

Adult Social Care Debt Strategy



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1. Introduction

Adult social care provides personal and practical support to people with care and support needs, including older people or people with a disability or a physical or mental illness. People with informal caring responsibilities can also benefit from social care support.

In the London Borough of Hillingdon, the core purpose of adult care and support is to help you to achieve the outcomes that matter to you in your life and to promote your wellbeing. A key aim is to support you to live as independently as possible, for as long as possible.

The Council provide free information and advice, relating to care and support for adults and support for carers, to enable you to make informed choices and take control of your care and support. This includes information about social care on our website at www.hillingdon.gov.uk/socialcare

Adult Social Care vision

Hillingdon Council is committed to its provision of Adult Social Care Services (ASC) and its vision that ***“Care and support will be personalised and will prevent, reduce and delay needs. Residents will be enabled to live independent and fulfilled lives, supported within and by their local networks wherever possible.”***

The ASC vision is underpinned by the Council Strategy 2022-2026, and the Council’s five commitments to residents which can be found here: www.hillingdon.gov.uk/council-strategy

2. Purpose of this Strategy

This strategy emphasises the duty of clients and their representatives to pay their social care charges promptly, upon receipt of invoice. Timely debt collection is crucial to the council in being able to fund the delivery of key services for its residents. The strategy should be read in conjunction with the Hillingdon council's ASC Charging Policy - [Appendix 1 - Proposed Hillingdon ASC Charging Policy.pdf](#)

In England, adult social care is currently means-tested and, unlike the NHS, is not free for everyone, with contributions to care dependent on the level of support being provided to the person and their financial situation. This means that most care and support will be subject to a charge, but you will only be asked to pay what you can afford, this will be done by a fair and transparent financial assessment process.

The Care Act 2014 introduces a modern legal framework for the recovery of any debts that may have accrued because of a local authority meeting a person's eligible care and support needs

The strategy outlines how Hillingdon Council collects any care charges it invoices you or a third party for following an assessment of your care and support needs. It demonstrates action that the council can legally take to pursue outstanding adult social care debts.

There are rules around whether a financial contribution needs to be made by you towards care and support provided to you whilst living in your own home, which is also known as non-residential care. There are also rules around the contribution you may need to make if you are living in a residential home or nursing home.

These rules follow central government policy designed to make sure that people over the age of 18 are charged in a fair and reasonable way. The policy does not apply to people under the age of 18 years. The rules are set out in the Hillingdon ASC Charging Policy.

3. The Legal Framework

A key aim of the policy is to ensure that when you are charged for care and support, that you are charged in accordance with the Care Act 2014 and the associated statutory guidance.

Section 14 of the Care Act 2014 provides the Council with the power to ask you to make a contribution for the cost of your care and support.

Section 17 of the Care Act 2014 allows the Council to carry out a financial assessment to determine the amount you can afford to contribute towards your care and support.

The Council must undertake an assessment as stipulated under the Care Act 2014 for any adult that appears to need care and support. This is regardless of whether the Council thinks you have eligible needs or of your financial circumstances.

Where the Council decides to charge it must follow the Care and Support Charging and Assessment of Resources Regulations 2014 and have regard to the Care and Support Statutory Guidance.

The legal framework provided by the Care Act is aimed at making charging fairer and clearly understood by everyone.

Care Act Annex D: Recovery of debts

This annex covers:

- The principles underpinning the approach to debt recovery
- Options for debt recovery
- Processes around debt recovery

Key parts of the act provide the following – for full Annex D please see appendix A.

- Ultimately the Care Act enables a local authority to make a claim to the county court for a judgment to recover the debt. In practice, local authorities can consider the full range of options to secure the contributions owed to them.
- Local authorities may wish to consider the merits of embedding their approach (to debt recovery) within their social care teams. Local authorities are required to ensure that this function is adequately resourced with clear lines of responsibility for making decisions on taking claims forward as well as ensuring that local authority staff tasked with following up debts can effectively liaise with social care practitioners before acting.
- When designing their system for debt recovery in social care, local authorities should be aware of the population they are dealing with. All debt recovery systems should be designed with a full understanding of the needs and capacities of this population to engage with the system being designed.

4. Principles

The debt strategy and charging policies adopt the following principles when making decisions on charging and debt collection.

Charging principles:

- You will not be charged more than it is reasonably practicable for you to pay in accordance with the Care Act 2014 legislation.
- Be clear and transparent so you know how much you will be charged. A written record of the financial assessment will be given to you to explain how the assessment has been carried out, what it will be, how often it will be made and the reason for any fluctuations.
- Appeal rights will be given
- Ensure that the Council charging arrangements reflect the true cost of the services, unless flat rate charges apply.
- Be sustainable for the Council in the long-term.
- Additional charging principals can be found in the Hillingdon ASC Charging Policy.

Debt Collection:

- Clients or their agreed financial correspondent will be invoiced in arrears monthly.
- The invoice will clearly state charges for the previous period, including the weekly breakdown.
- Digital communication and payment are promoted to ensure maximum efficiency is achieved and costs are kept to a minimum.
- Should debts not be paid from the original invoice, reminders will be sent in accordance with Hillingdon Council's ASC collection strategy. Reminders can be in the form of reminder letters, customer statements, digital debt collection campaigns, SMS text messaging, email, automated phone calls, in-person visits (including unannounced) and phone calls.
- Hillingdon will collect debt in a manner that is consistent with the Care Act 2014 and other relevant legislation. This includes taking matters to court following internal and external legal escalation.
- Administration fees will be invoiced and recovered using the same strategy

5. Roles and Responsibilities

Adults Social Care - The service is responsible for helping residents understand their financial responsibilities, assessing their ability to manage their finances and identifying any signs of financial abuse. The service is also responsible for intervening in situations where charges are not being paid and authorising decisions in relation to recovery action and write offs.

Finance – The Financial Assessment team is responsible for financial assessing ASC clients, supporting with Benefit maximisation and arranging assistance for ASC clients regarding finance form completion and/or the collection of relevant supporting documentation. The team is also responsible for carrying out financial reassessments, which includes a yearly review of all active financial assessments. The Corporate Collections team is responsible for invoicing clients and recovering outstanding debt. Finance teams are responsible for tracking, monitoring, profiling and reporting on the ASC debt position.

Counter Fraud – Are responsible for verification activities and assisting with tracing of clients for debt recovery and financial assessment purposes. The team will also carry out debt collection visits on behalf of the authority – both announced and unannounced visits where a client or representative is not communicating with the council.

Digital and Intelligence - Support the ASC and Finance Directorates to ensure residents achieve value for money through the Council's digital strategy (www.hillingdon.gov.uk/digital-everyone).

6. Chargeable Services and Operation of the Council's Charging Policy

All services, whether residential or non-residential will be chargeable except where the Council is required to arrange care and support free of charge – see section 6 of the charging policy. The detail of how to charge is different depending on whether you are receiving care in a care home or your own home or another setting.

Key points relating to charging:

- Any charge will start from the day that service commences.
- If you are assessed as able to contribute to your services, you will be required to make a financial contribution up to the whole amount of the personal budget/cost of your care.
- Where you receive support from two paid carers at the same time, you will be expected to pay the full charge of both carers.
- There will be a minimum charge of 30 mins per home care call with charges made per minute thereafter.
- If your Care Provider increases the cost of your care service(s), your contribution may also increase from the start date of the change. The changes may take place retrospectively and you will be notified through your monthly invoice.

- Home care calls will still be charged unless cancellation has been made directly with the care provider. The provider requires you to provide them with 24hrs notice to cancel or they will still impose a charge.
- If you do not agree with the level of care you have been invoiced for, the first step is to contact the care provider to seek a resolution. If this fails, then you can register a formal complaint with the council. Full payment is expected while an invoice is being disputed.
- Care charges will still apply for someone residing in a placement and admitted to hospital providing their room within the care/nursing home remains allocated to them.

7. Invoicing and Payment

The Council will calculate the amount you must pay towards your care and support using government legislation and guidance. If you are financially assessed to pay for all or part of your care costs, you have a liability to ensure payments are made to Hillingdon Council on time.

Following your financial assessment, you will be sent an invoice for your contributions. Further invoices will be sent to you every four to five weeks. The invoice will set out clearly the period covered and the amount you need to pay. Where possible, the council will collect charges for care and support via a direct debit straight from your bank account. Alternatively, you can pay in one of the following ways:

- via the council website by visiting www.hillingdon.gov.uk/social-care-charges and following the online instructions
- via a standing order straight from your bank account
- using our automated telephone payment line – 01895 556699
- by bank transfer, cheque or cash payment at a bank

If you are in receipt of a direct payment, the charge will be deducted directly from the direct payment which will then be paid net of the charge.

Hillingdon's most cost-effective and efficient method of invoicing is via email. You are encouraged to provide an email address for billing and communication purposes, which will help facilitate timely payment of care charges.

8. Debt Recovery

After all initial avenues of recovery have been explored the council will commence the debt recovery which includes the following;

The debt recovery process includes digital debt collection campaigns, letters, telephone calls and face to face visits to attempt to resolve the issue. The below

highlights the typical debt recovery strategy, however this can be subject to change based on the details of a customer case.

- **Reminder Notices (14 days, 28 days, 50 days)**

Debt reminder notices will be sent out following non-payment of an invoice – these can be sent via email or through the post. The reminders will include all outstanding debts on a customer's account.

- **Digital Debt Collection Campaigns (60 days)**

The council utilises 3rd party supplier software to action periodic digital debt collection campaigns. Customers will receive text messages, emails and automated phone calls, providing mechanisms to make payment and communicate with the council via digital channels.

- **Contact by email and phone calls (80 days or as required)**

Officers will attempt to recover debt by contacting customers directly.

- **Contact by personal visits (As required)**

If payment or contact with the Council are not forthcoming, personal visits will be arranged. These visits can be both announced and unannounced where contact cannot be made.

- **External and Internal Legal action (90 days or as required)**

External and internal legal advice is sought in cases where the council's standard recovery processes are unsuccessful.

- **Court Action (As required)**

After all available avenues of recovery have been explored, legal action will be considered. Any court action will be via the County Court, legal costs and interest may accrue, because of any court action taken.

If you do not pay your charges for care and support, the council we will firstly try to establish the reason for non-payment and take the appropriate action to resolve any problems that have prevented payment.

Where you have appointed an attorney or deputy to make financial decisions with you or for you, the attorney or deputy is required to consider and engage with any debt recovery on your behalf. A referral to our Safeguarding Team may be made, if it is thought that your legal representative is not acting in your best interests.

Where it is deemed that you are lacking capacity and have no attorney or deputy and have substantial debts, then an application to the Court of Protection for a deputy is required.

Where you may have difficulty in understanding the options available to you, the Council will consider the need for independent advocacy in accordance with Statutory Guidance.

If you have any difficulty in making payments, you must contact the Corporate Collections Team without delay. Email is the preferred contact method ascrecover@hillingdon.gov.uk , alternatively their telephone number is 01895 250345. Please do not ignore your liability to pay for the care and support arranged for you. The Council will seek to protect public money from fraud, misuse, or deprivation of assets and will take robust action to recover any monies lost because of such unlawful activities.

9. Deferred Payment Agreement

If you cannot pay the full cost of your long-term care, either because your property has not yet been sold, or because you do not want to sell your property, the council may enter into a deferred payment agreement with the you.

More information regarding the deferred payment scheme and the application form for the scheme can be found at:

[Financial assessment - Hillingdon Council](#) and within the councils charging policy.

10. Safeguarding and Vulnerability

Under the Care Act 2014 the Council has a duty to safeguard adults at risk of abuse or neglect, which includes financial abuse. In these situations, in accordance with the Council's Safeguarding procedures the Council may need to share information with the Office of the Public Guardian or the Department of Work and Pensions on any state benefits you receive.

11. Complaints

If you strongly disagree with the outstanding debt or feel that you have not been dealt with properly, you have the right to make a complaint or comment. However, you should first speak to the member of staff you are in contact with or their manager. If you cannot settle the problem with them, you can contact the council's complaints department via www.hillingdon.gov.uk/complaints

12. Reviewing the Strategy

This Strategy will be reviewed regularly. This will consider technological and strategic advancements, learning from complaints, compliments and concerns, from anyone

that uses the Councils services and their families. Fees and financial levels are correct at the time of publication.

Appendix A – Care Act 2014 – Annex D

[Care and support statutory guidance - GOV.UK](https://www.gov.uk/guidance/care-and-support-statutory-guidance)