

# Paying for care

## Do I have to pay for non-residential social care?

If you need social care, the local authority will decide if you need to pay towards the cost. This factsheet looks at when social services may charge you for non-residential care services you get in the community. This information is for people who are 18 or over and affected by mental illness in England. It is also for their loved ones and carers, and anyone interested in this subject.

### Key Points.

- You might have a physical or mental health issue and need help from social services. This might be if you need care and support to meet all your needs to live your daily life.
- You might have to pay for some or all your social care costs, or it might be free. This depends on your financial circumstances. This also applies to your carer if they are receiving social care support for their caring role.
- The charges can be different around the country. This information gives an overview of how local authorities decide whether to charge you.
- You may get free aftercare services under section 117 of the Mental Health Act 1983.
- You might think the local authority is charging you more than you can afford. You can ask for a review of your financial circumstance.

### This factsheet covers:

1. [What are non-residential social care services?](#)
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## 1. What are non-residential social care services?

A residential social care service means things like care home or nursing home accommodation and care.

A ‘non-residential service’ is other types of social care including:

- help in your home,
- getting meals,
- activities such as going on trips,
- help with education, and
- going to a day centre.

These services are to help you improve your wellbeing and help you live independently.

You can apply for social care by having a social care assessment. This is where the local authority (LA) assesses your needs to see if you qualify for social care. And if you do qualify, what services might help you.<sup>1</sup>

If you are eligible for support, the LA will assess your finances to see if you need to pay towards the costs of these services. This is called a **financial assessment**.<sup>2</sup>

Being ‘eligible’ for social care support means you can get social care.

This factsheet looks at the financial assessment for non-residential services.

You can find more information about the financial assessment for residential services in our factsheet on **Care home fees - Who pays (Under the Care Act 2014)** at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy.

You can find more information about:

- **Social care assessment - Under the Care Act 2014**
- **Social care - Care and support planning under the Care Act 2014**
- **Supported housing - For adults living with mental illness**

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy.

## 2. When can I be charged for social care?

This section covers:

- [What services can the local authority charge me for?](#)
- [What is a financial assessment?](#)
- [How much can the local authority charge me?](#)
- [How do they assess my income and capital?](#)

### What services can the local authority charge me for?

The local authority (LA) can charge you for most non-residential services, except:<sup>3,4</sup>

- advice about social care services,
- a social care assessment,
- services you get under Section 117 of the Mental Health Act,
- any service or part of a service that the NHS must provide,
- the cost of community equipment and aids,
- changes or minor adaptations to your property that cost less than £1,000, and
- intermediate care, including reablement for up to 6 weeks, or longer in some cases.

Intermediate care and reablement are services the LA or NHS usually give people after they have been in hospital. They are to help people live more independently in their own homes. They might arrange this care for you after an injury or treatment for a long-term health condition.<sup>5</sup>

The LA can charge you for other services such as:

- meals at home,
- domestic help,
- personal home care,
- day services, and
- other types of help.

### What is a financial assessment?

The local authority (LA) might decide you are eligible for social care. They will assess your finances to decide whether you can afford to pay towards the costs.<sup>6</sup> This is called a financial assessment.

In the financial assessment, the LA will look at your income and your capital. This is to decide if you can afford to pay for your care.

They should only take your income into account, and not your partner's.<sup>7</sup>

### How much can the local authority charge me?

There is no standard charge for social care services in England. Your LA will have their own way of doing financial assessments.<sup>8</sup>

They must make sure the way they do the financial assessment is:<sup>9</sup>

- clear and easy to understand,
- done in a reasonable time, and
- provides enough money to pay for your needs.

If the LA decide you must pay, they must make sure they do not charge you any more than you can afford.<sup>10</sup>

They work this amount out by using a process called:

- minimum income guarantee (MIG), and
- disability related expenditure (DRE).

#### What is the minimum income guarantee (MIG)?

Your LA must leave you with a minimum amount to live on after they have charged you for social care services. This is called the minimum income guarantee (MIG).<sup>11</sup>

How much you can be left with depends on your circumstances.<sup>12</sup>

The current rates are similar to rates for universal credit.

You should be able to find the current MIG rates:

- on this **Gov.UK** page: <https://bit.ly/4f3rlWY>, or
- or by searching for '**Social care - charging for care and support: local authority circular - GOV.UK**' - scroll down to '**Minimum income guarantee**'

Your MIG should also include any housing costs such as your rent or council tax.<sup>13</sup>

Your MIG may be higher if you are:<sup>14,15</sup>

- responsible for a child, a lone parent, or
- a carer for someone with mental or physical health conditions, or
- on disability related benefits.

#### What is disability-related expenditure (DRE)?

The LA should also think about any extra costs you have because of a disability.<sup>16</sup> This is known as disability-related expenditure (DRE). The local authority should ignore any income you use to meet these costs.<sup>17</sup>

DRE should include costs for the following:<sup>18</sup>

- transport costs to attend a day centre when it is more than the mobility component of PIP or DLA,
- day or night care, which is not being arranged by the local authority,
- personal assistance costs,

- extra heating costs, or
- extra costs for equipment, clothing, or bedding.

### **How do they assess my income and capital?**

In the financial assessment, the local authority (LA) will look at all your income and capital. They will do this to decide whether you need to pay for your care, and if so, how much.

#### Capital

- The LA will look at any capital you have. This includes any money, savings, or assets you have.
- Your capital does not include the home you live in most of the time.<sup>19</sup>
- If your capital is valued at less than £14,250, you may not have to pay anything toward your care.<sup>20</sup>
- But the LA will look at your income too and may ask you to pay something based on this.
- If your capital is worth more than £23,250 then you will have to pay all the costs of your social care.<sup>21</sup>
- If your savings and capital are between £14,250 and £23,250 then you'll have to pay some money for your social care. The charge is £1 per week, for every £250 over £14,250. This is called 'tariff income'.<sup>22</sup>
- The LA should work out if payments will take you below the £23,250 upper limit.<sup>23</sup>
- The LA do not count some types of capital when doing your financial assessment. This is called 'disregarded' capital.

Section 33 of Annex B of the **Care and Support Statutory Guidance** lists what capital is disregarded. You can access the Guidance here: [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance)

#### Income

The LA will look at your income to decide if you must pay towards the cost of your care.

The LA will not include the following as income in their financial assessment:<sup>24</sup>

- money you are paid by an employer, or
- money you earn from being self-employed

If your total income is more than a certain amount, then you may have to pay some costs.

Your LA will decide what the amount is. It can vary from LA to LA.

How much you must pay, is decided by your LA.<sup>25</sup> But they must leave you with:

- the minimum income guarantee, and
- any disability related expenditure.

#### What else the LA will include in the financial assessment?

The LA will include all the benefits and payment you receive, except for the ones below.<sup>26</sup>

- Direct payments from a local authority
- Guaranteed income payments for veterans from the Armed Forces Compensation Scheme
- The mobility component of disability living allowance (DLA) and personal independence payments (PIP).

Also, they will not include the following payments.<sup>27</sup>

- Child support maintenance payments
- Child benefit
- Child tax credit

You may be getting less benefits than you are entitled to because you have been sanctioned or overpaid. The LA will assess your income based on how much the benefit should be. Not how much you are getting.<sup>28</sup>

The local authority should not include anyone else's income in the assessment. This includes your carer's or any of your relatives'. They should never ask them to pay for your services. But if they are looking after your money for you, they can pay the LA on your behalf.<sup>29</sup>

Once the LA has calculated all your income included in the assessment, they will:

- decide if you must pay toward the costs of your care, and
- If so, how much.

#### Notional income

Notional income is money you are not getting. But it can be included in the financial assessment.<sup>30</sup>

Notional income might be:<sup>31</sup>

- income you would be entitled to but must apply for, like a pension,
- income that is due to you, but you do not have yet, or
- income you spend on purpose to reduce how much you must pay. This is called 'deprivation of assets.'

Examples of deprivation of assets can include:<sup>32</sup>

- giving money away as a gift,
- transferring property into someone else's name, or
- spending a lot more money on your lifestyle than usual.

The rules mean you cannot avoid charges for your care by giving your money away.

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### **3. What happens after my financial assessment?**

Once all your care has been planned, and your finances assessed, you will get a 'personal budget.' This is part of your overall care and support plan.<sup>33</sup>

Your personal budget is the overall cost of the care and support the local authority (LA) arranges or provides to meet your needs. It is usually worked out on a weekly basis.<sup>34</sup>

Your personal budget should cover all your needs in the plan.<sup>35</sup>

During the planning process, you, your carer, or your advocate can challenge the amount in your personal budget.<sup>36</sup> You can do this if you think the personal budget is not enough to meet your needs.

#### **What is included in my personal budget?**

Your personal budget will be part of your overall care and support plan. It will include all the details of how much:<sup>37</sup>

- your care costs,
- you will have to pay for your care, if any, and
- the local authority (LA) will pay for your care, if any.

Will my personal budget include details of any reablement or intermediate care I am getting?<sup>38</sup>

Your personal budget will not include any details about any reablement or intermediate care you are getting.

The LA cannot charge for these services. For more information see [Section 2.](#)

#### **When will my personal budget and care and support plan be reviewed?**<sup>39</sup>

The local authority should:

- do a 'light-touch' review of your personal budget and care and support plan 6 to 8 weeks after you have signed it off, and
- fully review it around every 12 months.

## Can I have the money to arrange my own social care?

You might want to arrange your own social care through money from your personal budget. Your local authority (LA) can pay you direct payments.<sup>40</sup>

Direct payments were created to give you more say about the social care support that you want and need.<sup>41</sup>

You will choose what services you would like instead of letting your LA arrange services for you.

You can find more information on:

- **Social care - Care and support planning under the Care Act 2014**
- **Social care: Direct payments - Under the Care Act 2014**

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy.

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## 4. Will I have to pay if I get section 117 aftercare?

You might have been detained under sections 3, 37, 45A, 47 or 48 of the Mental Health Act 1983. You are entitled to free aftercare, known as section 117 aftercare.<sup>42</sup>

‘Aftercare’ means the help you get after you leave hospital to:<sup>43</sup>

- meet needs that you have because your mental health condition or conditions,<sup>44</sup> and
- reduce the chance of your condition getting worse, so you do not have to go back into hospital.

Any social care you need to help with the above things should be free of charge for as long as you need it.<sup>45</sup>

You can be assessed and supported by social services.

Section 117 aftercare can pay for things like:

- certain types of housing,
- free prescriptions,
- services in your home or in a day centre, and
- help to get supported employment.

You can find more information on ‘**Section 117 aftercare - Under the Mental Health Act 1983**’ at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy.

## 5. Do I have to pay for carers' social care support?

Your local authority (LA) has a duty under the Care Act to assess your needs as a carer if you ask them to.<sup>46</sup>

As part of the assessment, they will decide if you have any needs as a carer that are eligible for support.<sup>47</sup>

Being 'eligible' for support means you can get support.

If you are eligible, the LA will decide whether to charge you for the costs of the support.<sup>48</sup> If they charge you, they may carry out a financial assessment. They should follow the rules in [section 2](#) of this factsheet.<sup>49</sup>

If they charge you, it should be fair and affordable. It should never affect your health, wellbeing and ability to provide care.

The LA should only charge you, as a carer, for services provided to you. They should never charge you for any services given to the person you care for. Those services should only be assessed on the finances of the person you care for.<sup>50</sup>

You can find more information on '**Carer's assessments – Under the Care Act 2014**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## 6. What if I cannot afford the charges?

You should tell the local authority (LA) if you feel you cannot afford the charges. You can ask them to review them.<sup>51</sup>

The LA must not charge you more than you can afford.<sup>52</sup>

You could use a budgeting form to show that you cannot afford to pay the charges.

You can get advice and information about budgeting on the **Mental Health and Money Advice Service** website:  
[www.mentalhealthandmoneyadvice.org](http://www.mentalhealthandmoneyadvice.org)

## 7. How can I deal with problems about charges?

You may have problems with the local authority (LA) charging you. You can deal with problems informally or formally.

The LA should make sure you know how to appeal their decisions or complain if you want to.

## What are the informal options?

It is best to try and deal with the problem informally first. This is because it is usually the easiest way to sort out issues.

You can contact the local authority and say:

- what you are not happy about, and
- what you would like to happen.

If you speak to someone, keep a note of:

- who you spoke to,
- when you spoke to them, and
- what you discussed.

## What are the formal options?

### Complaints

If you want to complain, you must use the local authority's (LA) complaints procedure.

You might not be happy with the response you get from the LA. You can take your complaint to the **Local Government Ombudsman** (LGO).

You can find more information on **Complaining about the NHS or social services** at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy.

### Legal action

You should be able to deal with most problems informally or through the complaints procedure.

But if you feel that the LA are not following the law, you could get legal advice. You would need to speak to a community care solicitor or contact the **Disability Law Service**. You can find their details in the [useful contacts](#) section at the end.

You can find more information on **Legal advice – How to get help from a solicitor** at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy.

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## Further Reading

### Care Act 2014 - Statutory Guidance

This is guidance written by the Department of Health and Social Care. It explains how local authorities should apply the Care Act. It could help you to understand your rights under the Care Act.

**Website:** [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance)

### Disability Law Service

They give free legal advice on social care, employment, housing and welfare benefits to disabled people and their carers. This is to ensure that they have access to their rights and justice.

**Phone:** 0207 791 9800

**Address:** The Foundry, 17 Oval Way, London, SE11 5RR

**E-mail:** [advice@dls.org.uk](mailto:advice@dls.org.uk)

**Website:** [www.dls.org.uk](http://www.dls.org.uk)

### Access Social Care

They provide free legal advice to people with social care needs. They accept referrals from member organisations.

**Website:** [accesscharity.org.uk](http://accesscharity.org.uk)

### Did this help?

We would love to know if this information helped you or if you found any issues with this page. You can email us at [feedback@rethink.org](mailto:feedback@rethink.org)

- <sup>1</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. Para 6.5. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>2</sup> s17(1), Care Act 2014 c23.
- <sup>3</sup> Reg 3, *The Care and Support (Charging and Assessment of Resources) Regulations 2014*. SI 2014/2672. London: TSO; 2014.
- <sup>4</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Para 8.14. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>5</sup> National Institute for Health and Care Excellence. *Intermediate care including reablement*. [www.nice.org.uk/guidance/ng74/informationforpublic](http://www.nice.org.uk/guidance/ng74/informationforpublic) (accessed 12 June 2024)
- <sup>6</sup> s17(4), Care Act 2014 c23.
- <sup>7</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Para 8.8. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>8</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Para 11.24. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>9</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* Para 11.24. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>10</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Para 8.2. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024).
- <sup>11</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Para 8.42. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)

- <sup>12</sup> Gov.uk. *Social care – charging for care and support: local authority circular LAC(DHSC)(2022)* Para 4.3 <https://www.gov.uk/government/publications/social-care-charging-for-local-authorities-2022-to-2023/social-care-charging-for-care-and-support-local-authority-circular-lacdhs20231> (accessed 12 June 2024)
- <sup>13</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Annex C, para 49. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024) .
- <sup>14</sup> Reg 7, *The Care and Support (Charging and Assessment of Resources) Regulations 2014*. SI 2014/2672. London: TSO; 2014.
- <sup>15</sup> Gov.UK. *Disability premiums*. [www.gov.uk/disability-premiums/eligibility](https://www.gov.uk/disability-premiums/eligibility) (accessed 12 June 2024)
- <sup>16</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . para 8.42. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>17</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Annex C, para 39. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>18</sup> Department of Health & Social Care. *Care and support statutory guidance*. Annex C, para 40. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>19</sup> Department of Health & Social Care. C *Care and Support Statutory Guidance* . para 8.43. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>20</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Para 8.12. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>21</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . para 8.12. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>22</sup> Department of Health & Social Care. *Care and Support Statutory Guidance* . Annex B, para 27. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>23</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. Annex B, para 25. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>24</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. Annex C para 8. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
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- <sup>26</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. Annex C, para 15. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>27</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. Annex C, para 29. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>28</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. Annex C, para 18. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
- <sup>29</sup> Department of Health & Social Care. *Care and Support Statutory Guidance*. para 8.49. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) (accessed 12 June 2024)
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