



West Lothian Council
Social Policy and Finance and Property Services
Adult Social Care

RECONSIDERATION AND REVIEW PROCESS
FINANCIAL ASSESSMENTS/CONTRIBUTIONS FOR
ADULT NON RESIDENTIAL SOCIAL CARE

1. PURPOSE

To ensure fair, consistent and timely consideration of management and decisions in reconsidering financial assessments or reviewing assessed contributions or social care charges without prejudice to an individual's right to use the statutory Social Work Complaints procedure.

2. QUERYING A CHARGE/CONTRIBUTION

A financial assessment is done after the type of eligible care needed is agreed and to decide how much an individual should contribute towards the total cost of their care.

2.1 There are three ways to query contribution decisions for adult non-residential social care.

- a) Reconsideration: of financial assessments by the Financial Assessment Team
- b) Review: of financial contributions based on potential undue financial hardship or additional Disability Related Expenditure (DRE) not taken into account in the financial assessment calculation
- c) Complaint: following on from a reconsideration or review

2.2 Before any of the above processes individuals are encouraged to contact the West Lothian Advice Shop, if they have any questions or want assistance with their financial affairs. A Personal Income Check should be done before requesting a Review. Individuals can contact the Advice Shop directly, or through their advocate, worker or family member and at any stage of the financial assessment process.



In the event, you feel that you would like assistance to request a review, we recommend you contact the Advice Shop on 01506 283000 option 5 or e-mail pic@westlothian.gov.uk

In the event that an individual proceeds with a reconsideration or review request they are expected to pay their contribution during this process to ensure no arrears build up before an outcome decision is made. Depending on the decision the invoice will be; not changed, waived, or recalculated and a backdated adjustment will be made if appropriate. Nonpayment of invoices will be addressed under the council's Service Accounts, Invoicing and Collections process and the Corporate Debt Policy.

3. RECONSIDERATION OF THE FINANCIAL ASSESSMENT

After the financial assessment a written decision letter will be issued. This letter will explain to the individual how the financial contribution was calculated and of their right to request a reconsideration. Contact details for the Financial Assessment Team and how to request reconsideration will be provided in the decision letter.

Reconsideration is of a **financial assessment** which has calculated a financial contribution in the terms of the Council's Contribution Policy. This should be done within one month of receiving your financial assessment decision letter.

- 3.1 This can be requested by an individual, their carer or a representative, for the following reasons:
- a) the proper process has not been followed;
 - b) relevant information has not been considered before a decision has been made about the individual's financial circumstances;
 - c) incorrect dates or amounts have been used;
 - d) the contribution has been incorrectly calculated;
 - e) Consideration of additional disability related (DRE) expenditure, not previously stated as part of the financial circumstances details; or
 - f) an invoice has been raised for services not received (except where notification of breaks in care should have been notified to the council).
- 3.2 Reconsideration can result in a reduction or increase of the financial contribution, if there has been an error in the process or information has not been fully considered. It should be noted that if a financial assessment was completed incorrectly because relevant facts were unknown by the decision-maker at the time it is possible the council will not be able to backdate any charges/contributions. If an assessment is incorrect because of unknown facts a decision-maker should be able to reconsider this after they have all the relevant facts.
- 3.3 The council will apply discretion as is reasonable in the circumstances to accept a request beyond the above timescale preferably this should be no later than 3 months of the initial decision being made.

4. RECONSIDERATION PROCESS

- 4.1 The individual should provide details of their reasons for requesting a reconsideration of the financial assessment and any additional information. A request should be made within one month of the date of the decision letter. If an individual is making a late request they must explain their reasons for not requesting reconsideration within the one month timescale.
- 4.2 When someone asks for reconsideration we will check the:
- financial assessment; and
 - correct procedures were followed.
- 4.3 The reconsideration will be carried out by a member of staff who was not involved in the original assessment. On conclusion of the process a new financial assessment letter will be sent to the individual within one month of receipt of the request. Depending on the outcome the letter will outline the changes to the individuals financial contribution payments.

5. REVIEWS

- 5.1 A review panel (the "panel") shall meet to consider requests for Reviews of individual's financial circumstances when the council has requested a financial contribution to their non-residential adult social care and they claim this means they will suffer undue financial hardship or that it is not practicable for them to pay with reference to section 87 of the [Social Work \(Scotland\) Act 1968](#) "where if a person satisfies the authority...that his means are insufficient for it to be reasonably

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practicable for him to pay for the service the amount which he would otherwise be obliged to pay for it, the authority shall not require him to pay more for it than it appears to them that it is practicable for him to pay”.

- 5.2 The panel will also consider requests of **additional** Disability Related Expenditure (DRE) where there is evidence this exceeds any Disregarded Disability Related Benefit (DRB) or the 65% taper on excess income taken into account in the financial assessment calculation.

6. THE REVIEW PANEL

- 6.1 A quorum for any panel shall be at least two managers from Social Policy. The panel may co-opt other managers or social workers to be on a panel where they feel they will benefit from their advice or knowledge about an individual's circumstances.
- 6.2 Support staff will be in attendance for administrative purposes only.
- 6.3 The panel may be advised before making any decision, by such council officers as necessary for example Anti-Poverty Service, Financial Management or Legal Services. Advisors may attend the panel or provide advice in writing but shall not partake in any decision about the individual or be party to any personal information about individuals unless necessary.
- 6.4 A panel shall be convened once a month or more frequently where necessary and will meet in private.
- 6.5 In the event of a review being upheld or partially upheld the decision will be valid for the current financial year and depending on the individuals circumstances this may be re-assessed per the standard process for the following year.

7. REVIEW PANEL - PROCEDURE

- 7.1 An individual may request a Review or be represented by a family member, carer or advocate. Requests for a Review should be made in writing (a form is provided to assist individuals with this – available online or on request) or via the West Lothian Advice Shop. All requests for Review shall be acknowledged within 3 working days of receipt.
- 7.2 A copy of the individual's care plan, financial assessment, income and expenditure details or other information held by the council may be considered by the panel.
- 7.3 The panel may ask an individual for more information, documents or evidence in order to fully consider their circumstances. Evidence requested by the panel to support the review requires to be received within 28 days of the request. Failure to receive the requested information within this timescale can result in the review being closed.
- 7.4 The panel may refer to the [A Minimum Income Standard for the United Kingdom in 2019, JRF](#) or such other guidance including council guidance on living costs to consider individual's circumstances and finances.
- 7.5 The panel will accept representations/information provided on behalf of the individual by any family member, advocate or worker representing their interests where that individual has consented to them being their representative. A mandate may be required before the panel can process personal sensitive data on behalf of an individual.
- 7.6 The panel may recommend that a Review is:
 - a) refused as there is no evidence of undue financial hardship or additional DRE or due to lack of information/engagement with the individual;

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- b) upheld or partially upheld as there is evidence of undue financial hardship, additional DRE or that it is not practicable for the individual to pay the contribution in its entirety or partially.
- c) Suspended for an agreed period of time to allow the individual to make changes to mitigating circumstances that prevents them from making a contribution.

7.7 Once the panel has met it shall provide its recommendations to the Head of Social Policy within 5 working days. The Head of Service will take into consideration all information provided to them and the recommendation made by the panel, before confirming their decision. That decision shall be made known to the individual within 5 days of the panel convening and shall include reasons.

7.8 The decision to waive or reduce a financial contribution or social care charge remains with the Deputy Chief Executive of Health and Social Care, which may be delegated to the Head of Social Policy for such invoices or debt to be written as necessary where those are under £3,000. Any amount over £3,000 requires to be approved by Council Committee. In these circumstances a final decision on any review may not be known to the individual for some time and they shall be updated as to relevant timescales if this applies.

8. COMPLAINTS

Right to access the council's statutory social work complaints procedure remains until there is any change by the Scottish Government to this. [West Lothian Council Social Work Complaints Procedure - click for link to leaflet](#)


9. PRIVACY AND DATA PROTECTION

The panel and council will process and store information and personal data in order to make a decision about financial circumstances.

The Council's Privacy Notices are found online or on request:
<https://www.westlothian.gov.uk/dataprotectionandprivacy>

10. CONTACTS/INFORMATION

 <p>Telephone:</p> <p>E-mail:</p> <p>In writing:</p> <p>Website:</p>	<p>West Lothian Advice Shop</p> <p>01506 283000</p> <p>pic@westlothian.gov.uk</p> <p>The Advice Shop Bathgate Partnership Centre South Bridge Street EH48 1TS</p> <p>https://www.westlothian.gov.uk/advice-shop</p>
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 <p>Telephone: E-mail: In writing:</p>	<p>West Lothian Council's Financial Assessment Team</p> <p>01506 280 000 (option 2)</p> <p>The Financial Assessment Team Revenues Unit Civic Centre Howden South Road Livingston EH54 6FF</p> <p><i>*Please quote any reference number or name when requesting reconsideration</i></p>
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 <p>Telephone: E-mail: In writing:</p>	<p>West Lothian Social Policy Service</p> <p>01506 284 848</p> <p>adultsocialcare@westlothian.gov.uk</p> <p>Social Policy – Adult Care Civic Centre Howden South Road Livingston EH54 6FF</p>
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Other relevant documents to this guide include:

[West Lothian Council's Contributions Policy](#)

<https://westlothianhscp.org.uk/article/47032/Assessment-Eligibility-and-Financial-Contributions->

[West Lothian Council Self Directed Support](#)

<https://westlothianhscp.org.uk/article/28912/Self-Directed-Support>

[Council tax and Benefits](#)

<https://www.westlothian.gov.uk/council-tax-and-benefits>

[Help for Adults WLC Health Partnership](#)

<https://westlothianhscp.org.uk/>

[SPSO - how to complain information](#)

<https://www.spsso.org.uk/>

