# Toolkit for challenging home care charges (England)

This toolkit applies to you if you are receiving **social care services at home in in England**. Different charging rules apply if you live in a care home or if you live in Wales, Northern Ireland or Scotland. Contact our Helpline on **0303 123 9999** or by email on **helpline@rnib.org.uk** if you would like more information on social care charges in these countries.

## What are social care charges?

Some social care services must always be free of charge, including visual impairment rehabilitation for the first six weeks and specialist aids, equipment and minor adaptations costing £1,000 or less each.

However, if you receive other types of social care at home (e.g. personal care or domestic support) your local authority can carry out a ‘means test’ to find out whether you can afford to contribute towards your care, and if so, how much.

## Take action

While local authorities can financially assess people to see if they can afford to contribute towards their care, they must follow the national charging rules set out in the Care Act 2014. RNIB are aware that many people with sight loss are being asked to pay more than they should be for their social care. This toolkit helps you to:

* Understand the charging rules
* Check if your local authority has followed these rules
* Challenge the local authority if they have not followed the rules

## How does this toolkit work?

If you have a needs assessment carried out and it identifies that you require long term support, then the local authority will carry out a financial assessment to see if you can afford to contribute towards your care and if so, how much this will be. The local authority is then legally obliged to provide you with an accessible copy of this document. You should request a copy of this if it has not already been provided. This toolkit helps you check whether your financial assessment has been completed correctly and that you are not being overcharged for the care you receive.

**Part 1** of the toolkit takes you through your financial assessment step by step to make sure it is following the rules of the national means test.

**Part 2** of the toolkit explains how you can challenge your financial assessment if it has not been carried out correctly and you are being asked to pay more than you should be towards your care.

If you need any help with using this toolkit, then our Sight loss Advice service can help you complete it. Contact our Helpline on **0303 123 9999** or by email on **helpline@rnib.org.uk**.

Before continuing, you should note that if you have, or have a share of, savings or capital over £23,250 then you will be liable to the full cost of your social care. If this applies to you then this toolkit will not be of use, as you will automatically be required to cover the full cost of your care.

## Part 1: The national means test

If your local authority asks you to financially contribute towards your care, they must leave you with a minimum amount of income each week to live on as set out in the national charging regulations. This amount is called the **“Minimum Income Guarantee” (MIG).** Income in excess of the MIG can normally be taken into account by the local authority as a financial contribution. To calculate this figure, there are 3 steps:

* **Step 1:** Work out your MIG
* **Step 2**: Work out your “weekly income” (there are special rules for calculating this detailed below)
* **Step 3:** If Step (2) gives a higher figure than step (1), then the maximum contribution you can be asked to make towards your care is the difference between them (if it is less, then you cannot be charged at all).

We will now go through each of the steps above. Make sure you have your financial assessment to hand so you can check the figures as you go along.

### Step 1: Minimum Income Guarantee (MIG)

The MIG amount is set by the government each year and your financial assessment should clearly identify this figure in the document.

Check which rates apply to you from the figures below and add them up to find out your MIG.

#### Single rates

##### Category (a) (choose only one rate)

18-25: **£82.15**

25 – Pension Credit age (or lone parent 18+): **£103.65**

Pension Credit age: **£214.35**

##### Category (b) (choose any rate that applies to you)

Under Pension Credit age and in receipt of PIP or DLA: **£45.75**

Under Pension Credit age and in receipt of High Rate, Care Disability Living Allowance or Enhanced Rate daily, Living Component of Personal Independence Payment: **£22.35**

In receipt of Carers Allowance or underlying entitlement: **£49.05**

##### Category (c) (add on if applicable)

If the adult is responsible for a child in the household add in respect of each child: **£94.90**

### Couple rates

#### Category (a) (choose only one rate)

18 – Pension Credit age: **£81.40**

At least one of you is Pension Credit age: **£163.65**

##### Category (b) (choose any rate that applies to you)

Under Pension Credit age and in receipt of PIP or DLA: **£32.60**

Under Pension Credit age and in receipt of High Rate, Care Disability Living Allowance or enhanced rate daily, living component of Personal Independence Payment: **£16.05**

In receipt of Carers Allowance or underlying entitlement: **£49.05**

##### Category (c) (add on if applicable)

If the adult is responsible for a child in the household

add in respect of each child: **£94.90**

## Step 2: Weekly Income

Once you have calculated your MIG, the next step is to calculate your weekly income. You should be aware that there are certain disregards and deductions that can be made when calculating this, which we have detailed below.

All your weekly income is considered unless it is explicitly disregarded by the rules. For example, this applies to earnings, mobility components of disability benefits and cost of living payments. **Check Appendix (a) of this toolkit to see whether you have income that is disregarded.**

Your weekly income will also include an extra £1 per week for every £250 in capital or savings you have over £14,250. This does not include the home that you live in or possessions. While most types of capital are considered, if you have any questions about this, contact the RNIB Sight loss Advice Service through our Helpline.

As mentioned above, certain expenses can be deducted when calculating your weekly income. This includes:

* Any rent you pay not covered by Housing Benefit
* Any mortgage repayments
* Any council tax you pay not covered by council tax reduction schemes
* Certain service charges
* **Disability Related Expenditure (DRE):** if you receive the daily living component of PIP, the care component of DLA, or Attendance Allowance, then if your local authority treats this as income, then they must consider whether you have DRE that should be deducted from this.

Check Appendix (b) for more information on what might count as DRE.

## Step 3: Working out your maximum contribution

As mentioned above, if your weekly income (step 2) is more than your MIG then the local authority can ask you contribute the difference towards your care. Therefore, to calculate your maximum contribution you need to subtract your MIG (as calculated in step 1) from your weekly income (as calculated in step 2).

Example: If your weekly income is assessed as £101 per week and the MIG is £100 per week, then your maximum weekly contribution is £1 (£101 - £100 = £1)

### Part 2: Requesting a review of your charge

If you have completed Part (1) of this toolkit and identified errors in how your local authority have calculated your care charge, then the next step is to ask the local authority to review the financial assessment. This section of the toolkit guides you through how you can do this by completing our template letter and sending it in to your local authority along with our standard advocacy letter citing the relevant law.

Examples of when you should request a review of your care charges include where:

* The local authority has calculated your Minimum Income Guarantee incorrectly and it is too low
* The local authority has calculated that you have more savings than you have
* The local authority has calculated that you have more income than you have
* The local authority has not made the deductions from your income required by the rules, including Disability Related Expenditure (DRE).

The local authority must ensure that any charge that you are asked to pay is “reasonably practicable”. There is room on the template letter for you to list household expenditure such as increased energy bills and any debts. If you need assistance with completing the template letters or they do not resolve the issue, then you may wish to call our helpline, as RNIB Legal Rights service may be able to assist you.

The letters can be found on the following pages in this order:

1.Template for requesting a review of care charge

2. Standard RNIB Advocacy letter

### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with a number of other sight loss organisations. **sightadvicefaq.org.uk**

### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999**.

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

April 2023

RNIB advocacy letter

**This is a standard letter**

Dear Sir or Madam,

You are receiving this letter because a blind or partially sighted person has reason to believe that they are being overcharged for their home care services. We request that you review their financial assessment to ensure that the legal requirements detailed below have been observed and applied correctly to their circumstances in calculating their financial contribution.

### Minimum Income Guarantee

8.42 of the Care and Support Statutory Guidance 2018 states:

“After charging, a person must be left with the minimum income guarantee (MIG), as set out in the Care and Support (Charging and Assessment of Resources) Regulation 2014.”

Furthermore, 8.46 of the Care and Support Statutory Guidance 2018 states:

“The government considers that it is inconsistent with promoting independent living to assume, without further consideration, that all of a person’s income above the minimum income guarantee (MIG) is available to be taken in charges.”

### Disability Related Expenditure

Para. 39 of Annex C of the Care and Support Statutory Guidance 2018 states:

“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 needs which are not being met by the local authority.”

**RNIB Legal Rights Service**

## Appendix A – Income that is disregarded

### Examples of fully disregarded income

* Cost of living payments
* Earnings
* Direct Payments
* Guaranteed Income Payments made to veterans under the Armed Forces Compensation Scheme
* War Pension Scheme payments made to veterans with the exception of Constant Attendance Allowance payments
* the mobility component of Disability Living Allowance
* the mobility component of Personal Independence Payments
* Social Fund payments (including winter fuel payments)
* Child Tax Credit or Guardian’s Allowance
* income from savings – interest paid on your savings is added to the balance of your savings and counts as part of your capital
* Personal injury payments, except where the payment is specifically intended to cover care costs, for up to 52 weeks from the day of receipt of the first payment. If the money is placed in a personal injury trust or administered by a court, capital disregards apply

### Examples of partially disregarded income

* Pension Credit Savings Credit Disregard (£6.50 per week for single people, £9.75 for couples)
* £10 per week of War Widows and War Widowers pension

If you receive income that is not listed above, or you have any questions about whether your income is either disregarded or partially disregarded, then call RNIB Sight loss Advice service through our Helpline.

### Appendix (b) –Disability Related Expenditure

If the care component or daily living component of your disability benefit is taken into consideration as income by the local authority, then they are legally obliged to offset this against any Disability Related Expenditure (DRE) you have.

DRE is the extra amount you have to spend on certain things because you have a disability. You may have absorbed the extra costs into your household budget without recognising them as over and above what you would spend if you did not have a disability.

One of the best ways you can prepare for your financial assessment is to make a full list of your DRE and collect any receipts or invoices you have of this to show the financial assessment officer. If possible, try to work out how much you spend on each item each week, month or year. Try to break everything down to a weekly figure if possible.

Everyone’s circumstances vary, so you should use the checklist below only as a guide. The list is not exhaustive, and not all items will apply to you, but the local authority should normally consider expenditure for items which are necessary for you to maintain your independence.

#### Checklist:

* Help at home
* You currently pay for help with the following:
* private domestic help
* or personal care
* or respite care
* odd jobs
* basic garden maintenance
* decorating
* a community alarm system

#### Fuel costs

Your heating may be on most of the time because you are unable to get around, and you feel the cold.

#### Washing

You spend extra on washing your clothing and other items, or you use dry cleaners because you do not have a washing machine and cannot use a laundrette.

#### Transport

You pay for taxis because you cannot use public transport, or you pay someone to drive you to appointments or social activities.

#### Communication

* You rely on the telephone because you cannot write letters
* For safety you need a mobile phone when you are outdoors
* You need internet access as you receive accessible bills this way or shop online.

#### Equipment

You need to budget for items of equipment which are essential because you have a disability. For example:

* computer equipment and software
* brailling equipment
* desktop video magnifiers (CCTV)
* specially designed or adapted domestic items.

End of document.