-residential care]

3. Will I still accrue debt while I challenge the assessment?

You should ask your local authority to freeze the charges whilst you are waiting for a decision on your challenge. However, if your challenge is unsuccessful you may still have to pay for the debt that accrued whilst you were challenging the decision.

4. It looks like the assessment was carried out correctly but I have no money to live, can I still challenge it?

You may be able to challenge it, as one of the objectives of the local authority's charging policy should be to ensure that you are not be charged more than it is reasonably practicable for you to pay. The local authority should also promote your wellbeing, social inclusion and support the vision of personalisation, independence, choice and control. If you feel that cannot afford to live due to the charges, you could try to argue that the local authority's financial charges policy is contrary to these principles.

5. My LA assessed my needs, set up a care package and have only now assessed by finances and are now backdating the charge, is this reasonable?

The Local Authority is able to backdate charges provided that you would have been required to pay them at the time (i.e. that your financial circumstances meant that you were eligible to pay towards your social care). You should check that the information in the financial assessment accurately reflects your situation at the time that the care package commenced and has taken any change of circumstances into consideration.

6. I live with my parents. Will their income and savings be taken into account when the local authority is deciding how much to charge me for social care?

No, the local authority must only look at your income and savings when carrying out the financial assessment. If you own any property jointly (or have a joint bank account) then the local authority will assume that you own half of that property, or content of the account, unless you can prove otherwise.