

# Paying for non-residential care in Camden

Supporting People Directorate  
London Borough of Camden

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## **1. Introduction**

Camden Council has a duty to arrange care and support for any residents with eligible needs to help them live as independently and safely as possible. Most Adult care and support services are not free and you may be required to contribute towards the cost of your support.

Camden's approach is to apply the statutory minimum framework in compliance with the Care Act 2014, and relevant regulations and statutory guidance. The process of assessing if a contribution is required is called a financial assessment.

This document explains the financial assessment process in Camden which determines how much contribution you pay towards the cost of your care. It also explains how the amount you must pay is worked out and includes information on how you make the payments.

Where Camden arranges care and support to meet your needs, it will complete a financial assessment and you may have to pay towards your support. The only exception to this is where Camden is providing support that is not within the framework for assessing a charge or where the support is a type that is not charged for.

## **2. Key Principles**

The key principles Camden follow are based on the following national principles-

- Ensure people are not charged more than it is reasonably practical for them to pay.
- Be comprehensive, to reduce variation in the way that people are assessed and charged.
- Be clear and transparent so people will know what they will be charged.
- Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control.
- Support carers to look after their own health and wellbeing and to care effectively and safely.
- Be person focussed, reflecting the variety of care and caring journeys and the variety of options available to meet their needs.
- Apply the charging rules equally so those with similar needs or services are treated the same and minimises the anomalies between different care settings.
- Encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so.
- Be sustainable for local authorities in the long term.

## **3. Legal Basis for Charging**

The Care Act established a single legal framework for charging for care and support bringing together all statutory previous charging regulations into one framework.

The main powers are as follows:

## **Care Act**

Section 14 Power of local authority to charge

Section 17 Assessment of financial resources

Section 69 Recovery of Charges

Section 70 Transfer of Assets to avoid charges

## **Regulations**

The Care and Support (Charging and Assessment of Resources) Regulations 2014

The Care and Support Aftercare (Choice of Accommodation) Regulations 2014

The Care and Support (Deferred Payment) Regulations

The Care and Support (Preventing Needs for Care and Support) Regulations 2014

## **Statutory Guidance**

The Care and Support Statutory Guidance

The principles underpinning the framework term

### **4. Chargeable and non-chargeable care and support services**

Chargeable care and support services will include all support assessed and funded through a personal budget. This includes:

- Direct Payments
- Housework and shopping
- Personal care in the home (home care)
- Respite care
- Day care, day activities and day opportunities
- Extra care housing
- Support worker/key worker services
- Floating support services
- Supported housing/Supported living
- Shared Lives

Non-chargeable services include:

- Transport provided by the Council to and from day centres

### **5. When you do not need to pay for services you receive**

There are a number of circumstances in which you will not be asked to contribute towards your care or support cost. These include:

- Intermediate care, including reablement, which must be provided free of charge for up to six weeks.
- Community equipment (aids and minor adaptations). Aids must be provided free of charge whether provided to meet or prevent/delay needs. An aid or minor adaptation is one costing £1,000 or less.
- Care and support provided to people with Creutzfeldt-Jacob Disease.

- After-care services/support provided under section 117 of the Mental Health Act 1983. Further information on Section 117 can be found on the [Rethink website](#).
- Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care. Further information on Continuing Health Care can be found on the [NHS website](#).
- More broadly, any services which a local authority is under a duty to provide through other legislation may not be charged for under the Care Act 2014.
- Assessment of needs and care planning may also not be charged for, since these processes are not considered as “meeting needs”.
- Services provided directly to carers to meet their identified needs

## **6. Personal Budgets**

If you have care and support needs Adult Social Care services will discuss and agree on a support plan with you to support you to live as independently as possible. You will be offered a personal budget, which is the total amount of money we assess will be needed to meet your care and support needs

Personal budgets are designed to give you greater choice and control over the management of your support arrangements. They allow you to decide upon the kind of services which would support you best.

The personal budget allocated to meet your care needs can be arranged by Camden or you can receive a Direct Payment to arrange your own care or a combination of both.

Direct payments provide greater choice and control over how you arrange and manage your support services. They are a cash amount based on what is your agreed personal budget. Further details on direct payments including the Personalisation Support in Camden service can be found on the [Camden Care Choices website](#).

## **7. Carrying out a financial assessment**

A financial assessment will be carried out to determine what (if any) financial contribution you have to make towards the cost of care. This financial assessment is repeated each year, or sooner if there is a change in circumstances.

As part of completing the financial assessment, you will be asked to complete a financial declaration of your income, savings and other assets. The financial assessment will be based on this information and will also include:

- Benefits information held by the Department for Work and Pensions, Housing Benefits and/or Council tax departments.
- Information from past financial assessments
- Financial information you shared during the initial care need discussion with social work staff.

Where full details are not available at the start of your support an initial assessment will be made on the information held by Camden or charged at full cost until a full financial declaration has been provided. An officer will then liaise directly with you or your named representative in regard to providing details of the information that we need to be provided for a review of your contribution. Further details on Power of Attorney or Deputy who may act as your representative can be found on the [Camden Care Choices website](#).

If you choose not to complete the financial declaration requested by Camden, then you will be required to pay the full cost of your support.

If you do not tell Camden your financial information at the point of financial assessment, it could result in you being charged the cost of your support in full. If at a later date the financial information is provided, any revision to the assessed charge may only be effective from the date that you told Camden your financial information and may not be backdated

Failure to inform Camden of additional income received e.g. additional benefits or inheritance that would result in an increase in the charges made, will lead to a backdated charge to the point of when the additional income was received.

Following the financial assessment, you will be informed if you are considered as able to pay the full cost of your care costs, or of the weekly amount you must contribute based on your financial circumstances. You will not be charged more than the amount determined by the financial assessment, or the actual cost of your services whichever is lower. If you are a full cost payer who has above the capital threshold an arrangement fee will also be payable in addition to the cost of your support. Contributions are normally payable from the date care commences.

Full details of your financial assessment will be provided explaining how the assessment has been carried out and calculated.

### **7.1. Annual Reviews**

Your contribution will be reviewed on an annual basis, and you will be advised when this takes place, usually in line with the increase in state benefits at the beginning of April each year. Changes to your circumstances may also lead to a new financial assessment being undertaken.

On request, your contribution can be reviewed, and if you feel it necessary you can request a further review of the financial assessment decision. Such a request would need to be supported with evidence showing why you believe an error or omission has occurred within the financial assessment calculation. It is your responsibility to either validate the information provided, or to provide correct financial information.

## **7.2. How the contribution is calculated**

When Camden assesses your ability to pay a contribution towards the cost of your support, we will take into account your income and capital. The assessment ensures that you maintain a portion of your income that is at least the level of basic living allowance (the Minimum Income Guarantee see Appendix A)

All income is taken into account, unless a disregard applies under the regulations. Where a disregard applies it will be either:

- Partially disregarded
- Fully disregarded

The main sources of income that are disregarded (ignored) are:

- Any earnings or remuneration from employment
- Guaranteed Income Payments made to veterans under the Armed Forces Compensation Scheme
- War Pension Scheme payments made to veterans with the exception of Constant Attendance Allowance payments
- the first £10 per week of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, any War Disablement pension paid to non-veterans and payments to victims of National Socialist persecution (paid under German or Austrian law)
- Any amount of Savings Credit paid with Pension Credit
- Working Tax Credit, where care is provided in the community. The mobility component of Disability Living Allowance and Personal Independence Payment
- Housing Benefit and Council Tax Reduction Scheme
- Benefits for your children, such as Child Benefit or Child Tax Credit
- Child maintenance.

Full details of the treatment of income for financial assessment purposes can be found in the [Care and Support statutory guidance](#).

## **7.3. Disability Related Expenses (DRE)**

The financial assessment will make an allowance in the calculation for necessary disability related expenditure. This includes extra costs to meet your specific need due to a medical condition or disability where you have little or no choice other than to incur the expenditure, in order to maintain independence or quality of life.

Examples of types of expenditure which can be considered are included in appendix B: Disability-Related Expenditure. However, it is to be noted that this list is not exhaustive.

Camden will ignore these costs from any income where it is satisfied that the cost has been reasonably incurred by you as a direct result of your disability. Receipts

and other evidence of expenditure may be requested. DRE will be assessed on a case-by-case basis.

#### **7.4. Housing Expenses**

Housing-related expenditure is deducted from incomes in a financial assessment. This is made up of:

- Mortgage payments
- Rent
- Ground rent
- Council tax
- Service charges

#### **7.5. Contribution calculation**

Your contribution is worked out by adding together all your income and then subtracting:

- Housing related expenses;
- Any income that must be ignored in accordance with the Care Act 2014 Statutory Guidance;
- Disability-related expenditure (see appendix B); and
- The minimum income guarantee (MIG) see appendix A

For examples on how your contribution is calculated, see Appendix C.

### **8. Capital, savings or investments**

Your capital, savings and investments will impact how much your contribution will be towards your care and support services. Savings or capital include money in:

- Bank or building society accounts
- Post office
- Shares or other investments

The value of the home (you own) that you live in will not be included; however, if you own a second property 100% of the beneficial value will be taken into account.

If you have savings or other capital over £23,250 we will ask you to pay the full cost of your service. You will also have to pay an arrangement fee and administration charges to cover the cost of setting up and managing the services Camden arrange for you

#### **8.1. Tariff Income**

The lower capital savings limit is currently £14,250 and the upper capital limit is £23,250. When calculating how much you will contribute if you have any savings under £14,250 we will not consider this amount, however, we will still need to see evidence of any savings.



Savings between the lower threshold (£14,250) and the upper threshold (£23,250) will attract a surcharge of £1 per week for each £250 (or part of £250) to calculate your notional income from the savings. For example, if you have savings of £17,250 the notional income from that would be £12 per week, this is calculated as follows: £17,250 minus £14,250 (= £3,000) divided by £250 (= £12)

This is known as tariff income and will be included in your financial assessment.

See Appendix E: Tariff income

## **8.2. Joint accounts**

If there are joint savings with a spouse or partner, 50% of the total amount will be taken into account unless you or your representative can prove that the holding percentages are different.

If you hold savings or capital in joint names with someone other than your spouse or partner, 100% of the total amount will be taken into account unless you or your representative can prove that the holding percentages are different.

**Full details of the treatment of capital for financial assessment purposes is set out in the [statutory guidance](#).**

## **9. Arrangement fees and Administration Charges**

Camden may still be able to arrange your care and support (if you have eligible needs) and are assessed as:

- having capital over £23,250 or,
- decide to not provide information on your financial situation or,
- decide not to complete the financial declaration form

However, you will be charged a fee for setting up and managing your care and support.

The purpose of the arrangement fee is to cover the cost of:

- identifying appropriate providers of care and support
- setting up your care and support
- invoicing the cost of your care and support

Full details of arrangement fees can be found in Appendix D.

## **10. Review of Financial Assessment**

It is your responsibility to notify Camden of any changes to your financial circumstances.

You or someone acting on your behalf can ask Camden for a review of a charge for which you have been assessed if you consider that you cannot pay it or believe that:

- Information given may have been misrepresented
- Some information may have been missed
- A change in circumstances has occurred
- A mistake may have been made in applying the charging guidance, or
- The calculation is inaccurate
- There are other exceptional circumstances that need to be considered

Any increase in contributions due to an award, benefits increase, increase in other income or amount of capital held will take effect from the date of change in circumstances.

In the event of a reduction of income or benefit received, any amendment to the assessed contribution will take effect from the date of the change in circumstances,

You or someone acting on your behalf should contact the Awards and Contributions Team giving details of why you are requesting a review. You will also need to provide supporting evidence.

We will reassess the information provided by you at the time of assessment. Any additional information that was not included in the initial assessment will be considered upon submission of evidence. However, Camden is under no obligation to backdate the outcome to the date of the original assessment but will consider the appropriate effective date for any change during the review process. An exception to this is where there has been a change to your benefit income.

If you have been previously assessed as full cost and your capital has gone below the threshold, you will be expected to provide evidence on how your capital has reduced.

The reassessment will apply from date all the requested information is submitted to us.

If you or your representative remains unhappy after the charge has been reviewed, you have the right to make a formal complaint using the Adult Social Care Complaints Procedure:

**Adult Social Care Complaints Unit  
London Borough of Camden  
5 Pancras Square  
C/o Town Hall, Judd Street  
London  
WC1H 9JE**

**Phone: 020 7 974 4341  
Text phone: 020 7974 6096  
[Adults.complaints@camden.gov.uk](mailto:Adults.complaints@camden.gov.uk)  
[www.camden.gov.uk/complaints](http://www.camden.gov.uk/complaints)**

Camden reserves the right to carry out a financial reassessment at any point relating to current or historical services provided. This may require you to provide new or additional information and evidence where necessary.

Where appropriate, the Camden may automatically carry out a financial reassessment based on changes that we become aware of through things like regulation changes or national policy changes. These may include annual increases to standard benefits payments such as the State Retirement Pension, occupational or other private pensions (except fixed rate annuities) or service cost increases.

You will be notified promptly of any changes that might affect the amount you pay towards the cost of your care. No increased charge will apply before written notification of the new charge and its effective date has been issued to you, unless there has been a change that you had not notified us of in a reasonable timeframe.

### **11. Deprivation of assets**

If you deliberately deprive yourself of capital or an asset to reduce your financial contribution to care costs, this may be treated as deprivation of funds.

In reaching a decision about deprivation of assets, Camden will follow the Care Act 2014 statutory guidance.

In the event that you are found to have deprived yourself of assets for the purpose of avoiding care costs, Camden will complete the financial assessment assuming a notional level of assets equivalent to the value of assets prior to the deprivation taking place. This will be applied for a period that is considered reasonable with regard to the level of assets and the level of contribution to care costs required.

In all cases where it has been decided that deprivation has occurred this will be confirmed in writing, including the reason for the decision and how this will affect the assessed charge. There will be a right to review, please refer to section 10 of this framework.

### **12. Services not delivered**

If you have a suspension in your services (for example because of a hospital stay), you may be entitled to receive a reduction to your assessed charge depending on the suspension duration. This may not be the case if you are attending a Day centre or Day activities because you are being charged for your place and not attendance.

### **13. How to pay your contribution**

If you choose to have social care support arranged by Camden, you will receive one itemised invoice for all support received. For example, if you receive homecare and daycare you will receive one invoice for both services.

You will receive a bill for your assessed contribution every calendar month in arrears.

The following methods of payment are available:

- Direct Debit

- Bank Transfer
- Cheques and Postal Order
- Debit or Credit
- Post office
- Paypoint

Camden's preferred method of payment is direct debit. Camden will inform you how much and when the payment will be taken from your account. This will be two weeks from the date of the invoice. You may cancel the Direct Debit instruction at any time, but please note that you will be invoiced for any outstanding amount due to Camden. Should you wish to pay by Direct Debit please contact **Camden Credit Control Team on 020 7974 6959**.

#### **14. Debt Recovery**

If you fail and/or neglect and/or refuse to pay your assessed contribution, the Council will take steps to recover any amounts owing, including legal action. If necessary, further consideration of care needs may also take place.

The Care Act 2014 consolidates the Council's powers to recover money owed for arrangement and provision of care and support you receive. These powers can be exercised where you refuse to pay the amount you have been assessed as being able to pay.

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

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 may become involved if appropriate to your on-going care/well-being. In all cases the desired outcome is to prevent a debt escalating and for you to enter into affordable repayments of the debt, as well as being able to pay ongoing costs due as they arise.

Where a person has accrued a debt, the Council may use its powers under the Care Act to recover that debt. In deciding how to proceed, the Council may consider the individual circumstances before deciding a course of action.

Ultimately, the Council may institute County Court proceedings to recover the debt. However, the Council will approach the recovery of debt reasonably and sensitively and will only use this power after other reasonable alternatives for recovering the debt have been exhausted.

## Appendix A: Minimum Income Guarantee

Your income should not fall below a minimum income level after paying your contribution towards your personal budget. A basic allowance is calculated based on your circumstances; this is called the minimum income guarantee (MIG). This ensures that you have enough money to meet your basic needs.

The minimum income level varies depending on your circumstances and is set out below:

Allowance	18 – 24 single	18 – 24 couple	25 – Pension Age single	25 – Pension Age couple	Pension Age single	Pension Age couple	Lone Parent
Not entitled to any premium	£112.75	£100.55	£131.75	£100.55	£189.00	£144.30	£131.75
Pension Credit Couple	N/A	£144.30	N/A	£144.30	N/A	N/A	N/A
Pension Credit Couple + Carers Premium	N/A	£187.55	N/A	£187.55	N/A	N/A	N/A
Entitled to Carers Premium	£115.65	£115.05	£134.65	£115.05	£232.25	£187.55	£134.65
Entitled to Disability Premium)	£112.75	£100.55	£131.75	£100.55	N/A	N/A	£131.75
Entitled to Disability Premium and Carers Premium)	£156.00	£143.80	£175.00	£143.80	N/A	N/A	£175.00
Entitled to Disability Premium and Enhanced Disability	£132.45	£143.80	£151.45	£143.80	N/A	N/A	£151.45
Entitled to Disability premium, Enhanced Disability Premium and Carers Premium	£175.70	£157.75	£194.70	£157.75	N/A	N/A	£194.70

\*The retirement age for women is increasing over the next 10 years from 60 to 65. This means, whether you are a man or a woman, you will receive the higher allowance from the date you would be entitled to claim Pension Credit not your 60<sup>th</sup> birthday.

## **Appendix B: Disability Related Expenses (DRE)**

Non-residential financial assessments are completed in accordance with the Care Act 2014, The Care and Support (Charging and Assessment of Resources) Regulations and the Care and Support Statutory guidance.

There is a statutory requirement to allow for disability related expenditure for all financial assessments where your capital falls below the upper capital threshold, currently £23,250. The expenditure will be taken into account in the financial assessment process to determine your disposable income available for contribution.

Camden seeks to ensure assessments are completed with consistency, quality and equity.

However, this will not stop Camden from taking into consideration exceptional individual needs and circumstances where these arise. Assessment forms are designed to help collect disability related expenditures but should not be seen to include all possible areas of expenditure. Where other costs are identified these may need to be included in the assessment.

### **General principles**

- Expenditure claimed for must be related to your ill health, impairment or disability.
- Items allowed for must be based on actual spend by you and spend by other people for you will not be allowed.
- Any expenditure to family members cannot be allowed unless this under a contract of employment.
- Evidence of expenses must be provided such as bills, invoices and statements to support your claim. If you are not able provide this Camden will use their discretion to decide if your claim is reasonable
- Where reasonable evidence could be produced, the person has a responsibility to do so. If you are requested to keep future receipts and you fail to do so no allowances can be made.
- Allowances for special equipment needed due to a disability or condition will be based on the life span of the equipment and either the purchase price you paid or a lower cost alternative that Camden believe would be reasonable to meet your identified needs

Expenditure which is the responsibility of another organisation (such as the NHS) will not be considered as DRE by Camden. Examples of this include but are not limited to:

- A. Physiotherapy
- B. Travel to and from Hospital

In assessing disability-related expenditure, the following will be considered (which may need to be evidenced):

- Payment for any community alarm system
- Privately arranged care services provided it is agreed necessary to meet eligible social care needs, including respite care
- Costs of any speciality items occasioned by disability, e.g.:
  - a) Specialist washing powders or laundry
  - b) Additional costs of special dietary need due to illness or disability (you may be asked for a letter from GP confirming medical dietary requirements)
  - c) Additional cost to special clothing or footwear, for example, where this needs to be specially made, or additional wear and tear to clothing and footwear caused by disability
  - d) Additional costs of bedding, for example, because of incontinence
  - e) Additional health cost not met by benefits/health system. Confirmation from a medical professional of medical need and why this not NHS funded will be required
  
- Any heating costs or metered costs of water, above the average levels for the area, housing type, and occupancy
- Reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by your disability and not met by social services
- Purchase, maintenance, and repair of disability-related equipment, this may include reasonable hire costs of equipment where necessitated by the disability. Mobility aid and equipment cost over and above the mobility component of Disability Living Allowance and Personal Independence Payment.
- Transport costs necessitated by illness or disability, over and above the mobility component of Disability Living Allowance and Personal Independent Payments.

It may be reasonable the Council not to allow for items where a reasonable alternative is available at lesser costs.

## **Appendix C: Examples of financial assessment calculation**

### **Example 1**

John is 24 years old and has a learning disability. He receives daycare that costs Camden £100 a week. He lives at home and receives Employment and Support Allowance of £74.35 a week.

He will not have to contribute as his income is lower than his basic allowance (MIG) of £112.75 a week as shown in

### **Example 2**

Ivy is 75 and gets 2 hours a week home care that costs Camden £30 a week. She receives pension credit of £173.75 a week.

She will not have to contribute as her income is lower than her basic allowance (MIG) of £189.00 a week as shown in

### Example 3

John is 40 years old. His personal budget from Camden to pay for his care is £150 a week.

He receives Employment and Support Allowance (ESA) of £194.30 a week, Disability Living Allowance (DLA) care component of £59.70 a week and mobility component of £62.25 a week. The mobility component is ignored so the total income counted in his assessment is £254

He pays £5.00 a week rent and has £35.00 a week disability related expense. His total allowances are added together.

<b>Income</b>	ESA	+£194.30
	DLA mobility component	This is ignored
	DLA care component	+£59.70
<b>Total</b>		<b>£254.00</b>
<b>Expenses</b>	Rent	-£5.00
	Disability related expenses	-£35.00
	Basic allowance	-£189.00
<b>Total</b>		<b>£82.25</b>

Table 1: Financial assessment calculation example

John would be left with £82.25 that he would be asked to pay as a contribution towards his care.

### Example 4

Clare is 75 years old and receives 6 hours a week home care which costs Camden £84.00 a week.

She receives pension credit with retirement pension of £233.10 a week and attendance allowance of £59.70. The total income counted in the assessment is £292.80

She pays £10 a week Leaseholder service charge and has £25.00 a week disability related expenses. Her total allowances are added together.

<b>Income</b>	Pension credit with retirement pension	+£233.10
	Attendance allowance	+£59.70
<b>Total</b>		<b>£292.80</b>
<b>Expenses</b>	Leaseholder service charge	-£10.00
	Disability related expenses	-£25.00
	Basic allowance	-£189.00
<b>Total</b>		<b>£68.80</b>

Table 2: Financial assessment calculation example

This leaves Clare with £68.80 which she would be asked to contribute towards her care.



## Appendix D: Arrangement and Administration fee charges

The cost of the arrangement fee is as below, and the fees are reviewed annually:

Type of Fee/ Charge	Rate/ Amount
Initial fee for setting up care	£300
Ongoing management of care arrangements	£15 Monthly

Table 3: Arrangement and administration fees

## Appendix E: Tariff income

Capital	Contribution
Under £14,250 (lower limit)	This will not be taken into consideration
£14,250 – £23,250	£1 per week will be included for every £250
Over £23,250 (upper limit)	You will be considered a self-funder and pay the full cost including the administration charge

Table 4: Tariff income