

## **Section 14 Changes**

**This section is relevant to all Fund Users (See Preface)**

Explained in this section are the most common changes that the Funds need to know about. Any changes in a Fund user's circumstances should be reported to the Funds, as the change may affect a Fund user's payments.

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## **14.1 Changes In Circumstances**

It is very important that the Funds are told quickly about any change in a Fund user's circumstances to ensure that a Fund user gets the correct amount of money. When we are told about a change in someone's circumstances, this may lead to an increase in the amount of money the Funds pay or, sometimes a change in circumstances will mean that payments will need to be reduced. If payments are reduced, the Funds can consider giving four weeks notice. Notice will not be given, if funding is not used or an aspect of fraudulent use is discovered.

The Funds would expect a LA representative (LA rep) to tell the Funds about any changes to the Fund user's circumstances; please do not assume that the Fund user has told us themselves - even if they have told you they have. If there is a change in a Fund user's circumstances that would have affected the Funds' payment, and the Fund was not informed of the change, any payments made to the Fund user after the change may be classed as an overpayment. If an overpayment is made to a Fund user, they will be asked to pay the money back to the Funds (see 15.3). If an overpayment arises because the LA has reduced below the minimum input of £10400 per year (£200pw) for users who applied after March 1993, the Fund will consider raising an overpayment against the LA (see 6.11).

We have tried to include most changes, but there might be matters that are not covered. If there is a change in a Fund user's circumstances that is not detailed, please tell the Funds anyway, just to make sure that it will not make a difference to a Fund user's payments. Changes can be explained by writing to the Funds, sending a fax or e-mail or telephoning the Funds (bank details cannot be taken over the telephone see 12.3).

## **14.2 Changes In A Fund User's Care**

The Funds must be informed of any change in care need or care provider to ensure that the correct payment is made. The Funds must also record this information on the Fund user's file and computer records.

### **14.2.1 The Cost Of Care Increases Or Decreases**

The Funds pay for the actual cost of care to be used; if there is a change in the amounts paid out, the Funds must be informed to so that payments can be amended where necessary. If a person does not use their award from the Funds fully, this should be discussed with the Funds to ensure the correct award has been calculated. Apart from money for employment on-costs, eg Employers National Insurance and holiday pay, that needs to be saved for use in the future, an award from the Funds should be used in each four weekly period it is intended for, however an amount of money to the value of one week's award can be carried over as a 'slush fund'. If there are unspent monies that exceed the value of one week's award that are not earmarked for employer's on-costs eg holiday pay for the PA, these should be returned to the Funds.

### **14.2.2 Additional Care Or Increased Costs**

If a Fund user needs more care, or more money to pay for the care that they already receive, the Fund user can apply for an increase in their payments at any time (within the Funds' maximum payment ceiling see 2.5.8). To consider a request, the Funds need the following information:

- How many hours the Fund user employs each week using their current award
- How many extra hours the Fund user needs, if applicable
- The cost of the extra hours, or by how much the costs have increased
- Who the Fund user will use to provide any extra hours
- The LA's current and future provision to the package (see Section 6)

- Any Third party provision

If the only change is that the cost of provision, paid for with an award from the Funds, has increased the Funds may consider the increase without requesting additional input from the LA, providing the package remains within the Funds maximums (see 2.5.8).

When making a decision whether or not to offer additional assistance, the Funds will take into account: -

- The **total** support the Fund user needs
- What if anything is currently provided by the LA, and what extra provision if any the LA is to contribute
- Any third party provision (see 5.1.3 and Section 5A)
- How much the Fund user can contribute towards the package (see Section 8)
- The support the Fund user needs after any LA provision and Fund user's available income is taken into account
- Is the request within the relevant Fund's maximum payment limit (see 2.5.8)
- In cases where the user applied after March 1993, whether the increased cost will exceed the initial maximum award limit and require the LA to meet us on a £ for £ basis (see 2.5.8)

#### **14.2.2.1 Maximum Fund Payments (See 2.5.8)**

If the Fund user already gets the maximum payment from the relevant Fund, or the extra support that the Fund user needs will take them over the maximum weekly payment, the Fund user must ask their LA to provide the extra support they need over and above the Fund's maximum payment. The Fund will not be able to pay more than the maximum weekly payment.

### **14.2.2.2 The Local Authority (LA) And Increases**

#### **Fund Users Who Applied After March 1993**

If the Fund user applies for an increase in their award, the Fund will contact their LA to ask them to confirm the level of support they provide. In some cases, the Fund will only be able to increase a Fund user's payments if the LA also agrees to provide the Fund user with extra support. This will depend on how much help the Fund user already gets from the Funds and how much extra help the Fund user needs (see 2.5.8). The Fund will always approach the LA for any continuing increase request that goes above the Fund's award of £375pw (see 2.5.8).

#### **Fund Users Who Applied Before March 1993**

It is not essential in all cases that these users get provision from their LA to receive payments from the Fund. However, if the Fund user applies to the Fund for extra money, the Fund may ask the Fund user to approach their LA, particularly if the request is for a significant increase in provision.

### **14.2.2.3 Revisits**

In some changes of circumstances, or if the Fund user applies to the Funds for more help, the Funds may arrange for a **revisit**. This will be similar to the initial assessment visit (see Section 5). At the revisit, the Fund's Assessor will discuss what has changed since the last assessment, make an up-to-date assessment of care needs, costs, obtain up-to-date financial information, and confirm with the LA rep what level of support the LA is providing, or intends to provide.

#### **Fund Users Who Applied After March 1993**

The LA representative must attend a revisit with the Fund user and the Funds' Assessor to agree to a new package.

### **14.3 LA Support Changes**

The Funds' assessment is worked out using full details of a Fund user's package. The amount that the LA provides towards that package is essential to the Fund's assessment and maintenance of payments. The LA representative should inform the Funds if the LA support is changed in any way. The most common changes are: -

- A Fund user's provision from the LA changes eg Direct Payments start
- A Fund user stops getting a type of provision from the LA
- A Fund user starts to get a new type of provision from the LA
- A Fund user stops getting a certain type of provision from the LA
- Additional provision is provided by the LA

#### **Fund Users Who Applied After March 1993**

The Funds need to be informed of all provision granted by a LA to a Fund user (see section 6). If the Funds are not informed of a change in LA provision that affects a Fund user's payments, the Fund may raise an overpayment and request the LA repays this (see 15.3.3). The Fund's involvement is dependent on the LA meeting at least the £10400 per year (£200pw) contribution (see 2.5.6).

Therefore, if the Funds make a payment based on a LA contribution of £10400 per year (£200pw) minimum, and subsequently this reduces to below the £10400 per year (£200pw) minimum, the Funds will consider recouping from the LA all payments that would not have been made had we known the facts at the time.

#### **14.3.1 Changes In Provision - Supporting People Funding**

If a Fund user receives or ceases to receive support paid for by Supporting People, the Funds need to be informed (see 5A.4).

## **14.4 ILF Withdrawal**

If a Fund user no longer meets the eligibility criteria (see Section 2), eg the LA has reduced its input to below £10400 per year (£200pw) in a case where the user applied after March 1993 (see 6.7-6.12), the Funds may withdraw from the package. This will not be done without thoroughly exploring the change in circumstance and contact is made with the Fund user and/or LA representative. If withdrawal appears inevitable: -

- Payments from the Fund will be suspended from the date of ineligibility
- The Fund user and LA representative (if appropriate) will be informed in writing that payments are to be suspended. If applicable an overpayment will be raised.
- The award will generally be suspended for a maximum of three months after which the case will be closed, unless there are circumstances the Funds are informed of to extend this period. (Any decision to extend the three months period will be at the discretion of the Funds).
- Should circumstances change so that the Fund's eligibility criteria are met again, payments may be reinstated
- If suspension lasts more than three months, it is likely that the case will be cancelled. A new application to the Fund can be made if appropriate (see Section 4).

## **14.5 Changes In A Fund User's Finances**

### **14.5.1 Benefits**

The Funds are aware that a Fund user's benefits go up each year with inflation. The Funds do not need to be told about these inflationary increases. However, a Fund user must tell the Funds at once if any of the following happen: -

- There are changes to the rate of a Fund user's or a Fund user's partner's benefits (apart from inflationary increases)

- A Fund user or a Fund user's partner receive a new benefit
- A Fund user or a Fund user's partner stop getting a benefit

The most common benefits a Fund user may have are as follows (this list is not exhaustive):

#### **14.5.1.1 Income Support/Guarantee Credit Including SDP/SDA**

If Income Support/Guarantee (pension) Credit including SDP/SDA is received, or stops being received, the Funds need to be informed as both benefits are taken into account when a Fund user's available income is assessed (see Section 8).

If a person is over 60 years, Income Support (IS) may be replaced by the **Guarantee Credit (GC)**. It may be possible for a person over 60 to receive IS in some circumstances. If a person receives the GC a payment equivalent to SDP may also be paid, this payment is called **Severe Disability Addition**.

#### **14.5.1.2 Other Benefits** eg Incapacity Benefit, Severe Disablement Allowance (SDA), Disablement Benefit.

**If a Fund user, or a Fund user's partner, starts to receive a new benefit, or stops receiving a benefit, the Funds need to be told, as most benefits are taken into account when a Fund user's available income is assessed (see Section 8).**

## **14.5.2 Disability Living Allowance (see 2.5.3)**

A Fund user must be receiving the highest rate care component of DLA (HRDLA see 2.5.3) to qualify for payments from the Funds unless they are a user who qualified for payment under a different rate of DLA (see 2.5.3 for exceptions).

### **14.5.2.1 The Level Of DLA Changes Or Ceases**

If a Fund user's DLA/AA/CAA care component is reduced or stopped, the Funds must be told immediately, as a Fund user will not be eligible to continue receiving payments from the Funds unless the user is in the process of a revision of decision or first formal appeal against the decision to reduce or stop DLA/AA/CAA. If a Fund user continues to receive payments when they are not eligible, eg they are not appealing or they are in the process of a second formal appeal, then an overpayment will be raised and recovery sought.

### **14.5.2.2 DLA Appeals**

If a Fund user's DLA/AA/CAA is reduced or stopped the Funds are not authorised to continue payments unless the user seeks a revision of decision or is in the process of a first formal appeal against the decision to reduce or stop DLA/AA/CAA. In all cases the ILF must be kept fully informed of whether or not the user is appealing, and if so at what stage of the process they are at.

A user who is in the process of a revision of decision or first formal appeal will be paid a replacement award calculated to include half the care component of the actual rate of DLA/AA/CAA they are receiving whilst they are in the process of a revision of decision or a first appeal against a reduction in their DLA/AA/CAA. No DLA/AA/CAA will be included within the Available income calculation where the DLA/AA/CAA has been stopped.

A user will be informed at the outset that where a revision of decision or a first appeal is successful, the normal ILF award will be backdated to the date DLA/AA/CAA was reinstated at the original rate. This will usually create an overpayment (where the replacement award is more than the normal award because of the reduced DLA/AA/CAA), which will be recovered in the usual way.

#### **14.5.2.3 Successful Appeals**

A user will be informed at the outset of an appeal that where a revision of decision or a first appeal is successful, the normal ILF award will be backdated to the date DLA/AA/CAA was reinstated at the original rate. This will usually create an overpayment (where the replacement award is more than the normal award because of the reduced DLA/AA/CAA), which will be recovered in the usual way.

Where a users ILF payments ceased because the user was in the process of a second formal appeal, and this appeal is successful, ILF payments will be reinstated from the date the decision is made to reinstate, and where DLA is backdated, the ILF can consider backdating the ILF award in line with our backdating policy.

#### **14.5.2.4 Unsuccessful Appeals**

If a Fund user's appeal is unsuccessful, and the Disability and Carers Service or Tribunal confirm that a Fund user is no longer entitled to receive DLA at the qualifying rate, the Funds' award must be cancelled.

#### **14.5.2.5 Not Appealing**

If a Fund user's qualifying rate of DLA is stopped or reduced and a Fund user is not going to make an appeal against the decision, payments from the Fund will cease immediately, as the Fund user no longer meets the Funds' eligibility criteria. If the

Funds were not informed at the time the qualifying rate of DLA ceased or reduced, the Funds will raise an overpayment and recovery will be sought.

### **14.5.3 Income (see Section 8)**

If there are any changes to the income that a Fund user and/or a Fund user's partner receive, or they receive a new type of income, the Funds must be informed as soon as possible, as income is taken into account when a Fund user's available income is assessed and a Fund user's payments are affected.

#### **14.5.3.1 Earned Income**

Earned income from employment or self-employment is disregarded by the Funds; however the Funds need to be told if, when a Fund user or their partner start or cease to receive earned income, their other income, benefits, or care package are affected, requiring a reassessment to be carried out.

#### **14.5.3.2 Tax Credits (see 8.5.1.4)**

##### **I Working Tax Credit (WTC)**

The Funds will fully disregard any Credit paid as a Working Tax Credit

##### **II Child Tax Credit (CTC)**

The Funds will fully disregard any Credit paid as a Child Tax Credit

### **14.5.4 Capital (see Section 9)**

If there are any changes at all in the capital that a Fund user and/or a Fund user's partner has, the Funds must be informed as soon as possible to see whether payments from the Funds are affected. If a Fund user continues to receive payments

when they are not eligible due to the capital limits (see 9.1- 9.3), an overpayment will be raised and recovery sought.

#### **14.6 Access To Work** (see 3.2.2.1 – 3.2.2.2)

Jobcentre Plus runs the Access to Work programme. If a Fund user is getting assistance through the Access to Work Programme, the Funds need to be told about this as the Funds may need to take this into account when working out how much care they require. The Funds need to know about any sort of assistance a Fund user gets from Access to Work (ATW), even if a Fund user is not receiving money directly, for example if a Fund user has a support worker who is funded through Access to Work. If a Fund user is working and is already in receipt of Access to Work monies the ILF will expect an approach to be made to ATW for any additional work related care requirements that may arise. If a user is not currently in receipt of ATW monies it will not be necessary for an approach to be made to ATW for work-related care needs before ILF can consider funding the required costs.

**NB** The Fund does not need to know about equipment that is provided through Access to Work.

#### **14.7 Appointee Or Power Of Attorney**

If a person becomes benefits appointee, or obtains power of attorney for a Fund user's affairs, the Funds need to be told to enable them to amend the Fund user's records, and obtain consent to confirm benefits (see 4.1.1.5).

## **14.8 Bank Accounts**

The Funds need to be informed in writing if there is a change to the bank or building society account that is used for Funds' payments. For security reasons, the Funds cannot change a Fund user's bank details over the telephone.

## **14.9 Changes In A Fund User's Family/Living Arrangements**

If there are any changes to a Fund User's family or living arrangements the Funds need to be told, as this may affect the Funds financial or care needs assessment eg

- A Fund user has a child, or their child leaves home or leaves full-time education (excluding university)
- A Fund user starts living with a partner or changes who they live with
- A Fund user stops living with a partner or family members

## **14.10 Moving House**

The Funds must be told immediately if a Fund user moves house. Most importantly, the Funds need to know where to contact the Fund user. When a person moves house there is nearly always a change in either their income, outgoings or there may also be changes to a Fund user's care arrangements eg a Fund user may change their PAs, or have moved in with a partner or a relative. If a Fund user moves house, the Funds will normally arrange for a revisit that will be the same as the initial visit (see Sections 5 and 11) to ensure that any changes are taken into account by the Funds.

Moving house does not always mean that there is a significant change in someone's circumstances and Fund payments may not be affected. However, moving house can

sometimes mean that important changes have taken place, so the Funds normally visit users who move house to make sure that we have up-to-date information.

In some circumstances it may not be necessary for a re-visit to take place, however some information would still need collecting and a revised assessment may need to be completed by the Funds.

## **14.11 If A Fund User Dies**

The Fund appreciates that it can be very difficult for friends or relatives who are dealing with sorting things out after a Fund user has died. However, it is important that the Funds are informed as soon as possible.

### **14.11.1 Contacting The Funds**

It is very important that someone calls the Funds as soon as they are able to. The Fund user should arrange for someone to let the Funds know if they die. This might be a friend, relative, appointee or Power of Attorney or another third party.

The Department for Work and Pensions **does not** automatically inform the Funds if a Fund user dies. If the LA is involved in the package, the Funds expect the LA rep to inform the Funds in the event of a Fund user's death. The Funds would rather be told twice than not be told at all.

### **Information that is needed when a Fund user dies**

When a Fund user dies, we need to know the following information: -

- The date that the Fund user died
- Whether or not they were in hospital or residential care when they died and, if they were, the date that they went into hospital or residential care

- The name, address and telephone number of the executor, or the person who is dealing with the affairs of the person who has died

If there is a payment due after the Fund user has died, it can be made by cheque to the executor, or the person who has been dealing with the Fund user's affairs, or into the bank account used for Funds payments, if it is still open. The Fund user needs to arrange for the executor, or the person dealing with the Fund user's affairs, to pay any outstanding invoices or wages when the last payment from the Funds is made.

#### **14.11.2 Payments**

If the Fund user is getting payments from the Funds when they die, the Funds' payments must be cancelled. Funds payments can normally be made up to and including the day that a Fund user dies.

#### **14.11.3 Overpayments After A Fund User Dies**

Sometimes, there is a delay in getting in touch with the Funds after someone has died. If this happens and payments continued when they should have stopped, an overpayment is likely to have been made (see 15.2.2).

### **14.12 Important Changes and Overpayments**

The Department for Work and Pensions does not automatically inform the Funds about changes in benefits. A Fund user may not remember to inform the Funds of changes in circumstances that may affect their payments. Therefore, if there are any changes that could affect a Fund user's payments that the LA is aware of, the Funds must be informed as soon as possible. If a change is not reported to the Funds an overpayment may occur, and the Fund user or the LA may be asked to repay the overpayment.

**Please remember** to tell the Funds at once if there has been a change in the Fund user's circumstances. Encouraging the Fund user to tell the Funds is not enough; please contact the Funds yourself. We would rather be told twice than not at all.