

# Adult Social Care and Health Directorate (ASCH)

## Authorisation (of funding) Levels Policy

(Levels of delegation)

# 2023-2024

<b>Issue Date:</b>	10 April 2023
<b>Review Date:</b>	06 months from publication.
<b>Version</b>	Final 5- see version control below
<b>Owner:</b>	Policy and Quality Assurance Team Strategic Safeguarding, Policy, Practice and Quality Assurance. Adult Social Care and Health Invicta House Maidstone Kent ME14 1XX

Version control	Date	Summary change	Name
6	02/05/2023	Short Term Pathways (STP) authorisations clarification – request from Barbara Rickman (AD) to include permitted authorisations for a STP Service Manager KR13 and STP Team Manager KR12. Two STP columns added, in green, to the delegation levels matrix pages 6-14  Deferred Payments: OSS will continue to authorise from 10th April to 30th May whilst MOSAIC system changes occur enabling AD's to authorise	Jean Wells

## 1. Introduction

Within social care, to enable appropriate scrutiny of spend and thereby comply with the KCC scheme of delegations, the Corporate Director delegates responsibility for authorisation.

The delegation levels apply to all people that draw on care and support and have been confirmed by finance and senior managers.

## 2. Disregards

We must follow the Care and Support (Charging and Assessment of Resources) regulations and the relevant content within the Care and Support Statutory Guidance issued with the Care Act.

Regulations include disregards in the financial assessments such as property in specified circumstances; any personal possessions such as paintings or antiques unless they were purchased with the intention of reducing capital to avoid care and support charges; payments from specified trusts/funds; .Full details in Care and Support Statutory Guidance -[Annex B Treatment of income and Annex C Treatment of capital](#)

## 3. Discretionary and non-discretionary funding.

Discretionary and non-discretionary funding applies to a person who has financial assets above the upper capital limit. A person's mental capacity to manage their finances determines if KCC funding is discretionary (person has capacity/ financial representative) or non-discretionary (person lacking capacity and no legal financial representative).

### 3.1 Discretionary funding<sup>1</sup>

Discretionary funding applies when a person has capacity to manage their finances, assets are above the upper capital limit and KCC chooses to fund their care and support.

All decisions to exercise discretion require the delegated authorisor making a judgment based on the facts presented. Decisions must withstand hindsight scrutiny.

The delegated authorisor must promote the wellbeing of the person when making decisions and need to balance this discretion with ensuring a person's assets are not maintained at public expense and are sustainable.

Best practice guidance in the application of defensible decision making on Tri-x: <https://proceduresonline.com/trixcms2/media/14174/discretionary-funding-practice-guidance.pdf>

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<sup>1</sup> Fettering discretion. "An authority will be acting unreasonably where it refuses to hear applications or makes certain decisions without taking individual circumstances into account by reference to a certain policy. When an authority is given discretion, it cannot bind itself as to the way in which this discretion will be exercised either by internal policies or obligations to others. Even though an authority may establish internal guidelines, it should be prepared to make exceptions on the basis of every individual case"- Judicial review in English law.

Examples are, but not limited to:

1. When there is a justified delay in a person’s application for Deferred Payment being made or a delay in the application being processed/approved. We could consider offering Discretionary Funding as an interim measure to ensure the care home placement is not put at risk by the provider not being paid due to the delay.
2. Someone who has mental capacity to manage their own finances has lived abroad and has moved to England and now requires residential care. They only have a small amount in savings, but their savings and the value of the property abroad takes their capital over £23,250. They would not qualify for Deferred Payments, but equally they are unable to pay the care home due to their money being tied up in the property. We could consider offering Discretionary Funding whilst the property abroad is being sold.

**3.2 Non-discretionary funding - financial assets above the upper capital limit**

Generally, people with eligible needs and financial assets above the upper capital limit are not entitled to receive any financial assistance from KCC and should pay the full cost of their care and support until their capital falls below the upper capital limit.

But there are significant differences. See the following table.

Non-residential settings	Care home or nursing home
<p>We must meet eligible needs (when asked/requested) when the person requires care and support in non-residential settings-regardless of the persons mental capacity. The person remains responsible for paying their own care and support.</p>	<p>We are not required to meet eligible needs where needs are to be met in a care home, <b>unless</b> the person lacks capacity and there is no one authorised under the Mental Capacity Act 2005 or otherwise in a position to do so on their behalf to make the arrangements. (See <i>Other examples of non-discretionary funding – a, below</i>)</p> <p>In exceptional circumstances when a referral to a solicitor is not appropriate (determined by the ASCH practitioner), we have a duty to meet eligible needs, place the person, contract directly with the care home and charge the person the full cost. We must not charge the arrangement fee<sup>2</sup></p>

<sup>2</sup> This is because KCC would support that person under its power (rather than its duty) to meet needs, and the ability to charge the arrangement fee applies only to circumstances when the authority is required to meet needs.

Another example of non-discretionary funding, but not limited to:

- a. Temporarily fully fund an agreed care/nursing home placement for a person with eligible needs and financial assets above the upper capital limit pending application for appointment of a property and affairs deputyship by family/friends/solicitor. We will seek appropriate reimbursement for all the charges due. Further details on tr-ix: <https://proceduresonline.com/trixcms2/media/11505/non-discretionary-funding-temporary-basis-self-funder-lacking-capacity.pdf>

### **Third Party Top ups:**

- b. Not seek a *Top Up* payment where there is no suitable care home available, and we have decided to place the person in the more expensive setting solely because we have been unable to make arrangements at the expected cost. Full details in Care and Support Statutory Guidance *Annex A: Choice of accommodation and additional payments*.
- c. Not seek a *Top Up* payment when a person has been previously self-funding in a care home and a risk assessment demonstrates that a move to another care home will be detrimental to aspects of the person's wellbeing or outcomes most relevant to them.

## **4. Waivers and write offs.**

Depending on individual circumstances, we may decide to adjust or waive a person's assessed charge on a temporary basis or write off a debt.

**It is important to understand the difference between a write off and a waiver.**

### **4.1 Waiver.**

Where a person is in receipt of services already provided and either the person or representative have put forward a reason to "waiver" an element of the assessed charge in respect of that person's care package, before making the decision, the delegated authoriser must carefully consider the details and facts provided.

### **4.2 Write off.**

Should a debt accrue due to an underpayment of the assessed charge then a write off may be considered. Full details in [Debt Management Policy](#).

Please note the intention of a write off is not to simply remove the outstanding debt and should only be pursued after careful consideration. Write offs are dictated by KCC Financial Regulations. To ensure the correct audit process is followed, a write off must be processed by the Debt Recovery Team ONLY.

**Figure 1 write off governance.**

<b>Below £200</b>	<b>Over £200</b>	<b>£10k and above</b>
Two signatures: (1) Debt Recovery Manager	Two signatures: (1) Budget Holder (2) Section 151 Officer (Corporate Director of Finance)	For debt's over £10k that do not meet an exemption as defined by section D6 of the financial regulations then these should be put forward by the relevant Corporate Director to the Section 151 Officer (Corporate Director of Finance) for decision in consultation with the Cabinet Member for Finance

Once it is identified if a waiver or write off is required, then it is important the correct process is followed. You must ensure you have acquired appropriate level of authorisation before proceeding, adhering to the corporate delegated governance matrix limits summarised in Figure 1 above.

**Review of policy**

The ASCH Directors and Assistant Directors have responsibility for review of the levels of delegation and will complete this annually (or sooner) in line with the governance framework for the Directorate and will be approved by the Policy and Debt Review Group - chaired by the ASCH Corporate Director.

A Policy and Quality Assurance Officer (Business Delivery Unit) will advise Directors when review due.

The review process will be led by a Policy and Quality Assurance Officer and must include the Policy and Debt Review Group, Assistant Directors and/or other appropriate governance arrangements prior to final approval by the Corporate Director.

## Adult Social Care and Health – Authorisation (of funding) levels of delegation 2023-2024

Decision-ASCH	Assistant Director KR15	Operational Support Service (HoS) KR14 Older Person, Physical Disability only	Head of Purchasing and Direct Payments KR14 Older Person, Physical Disability only	Community Team Manager KR13	Senior Practitioner KR11	Service Manager KR13 (Short Term Pathways only)	Team Manager KR 12 (Short Term Pathways only)	notes
Residential <b>exceed guide price older person only</b> -temporary, short term, respite, long term, assessment bed)			All arrangements once Practice Assurance Panel approved.	Practice Assurance Panel to be approved.		Practice Assurance Panel to be approved.		If there are no homes at guide price
Nursing Care Home <b>exceed guide price physical disability only</b> -temporary, short term, respite, long term, assessment bed)			All arrangements once Practice Assurance Panel approved.	Practice Assurance Panel to be approved.		Practice Assurance Panel to be approved.		the cheapest home available to meet need becomes the new guide price

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Home care - Non contracted providers (% over the contracted costs for Care in the home) "Indi contracts"	£1300+			£401-£1299	Up to £400 per week. Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	£401-£1299	Up to £400 per week. Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	
Supporting Independence Service (SIS)	£1300+			£401-£1299	Up to £400 per week. Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	£401-£1299	Up to £400 per week. Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	

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Care and support package for <b>all groups</b> -home care, supported accommodation, based on care needs matrix, cost model, within guide price for residential.	£1300+			All home care packages that include the "complex rate"	<b>Up to £400 per week.</b> Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	All home care packages that include the "complex rate"	<b>Up to £400 per week.</b> Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	
Everyday Life Activities (Day Opportunities) only	£1300+			£401-£1299	<b>Up to £400 per week.</b> Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	£401-£1299	<b>Up to £400 per week.</b> Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	



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Occupational Therapy Equipment. Note Principal OT signs off Home Support Fund.				£501 +	up to £500 Senior Practitioner Occupational Therapy	£501 +	up to £500 Senior Practitioner Occupational Therapy	
Transport costs - on going arrangement - e.g. Everyday Life Activities (day opportunities)				All -via Practice Assurance Panel	<b>Up to £400 per week.</b> Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.	Not applicable for STP	Not applicable for STP	<i>The agreement for transport in the first place is either agreed at Practice Assurance Panel when a residential placement is agreed or by the relevant operational team manager.</i>

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Transport cost - one off, e.g. care home to hospital or vice versa			All (Older Person, Physical Disability only)	All (exception Older Person, Physical Disability)		All (exception Older Person, Physical Disability)		
Direct Payments - cared for				<p>All other increase outside Cost Setting Calculating Tool</p> <p>All Packages of care above cost setting guidance tool -PA's</p> <p>Agency: Package of care above 25% above contract rate</p> <p>Agency: All packages costing £600+ per week</p> <p>Community Team Manager via Practice Assurance Panel</p>	<p>Up to £400 per week if within cost setting calculating tool. Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.</p>	<p>All other increase outside Cost Setting Calculating Tool</p> <p>All Packages of care above cost setting guidance tool -PA's</p> <p>Agency: Package of care above 25% above contract rate</p> <p>Agency: All packages costing £600+ per week</p> <p>Service Manager via Practice Assurance Panel</p>	<p>Up to £400 per week if within cost setting calculating tool. Anything with a financial value higher above £400 per week will need to go to Practice Assurance Panel to be approved.</p>	

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<u>Carer</u> packages of care one off payment (not replacement care). All one-off direct payments will be processed by the commissioned carers organisations	All over £500	£250 up to £500  Older Person, Physical Disability only		£250 up to £500 excludes Older Person, Physical Disability	Above £250. <i>The commissioned carers organisation can offer a Personal Budget up to £250 for support to carers (not replacement care)</i>	£250 up to £500 excludes Older Person, Physical Disability	Above £250. <i>The commissioned carers organisation can offer a Personal Budget up to £250 for support to carers (not replacement care)</i>	<i>Ref current Supporting Carers Guidance Feb 2023</i>
<u>Carer</u> Direct Payment - on going support.		<b>All Older Person, Physical Disability only. Requests Processed by KCC Direct Payment team</b>		<b>All excluding Older Person, Physical Disability. Requests processed by KCC Direct Payment team</b>		Not applicable for STP	Not applicable for STP	

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Third Party and First Party Contributions			All Older Person, Physical Disability only)	All <b>excluding</b> Older Person, Physical Disability		All <b>excluding</b> Older Person, Physical Disability		"Top up' their provision to receive extra services or premium services.
Protection of property storage facilities and/or boarding of pets arranged by KCC	All Excluding Older Person, Physical Disability	All Older Person, Physical Disability only				Not applicable for STP	Not applicable for STP	
Disability Related Expenditure - above KCC standard allowance				All		Not applicable for STP	Not applicable for STP	
Deferred Payments - Mandatory	<b>All</b> (OSS will continue to authorise from 10th April to 30th May 2023 whilst MOSAIC system changes occur)					Not applicable for STP	Not applicable for STP	Client Financial Services process the application and undertake all related financial checks etc before submission to Assistant Director to authorise

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Deferred Payment Authorisation - discretionary	All (OSS will continue to authorise from 10th April to 30th May 2023 whilst MOSAIC system changes occur)					Not applicable for STP	Not applicable for STP	As above
Debt Write off NOTE: if an account is below £200 and all debt recovery efforts are exhausted the Debt Recovery Manager can submit the account for write off without the associated Budget Holder approval-	All in accordance with D6 of the Financial Regulations	All in accordance with D6 of the Financial Regulations				Not applicable for STP	Not applicable for STP	<a href="#">Delegation Matrix.pdf (sharepoint.com)</a>
Waivers	All					Not applicable for STP	Not applicable for STP	

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Discretionary property disregards	All excluding Older Person, Physical Disability	All for Older Person, Physical Disability only				Not applicable for STP	Not applicable for STP	
Discretionary Funding (DF)	All excluding Older Person, Physical Disability	All for Older Person, Physical Disability only				Not applicable for STP	Not applicable for STP	
Non-discretionary Funding (NDF)	All excluding Older Person, Physical Disability	All for Older Person, Physical Disability only				Not applicable for STP	Not applicable for STP	Guidance for self-funder temp fund says head of service OSS to agree funding extension.
Backdating of charges outside of the relevant policy	All excluding Older Person, Physical Disability	All for Older Person, Physical Disability only				Not applicable for STP	Not applicable for STP	

Decision where potential Deprivation of Assets is probable	All excluding Older Person, Physical Disability	All for Older Person, Physical Disability only				Not applicable for STP	Not applicable for STP
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### Disabled Children and Young People (0-25) - Children, Young People and Education Directorate.

Authorisation Levels Disabled Children	Director	Assistant Director	Area Managers-East and West <sup>3</sup>	Nominated Manager e.g. team manager	Equipment provision up to £5k
<b>Subject</b>	<b>Revenue</b>				
Private and Voluntary Residential	£1 000 000	£500 000	£250 000 pa		Team Manager
P&V Non-Looked After Children	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Short Break Fostering	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Day Care	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Section 17	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
P&V Ind. Poster Placement	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Direct Payments	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Kinship	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Fostering by relatives	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
OT Equipment	£1 000 000	£500 000	£250 000 pa	£20 000 pa	Team Manager
Above KCC standard Disability Related Expenditure (DRE) Allowance (Disabled Young People Team only)			All		
Care of pets/storage under Protection of Property duty- KCC initial expense/not recover costs (partial or full) (Disabled Young People Team only)			£250 000 pa	£20 000 pa	

<sup>3</sup> Equivalent to Service Head: KCC Scheme of Delegation-Approval limits

Transport (Disabled Young People Team)			£250 000 pa	£20 000 pa	
Write offs and waivers and related legal costs.	All	All			