

# Non-Payment of Care Fees and Debt Recovery

Your financial assessment works out how much you can afford to contribute towards your care and support. The assessment is individual to you and is based on your personal circumstances.

The Care and Support Statutory Guidance provides Councils with a charging framework against which your charge is determined.

The purpose of the financial assessment is to ensure that the level of financial contribution calculated is within your means and leaves you in receipt of the guaranteed minimum level of income set by the Government, plus any disregarded income.

If you think your assessment is incorrect then you should contact the Income Services Team on 01904 552044 to request a reassessment. This also applies if your circumstances change. Your care manager will request a reassessment if your care needs change and a different type of assessment is required (for example if you are moving from your home into permanent care).

If you do not pay your contribution, or do not pay the correct contribution, the Council has powers to recover money as laid out in The Care Act 2014. Annex D of the Care and Support Statutory Guidance consolidates the Council's powers to recover money owed for arranging care and support. These powers can be exercised if you refuse to pay the amount you have been assessed as being able to pay, or have been asked to pay (where the cost of care and support is lower than your assessed contribution).

The powers granted to us for the recovery of debt allows us to pursue you or your representative, where they have misrepresented or have failed to disclose (whether fraudulently or otherwise), information relevant to the financial assessment of what you can afford to pay.

If you have transferred your assets to someone else whilst knowing that you could need or are receiving care and support services, then we can seek recompense from the person that has received the asset.

We will approach the recovery of debt reasonably and sensitively and will only take Court action as a last resort.



The initial stage of debt recovery will involve discussing the debt with you or your representative. Social 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 you to enter into affordable repayments of the debt as well as being able to pay your ongoing contribution.

We will give regard to the level of debt and the cost of recovery, and will not proceed with recovery action where the cost of recovery would be disproportionate.

We will only proceed with Court action where all alternatives have been exhausted. At this stage we will proceed with action through the County Court. All debt that arises from 1<sup>st</sup> April 2015 must be recovered within 6 years from when the sum became due to us.

