This letter applied to non-residential care charging only.

Please note – each local authority will have its own policy in relation to financial charging for adult social care. You should read the policy before making your written complaint so that you know:

* What their charging policy is
* Whether there is a specific procedure that needs to be followed in order to challenge the financial assessment; and
* Whether the challenge has to be made within a certain amount of time.

Please do note that once you receive a response, or if no response is forthcoming within 14 days you should seek further legal advice on your rights

DELETE THIS BOX BEFORE SENDING THIS LETTER

Address of adult social services

Your address

Date

Dear Sir/ Madam

**Re: Charges for non- residential support**

**Name**

**Date of birth**

**Address**

[I am the appointee for X] I am requesting a review of the financial assessment on the basis that contrary to paragraph [ ] of the [ ] Council Adult Social Care Charging Policy (the Policy), which states that allowance for disability related expenditure (DRE) is included in the assessment process where applicable, the current assessment fails to fully take into account X’s disability related expenditure.

X has [*state condition*]. [*Set out how the condition affects them, including on a day to day basis*].

As a result of her disability X has additional needs and additional costs which she would not have to incur were it not for his/her disability. On this basis, the following costs should have been included as disability related expenditure for the purpose of calculating her financial contributions for her social care:

**[*List the disability related expenditure which the individual incurs and explain how that expenditure relates to their disability and how much it costs per week. Ideally you should evidence it with receipts. See examples below:***

***Wipes and consumables***

*Due to her continence issues X has had to wear pull ups or night pads 24 hours a day all her life and she needs to be changed approximately 14 times a day. As a result of this her skin has become more sensitive that it would have been otherwise. X uses Pampers Sensitive wipes. She cannot use cheap wipes because they react with her skin. When she has tried to use other brands and types of wipes she has developed nappy rash quite quickly. Therefore it is not reasonable for her to use a cheaper alternative and the full costs of the wipes (£x per week) should be included as a disability related expense.*

***Clothing***

*The care and support statutory guidance states that special clothing for example where this needs to be specially made can be a disability related expense.*

*X is doubly incontinent so she needs to wear a nappy at night. She needs to wear sleep suits which zip up at the back so she cannot access her soiled nappy during the night. This is because when she has not worn such sleep suits in the past she has smeared (and eaten) her faeces. This is known as a ‘Pica’ disorder by psychiatrists – it is linked to mental and emotional disorders and is most commonly seen in people with developmental disabilities.*

*The consequences of X doing this are distressing for both X and her family or whoever is caring for her at the time. Therefore, X needs to wear the zip at the back sleep suits to prevent her from doing this. Due to her age X cannot buy suitable zip at the back sleep suits ‘off the peg’. Therefore, they need to be made to fit by Fledglings, a charity which sells products for disabled people and their families. If it were not for her disability X would not need these bespoke sleepsuits. Therefore, her sleep suits are a reasonable additional cost which should have been included as a disability related expense.*

*In addition, she needs to buy particular clothing, such as baggy leggings to accommodate her pull ups. She wears through clothing faster than she would were it not for her disability because of food and drink spillages and leaky nappies. Her clothes require washing and drying more frequently than normal so they wear through faster than normal. Therefore, her clothing needs replacing more frequently than they do for a person without her disability. Therefore, the additional costs that X has to incur in relation to clothing are in direct relation to her disability, and as such her clothing costs of* ***£x per week*** *should be taken into account as disability related expenditure.]*

Incorrect calculation of Minimum Income Guarantee

**Delete this box and the below statements as appropriate**

**Excluding disability related expenditure and certain excluded income (such as the mobility component of PIP) the person paying for the social care should be left with a minimum amount of income. The statutory minimum is called the Minimum Income Guarantee but your local authority may have a more generous minimum amount of income. You should check that the minimum level of income has been properly calculated and if not you should challenge this aspect of the calculation.**

**In the example below the local authority failed to include a premium, which the individual was entitled to receive, when calculating the Minimum Income Guarantee**

*In accordance with the Policy and the Care and Support Statutory Guidance the Minimum Income Guarantee should be deducted from the amount that X has to pay toward her social care. However, the Minimum Income Guarantee has been incorrectly calculated as you have failed to include the amount for the enhanced disability premium in the figure. As X receives the enhanced rate of the daily living allowance of Personal Independent Payment this should have been included in the calculation.*

*If the disability related expenditure had been properly taken into account in accordance with the Policy and the care and support statutory guidance and the Minimum Income Guarantee had been properly calculated then X’s disability related expenditure and Minimum Income Guarantee would be higher than the cost of her non-residential care. Therefore, she should not be making contributions for her non-residential care.*

I look forward to hearing from you.

Yours faithfully

[ ]