

## Cabinet Member for Children and Families Agenda

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**Date:** Tuesday, 18th July, 2017

**Time:** 9.30 am

**Venue:** Room F9 - Westfields, Middlewich Road, Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

**2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

**3. Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

**4. Cared for Children Charging Policy (Pages 3 - 24)**

To consider the introduction of a charging policy.

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Please contact  
E-Mail:

Cherry Foreman on 01270 686463  
[cherry.foreman@cheshireeast.gov.uk](mailto:cherry.foreman@cheshireeast.gov.uk) with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

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## Cheshire East Council

### Portfolio Holder Decision

#### Cabinet Member for Children and Families

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**Date of Meeting:** 18 July 2017

**Report of:** Nigel Moorhouse, Director of Children's Social Care

**Subject/Title:** Cared for Children Charging Policy

**Portfolio Holder:** Cllr George Hayes, Children and Families

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#### 1. Report Summary

- 1.1. The purpose of this report is to outline the proposal to implement a policy to recoup some of the costs related to the care of children looked after by the local authority.
- 1.2. This would be via the recovery of some of the costs from the parents of cared for children (under 16 years of age). Such a policy would relate to the costs of the very small number of children who are accommodated subject to Section 20 arrangements.

#### 2. Recommendation

- 2.1. That the Portfolio Holder:
  - a) Approves the adoption of the policy at Appendix 1 from 1<sup>st</sup> August 2017 for all new entrants to care subject to Section 20 of the children Act where care proceedings are not the agreed care plan; and
  - b) Endorses the proposal to review the effectiveness of the policy in one year's time.

#### 3. Other Options Considered

- 3.1. That no charging policy is implemented. To take this approach would impact on the agreed budget savings. However the income which could be generated from this policy (£40,000) is less than was anticipated.

#### 4. Reasons for Recommendation

- 4.1. There are a number of reasons for proposing a charging policy for cared for children and these are embedded in the proposed principles set out below:
  - It reflects the sharing of responsibility between parents and the local authority to ensure best outcomes for children;

- It supports the objectives of the Children Act 1989 that the welfare of the child is paramount and promotes social responsibility;
- It should not result in parents being charged more than they can reasonably be expected to pay;
- It should not result in parents refusing to agree to voluntary accommodation arrangements if to do so would place a child at risk of continued harm;
- It assesses all families ability to contribute irrespective of income or employment status; and
- It uses the income generated to support current services.

### **5. Background/Chronology**

- 5.1. The legal power to claim costs from parents is contained in Section 29 and Section 2 of the Children Act 1989.
- 5.2. This policy aims to promote children remaining within their families and to deter families from abdicating their parental responsibilities. The aim of the policy is to reduce the numbers of cared for children where parents are able to care for their own children. However this will require careful management and oversight to ensure that the charging policy does not become a barrier to children coming into care where there is a need to safeguard their welfare. The Head of Service for Cared for Children, together with the management team, will provide oversight via the Permanence Tracking Panel which will review the appropriateness of the charging policy to individual children as they enter care. The Head of Service has the discretion to set aside a charge, if required.
- 5.3. The formula for charging parents will be based on a financial assessment and the rates payable by a non-resident parent as published by the Department of Work and Pensions child maintenance service. The department of work and pensions (DWP) rate of £39 per week (the default child maintenance payment) has been used to calculate a minimum estimated income following approval of the charging policy. Full details are contained in the proposed policy document in Appendix 1.
- 5.4. As of January 2017 there were 420 children in the care of Cheshire East Council, 50 are subject to Section 20 arrangements, 14 are aged 13-15 years old.
- 5.5. It is proposed that this policy will only apply to a very small number of children and families. Generally speaking children under 13-15 would be excluded from this policy as their care plan would be to apply for a care order if they remain in care. There will be some children under this age who are subject to Section 20 accommodation and who will remain subject to Section 20 arrangements therefore bringing them within the scope of this policy; each case should be considered on its merits.
- 5.6. As stated in the Children Act 1989 parental charges cannot be applied to Children aged 16+.

- 5.7. During 2016, 22 children aged 14-15 years old entered care subject to Section 20 arrangements. Using this as a benchmark an estimated 22 new financial assessments a year would be required.
- 5.8. An analysis of the current cohort of 13-15 year olds under Section 20 children in care (14 in total) reveals that the home address of 42% (6 children) was in the top 25% Lower Super Output Area (LSOA). Four further children had home addresses in the middle LSOA (ranked 46% - 75%) and 4 children had home addresses in the bottom 46% LSAO.
- 5.9. Using data held in relation to income assessments for Special Guardianship Order (SGO)/adoption allowances and their respective home addresses, an example income amount can be identified for each postcode area (table 1 below).
- 5.10. An estimated calculation can be made to determine an estimated weekly income for the 14 cared for children identified. The estimated income would be £779 per week (£55 per child per week). This would provide a total annual income of £40,508.

Table 1		
Example income amount/postcode area		Means test applied
CW1	- £4520.80pcm (£1043.26pw) Couple	3 children in original area 3x £117.89 = £353.67pw
CW2	- £2564.28pcm (£591.76pw) Couple	2 children in original area 2x £71.01 = £142.02pw
CW4	- £2106.12pcm (£486.03pw) Couple	1 child in original area = £58.32pw
CW5	- £970.45pcm (£223.95pw) Couple	2 children in original area 2x £26.87 = £53.74pw
CW10	- £451.97pcm (£104.30pw) Single	1 child in original area = £7pw
SK9	- £1340.18pcm (£309.27pw) Couple	1 child in original area = £37.11pw
SK11	- £1340.18pcm (£309.27pw) Couple	2 children in original area 2x £7pw = £14pw
ST7	- £2500.00pcm (£576.92pw) Couple	1 child in original area = £69.23pw
WA16	- £1615.64pcm (£ 372.84pw) Couple	1 child in original area = £44.74pw
Average weekly = £779.83pw for 14 children		

- 5.11. Where a disabled child is provided with a substantial amount of residential care because the level of their disability means that the parents have great difficulty in caring for them at home they are classed as “Looked After” by the Local Authority under Section 20 of the Children Act 1989. This also applies where a child receives boarding education and care because of

their disability. Children who meet the criteria for the CWD team will not be included.

- 5.12. It is proposed that financial assessments will be undertaken by the Placements Team alongside their work in respect of Special Guardianship Allowances and Adoption Allowances which involve similar financial assessments. This will have an impact on capacity initially catered for by efficiencies in the team, given the relative small number of assessments per year the impact will be small.

## **6. Wards Affected and Local Ward Members**

- 6.1. This policy will be applied across all wards in Cheshire East.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1. This is a new policy detailed at Appendix 1. It is proposed that the policy will be applied from 1st August 2017 for all new entrants to care subject to Section 20 of the children Act where care proceedings are not the agreed care plan.

### **7.2. Legal Implications**

- 7.2.1. The Children Act places a general duty on all local authorities to safeguard and promote the welfare of children within their area who are in need and this may include provision of financial support.
- 7.2.2. Section 17 of the Children Act places a general duty on all local authorities to safeguard and promote the welfare of children within their area who are in need and this may include provision of financial support.
- 7.2.3. Section 29 of the children Act makes provision for the recovery of contributions towards the cost of supplying services under section 17. This is with the exception of advice, guidance and counselling for which a charge cannot be made.
- 7.2.4. Section 29 (2) of the Act makes provision for councils to recover reasonable financial contributions from families who are supported under S 17 (other than advice, guidance, or counselling).
- 7.2.5. There is also provision within the Children Act 1989 for councils to seek contributions from parents towards the actual costs of their child's placements when children are placed in voluntary accommodation through S 20 of the Children's Act 1989.

7.2.6. The ability to charge is limited where families are in receipt of benefits or state pensions

22. — (1) *Contributions towards a child's maintenance may only be recovered if the local authority have served a notice ("a contribution notice") on the contributor specifying—*

- (a) the weekly sum which they consider that he should contribute; and*
- (b) arrangements for payment.*

*(2) The contribution notice must be in writing and dated.*

*(3) Arrangements for payment shall, in particular, include—*

- (a) the date on which liability to contribute begins (which must not be earlier than the date of the notice);*
- (b) the date on which liability under the notice will end (if the child has not before that date ceased to be looked after by the authority); and*
- (c) the date on which the first payment is to be made.*

*If you consider what happens if the parent does not pay, upon receipt of a correct format contribution notice:*

23. — (1) *Where a contributor has been served with a contribution notice and has—*

- (a) failed to reach any agreement with the local authority as mentioned in paragraph 22(7) within the period of one month beginning with the day on which the contribution notice was served; or*
- (b) served a notice under paragraph 22(8) withdrawing his agreement,*  
*the authority may apply to the court for an order under this paragraph.*

*(2) On such an application the court may make an order ("a contribution order") requiring the contributor to contribute a weekly sum towards the child's maintenance in accordance with arrangements for payment specified by the court.*

*(3) A contribution order—*

- (a) shall not specify a weekly sum greater than that specified in the contribution notice; and*
- (b) shall be made with due regard to the contributor's means.*

*(4) A contribution order shall not—*

- (a) take effect before the date specified in the contribution notice; or*
- (b) have effect while the contributor is not liable to contribute (by virtue of paragraph 21); or*

*(c) remain in force after the child has ceased to be looked after by the authority who obtained the order.*

7.2.7. Legal Services have confirmed that as the policy will not be applied retrospectively, and affects a small number of children (potentially around 20 per year); then the introduction for this policy is not viewed a key decision and can be effected by a Portfolio Holder Decision.

### **7.3. Financial Implications**

7.3.1. There will be minimal cost implication to the introduction of financial assessments for all new entrants to care on Section 20. The administration will be managed via existing staff based within children's social care services.

7.3.2. However, should parents refuse to engage with the contribution notice this would lead to costly enforcement action which would impact on the income realised from parental contributions.

7.3.3. A target of £110,000 was set against the cared for children charging policy, however the subsequent work to understand the application of the policy and the means test demonstrates that the estimated income is £40,508.

7.3.4. Various models have been used to determine estimated income from the charging policy and it would be unwise and unrealistic to raise the estimated income figures significantly above the identified total.

7.3.5. The shortfall of £69,492 will be considered further by the service in order to reallocate it to other areas.

### **7.4. Equality Implications**

7.4.1. Based on the data available for our cared for population there is no evidence to suggest that the needs of any groups would be disproportionately affected by plans to recover costs of placements from parents due to the small number of residents it applies to, the statutory exemptions for low income, and exemptions for children with disability.

### **7.5. Rural Community Implications**

7.5.1. There are no rural community implications.

### **7.6. Human Resources Implications**

7.6.1. The administration will be managed via existing staff based within children's social care services.



**7.7. Public Health Implications**

7.7.1. There are no public health implications.

**7.8. Implications for Children and Young People**

7.8.1. Safeguarding children and young people from harm is a priority for Cheshire East Council; the welfare of children and young people will continue to be paramount in applying this policy. Any income generated from this policy will be used in delivering services to our most vulnerable children and families.

**7.9. Other Implications (Please Specify)**

7.9.1. There are no other implications.

**8. Risk Management**

8.1.1. There is a risk that parents refuse to engage with the contribution notice. This would lead to costly enforcement action which would impact on the income realised from parental contributions.

**9. Access to Information/Bibliography**

9.1. See Appendix 1 for policy.

**10. Contact Information**

Contact details for this report are as follows:

<b>Name:</b>	Nigel Moorhouse
<b>Designation:</b>	Director of Children's Social Care
<b>Tel. No.:</b>	01606 271775
<b>Email:</b>	nigel.moorhouse@cheshireeast.gov.uk



## **Children and Families Service**

**DRAFT  
Cared for Children Charging  
Policy**

1<sup>st</sup> August 2017

<b>POLICY INFORMATION SHEET</b>	
<b>Service Area</b>	Children and Families
<b>Date effective from</b>	1 <sup>st</sup> August 2017
<b>Responsible Officer</b>	Head of Service Cared for Children
<b>Date of Next Review</b>	August 2018
<b>Status</b>  ➤ Mandatory (all staff named must adhere to guidance) ➤ Optional (Procedures and practice can vary between teams)	Mandatory
<b>Target Audience</b>	All staff within Children and Families Service
<b>Date of Decision</b>	Portfolio Holder Decision, 18 <sup>th</sup> July 2017
<b>Related Document (s)</b>	Not applicable
<b>Superseded Documents</b>	Not applicable
<b>Equality Impact Assessment</b>	Completed June 2017

## **1. Purpose**

- 1.1 This policy details the implementation of a charging policy to recoup the costs of cared for children under 16 years of age in the care of Cheshire East Council subject to Section 20 arrangements.
- 1.2 The aim of the policy is to work in partnership with parents to promote the welfare of their children. We believe this partnership extends to sharing financial responsibility with those parents who can afford it.
- 1.3 The policy is designed to take into account both the parents ability to pay and the circumstances which led to the child coming into care. The policy considers that it is entirely reasonable for non-custodial parents to contribute to the maintenance of their children whoever is looking after them.
- 1.4 This policy is broadly aimed at the accommodation of teenagers as younger children will usually enter care proceedings to secure long term care arrangements.

## **2. Scope**

- 2.1 The scope of this policy is families of children under 16 years of age who are looked after full time in foster care or residential care subject to voluntary arrangements as per Section 20 of the Children Act 1989.
- 2.2 It is the responsibility of social care staff to adhere to this policy and for managers to ensure that they do.

## **3. Legal Frameworks**

- 3.1 A local authority can make charges for services provided under Sec 17, 18, 20 and 31 of the Children Act 1989.
- 3.2 Section 20 empowers the local authority to provide accommodation for a child who has been abandoned or can no longer be looked after by their parents. Parents retain parental responsibility for children accommodated under section 20.
- 3.3 Section 29 (1) where a local authority provide any service under section 17 or 18, other than advice, guidance and counselling , they may recover from a person specified in sub section (4) such a charge for the service as they consider reasonable.
- 3.4 Where the authority are satisfied that the persons means are insufficient for it to be reasonably practicable for him to pay the charge, they shall not require him to pay more than he can reasonably be expected to pay.
- 3.5 No person shall be liable to pay any charge under section (1) for services provided under section 17 or section 18 (1) or (5) at any time when he is in receipt of income support , of any element of child tax credit other than the

family element, of working tax credit. Of income based job seekers allowance or of an income related employment and support allowance.

- 3.6 There is also an exemption for those in receipt of state pension or where they are a couple with one person receiving state pension credit.
- 3.7 Para 21 of schedule 2 of the children act 1989 sets out the liability to contribute for children accommodated under section 20 of the Act or on full care orders as follows; where the local authority are looking after a child (other than in the case mentioned in sub para (7) they shall consider whether they should recover contributions towards the child's maintenance from any person liable to contribute.
- 3.8 Where both parents are liable to pay contributions but are living apart each parent may be liable to contribute in proportion to their means as delineated through financial process. Where parents are living apart or are divorced and remarried, or are cohabiting, the income of the new spouse or cohabitee should not be taken into account.

#### **4. The Financial Assessment**

- 4.1 The financial assessment process is based on the guidance published by the Department for Work and Pensions Child Maintenance Service.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325219/how-we-work-out-child-maintenance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325219/how-we-work-out-child-maintenance.pdf)

- 4.2 Further local discretionary exemptions may apply where the contributing parent has a low income as defined by the financial assessment, charging would cause hardship for the family as a whole and
- The child is an infant whose parent is requesting the child be adopted
  - The child has complex needs related to significant disability
  - The child has been subject to a child protection plan where the service provided is part of the plan
  - A package of short breaks is in place to prevent the child becoming looked after.
  - A member of the immediate family is terminally ill
- 4.3 This policy is broadly aimed at the accommodation of teenagers as younger children will usually enter care proceedings to secure long term care arrangements.
- 4.4 In these cases the Head of Service or nominated representative would make the decision about whether an exemption is applied.

#### **5. Implementation**

- 5.1 A detailed financial assessment will be carried out by the Placement Service; the assessment will determine the ability to pay and the affordable weekly amount that the parent is able to contribute.

- 5.2 There will be an automatic annual reassessment of all charges.
- 5.3 Charges will also be reassessed if there is a change in the financial circumstances of those liable to contribute.
- 5.4 For parents who are unhappy with the application of the policy to their case, application can be made for an appeal on the grounds of financial hardship or for social or care reasons and will be considered by the Head of Service. The Service Director may provide further review and this decision will be final.
- 5.5 When a parent requests a child is accommodated, the Social Worker should inform the parent of the charging policy in writing at the earliest opportunity. A leaflet is available.
- 5.6 Once a decision is made to accommodate a child, a financial assessment of the parents should be carried out promptly, ideally prior to placement. This will be undertaken by the Placement Team on notification of the placement UNLESS the Social Worker confirms it is not appropriate to do so.
- 5.7 The Permanence Tracker Meeting chaired by the Head of Service will track new admissions to care and whether financial assessments have been undertaken, and if not whether they have been appropriately excluded.
- 5.8 The calculation of ability to pay will be made on the basis of the department of work and Pensions guide for calculating child maintenance.
- 5.9 Invoices will be issued to parents on a monthly basis in arrears.
- 5.10 The council operates 30 day payment terms, if payments are not received in this period all recovery options will be actively pursued, including legal routes that may incur additional costs for the parent.
- 5.11 The contribution notice will contain how much the charge will be, how frequently payment is required and the appeals process, breakdown of how it has been calculated and the date of commencement.

People Directorate  
Cledford House  
Long Lane South  
Middlewich  
CW10 0DB

Tel: 01260 375446

Email: [placementserviceeast@cheshireeast.gov.uk](mailto:placementserviceeast@cheshireeast.gov.uk)

Date:

Your Ref:

Our Ref:

Dear

**Mr A.N Other's Financial Contribution towards Section 20**

**THIS IS A NOTIFICATION OF YOUR WEEKLY CONTRIBUTION NOT AN INVOICE**

Parents of children who are placed in voluntary accommodation through Section 20, funded by Cheshire East Council must pay something towards the cost of that care, in line with The Children Act 1989. How much you pay depends on your weekly income.

The financial assessment process is based on the guidance published by the Department for Work and Pensions' Child Maintenance Service.

Your contribution will start from the date your child became accommodated, **DATE** and you will receive invoices, on a monthly basis, in arrears. Payment options are shown on the reverse of your invoice; if you have any problems making your payment then please get in touch with us.

Your weekly contribution will be reviewed annually, or if your circumstances change. It is therefore important that you notify your child's social worker of any change in your personal or financial circumstances.

Yours sincerely

Name  
Title

## Model Assessment: AN EXAMPLE

1. How many children are you being charged for?
2. Are you in receipt of any benefits?
3. If yes, which benefits
4. Weekly gross income
5. How many other children live in your household?
6. On average, how many nights a year do the children stay over with you?

2
No
£173
1
0

## Calculation: AN EXAMPLE

You have two children that you must pay for, and one other child you support. Your gross weekly income is £173.

Because of this we work out your charge using the reduced rate.

This means you pay a standard amount of £7 for the first £100 of your income.

You also pay 21.1 of £72 (the rest of your weekly income). This works out at £15.48.

This means your total weekly charge is £7 + £15.48.

This works out at £22.48

We have based the charging formula on what Cheshire East Council believes is a fair and realistic scale, however, if you feel that the payment of the assessed charge would result in financial hardship, you may request that we review your charge and if you are still not happy appeal against our decision.

In the first instance you should put a request for a review of the charge in writing to the Children and Families Service Financial Coordinator

Full details of the Reviews and Appeals Process is highlighted in the enclosed leaflet.

## Model Assessment: A Higher Earner

1. How many children are you being charged for?
2. Are you in receipt of any benefits?
3. If yes, which benefits

1
Yes
Child Benefit
£1249.91



4. Weekly gross income

5. How many other children live in your household?

2

6. On average, how many nights a year do the children stay over with you?

0

Calculation: AN EXAMPLE

You have one child that you must pay for, and two other children you support. Your gross income is:  $\text{£}5416.27\text{pcm} \times 12/52 = \text{£}1249.91\text{pw}$

Because you still have 2 children remaining at home:  
14% reduction of  $\text{£}1249.91\text{pw} = \text{£}1074.92\text{pw}$

Because of this we work out your charge using the Basic Plus rate.

This means you pay 12% of your weekly income up to  $\text{£}800\text{pw}$ . This amount will be  $\text{£}96.00\text{pw}$ .

You also pay 9% of  $\text{£}274.92\text{pw}$  (the rest of the gross weekly income). This amount will be  $\text{£}24.74\text{pw}$

This means your total weekly charge is  $\text{£}96.00 + \text{£}24.74$ .

This works out at  $\text{£}120.74$  per week.

We have based the charging formula on what Cheshire East Council believes is a fair and realistic scale, however, if you feel that the payment of the assessed charge would result in financial hardship, you may request that we review your charge and if you are still not happy appeal against our decision.

In the first instance you should put a request for a review of the charge in writing to the Children and Families Service Financial Co-ordinator.

Full details of the Reviews and Appeals Process is highlighted in the enclosed leaflet.

The explanation below relates to the example above only. This is because there are so many variables. The Child Maintenance Service's step-by-step guide explains situation's in more detail.

Therefore in this case, there are two other children the paying parent supports. As they have a gross weekly income of  $\text{£}200$  or more up to and including  $\text{£}3,000$  we take these children into account.

We do this by reducing the paying parent's gross weekly income by a percentage, depending on the number of children who they or their partner get Child Benefit for.

We make:

- An 11 per cent reduction to a paying parent's gross weekly income if there is one other child the paying parent supports
- A 14 per cent reduction to a paying parent's gross weekly income if there are two other children the paying parent supports
- A 16 per cent reduction to a paying parent's gross weekly income if there are three or more other children the paying parent supports.

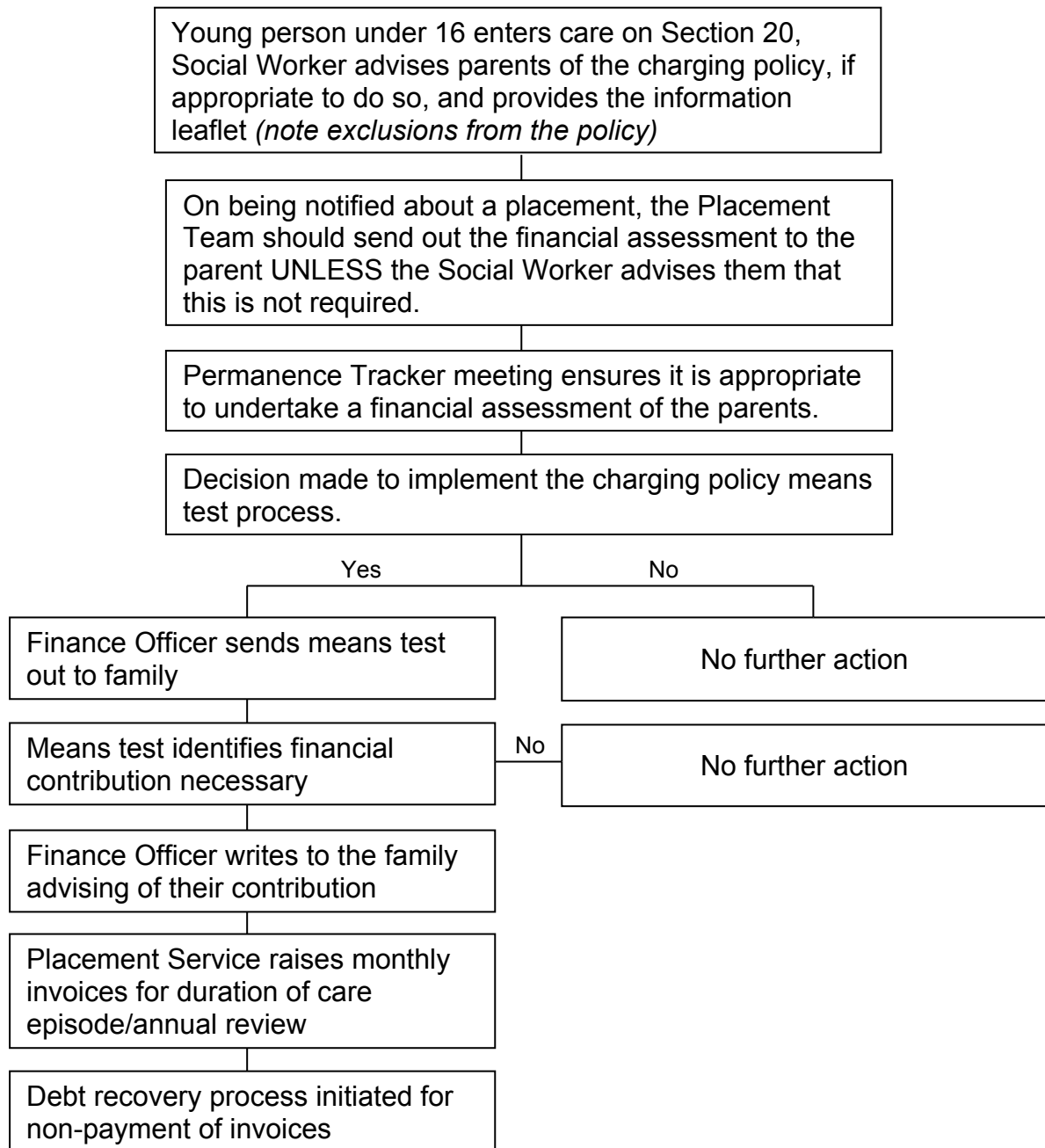
Next, the rates we use are different depending on the gross weekly income amount:  
Rate Paying parent's gross weekly income

Basic	£200 to £800
Basic Plus	£800.01 to £3,000 (the first £800 of income is taken into account using the basic rate)
Reduced	£100.01 to £199.99
Flat	£7 to £100 (or receives benefits)

As, in this case, the Basic Plus rate is applied, the amount to be charged depends on the number of children the paying parent must pay for.

Number of children needing to be paid	Percentage applied to the first £800 of gross weekly income	Percentage applied to the gross weekly income over for £800 (up to £3,000 limit)
1	12%	9%
2	16%	12%
3 or more	19%	15%

## Charging Policy



## **Charging Contributions for Children Looked After by Cheshire East Council**

This leaflet explains the financial assessment process and charging contributions for people who have Parental Responsibility for children who are being looked after by Cheshire East Council.

### **Why are we charging you?**

The term 'looked after' refers to children who are subject to care orders and those who are accommodated. You remain responsible for your child even when he or she is being looked after, voluntarily or under a Care Order, by Cheshire East Council.

Under the Children Act 1989, Cheshire East Council Children's Service expects a financial contribution for the children that they look after from those parents that are able to do so.

### **Will I be charged?**

If you are the natural or adoptive parents, you will usually be expected to contribute to the cost of your child's care. If you are separated or divorced, both parents will be expected to contribute to care cost however, we will look at your finances separately. If a natural parent is married to or living with another person then only the income of the natural parent is used in the assessment.

In some cases, parents will not be asked for a contribution. This includes parents of:

- Children accommodated for less than 7 days;
- Children subject to an interim Care Order (ICO) or Emergency Protection Order (EPO);
- Children aged 16 years of age or over; or
- Where parents are claiming Income Support, Working Tax Credit or Income based Jobseekers Allowance.

These exemptions are set out in Cheshire East Council Children Service Charging Policy document.

### **What information do we need from you?**

In order for us to work out how much you will be charged, we will ask you to fill in a simple financial assessment form. This asks basic information about income and benefits. We will also ask you to provide evidence of both parents income and any benefits you received, this will be one of the following:

- 3 recent pay slips if paid monthly; or 8 if paid weekly; or
- A copy of your certified statement of accounts or Tax Self-Assessment form if you are self-employed; or
- A copy of your current tax credit or benefit award letters to confirm which benefits you are receiving.

If you are living apart from the other parent you should make this clear on the financial assessment form you send us so we can send them a separate financial assessment form to complete. We will not take into account the income of any partner or relative who does not have parental responsibility.

If you would like help with completing the financial assessment form please ask your child's social worker or contact the Financial Coordinator

### **How is the Charge worked out?**

We will use your completed financial assessment form and your proof of income or benefits to work out what your charge will be. The formula we use to work out how much you will be charged is based on that used by the Child Maintenance Service and you will pay a charge based on your income. You will not be charged more than the cost of a Cheshire East Council placed foster child. We work out the charge by applying one of two rates to your 'net weekly income':

- Basic rate (If you have an income of £200 a week or more);
- Reduced rate (if your income is more than £100 but less than £200 a week)
- Flat rate (If your income is between £7 and £100 or receives benefits)
- Nil (If you have less than £7 gross weekly income)

Income is earnings, money from an occupational or personal pension, certain benefits and in certain circumstances tax credits. 'Net weekly income' is the amount of income you are left with after paying things like income tax, national insurance and contributions to a pension scheme.

### **Notification of Charges**

Once we have worked out the amount you will be charged we will send you a Notification of Charge letter which will detail:

- The amount which you will be charged;
- The arrangements for payment.

If you have told us that you are receiving benefits we will write and tell you that you do not have to pay a charge once we have seen proof and verified your benefits.

### **Will there be regular reviews?**

The amount you are charged can change as your circumstances change. You should notify the Children and Families Services Financial Co-ordinator of changes to your financial circumstance.

We will check your financial details with you each year when we will review the amount you are charged.

### **What if I don't return the financial assessment form?**

If you choose not to complete a financial assessment form, we will automatically charge you the following of £39 per week for 1 child, £51 per week for 2 children or £64 per week for 3 children or more.

### **What if I don't pay?**

Cheshire East Council operates a debt recovery process that is initiated for non-payment of invoices

### **Notification of Change of Process**

You must notify the Council of any change of address.

### **Reviews and Appeals**

We have based the charging formula on what Cheshire East Council believes is a fair and realistic scale, however, if you feel that the payment of the assessed charge would result in financial hardship, you may request that we review your charge and if you are still not happy appeal against our decision.

There are three levels of review and appeal:

Level 1 – Review of Charge

Level 2 – Initial Appeal

Level 3 – Final Appeal

#### Level 1 – Review of Charge

If you feel we have not considered all your circumstances, or that we have incorrectly calculated your contribution, you can ask us to review it.

You should put a request for a review of the charge in writing to the Children and Families Service Financial Coordinator detailing:

- Why you cannot afford the charge;
- Any additional information which you would like us to take into account when reviewing the charge.

#### Level 2 – Initial Appeal

If we have reviewed your charge again and you disagree with our decision, you can then appeal against it. You must do this within one month of getting a letter from us telling you about the reviewed decision.

You should write to the Children and Families Financial Coordinator to appeal against the decision of the review detailing:

- Why you are not happy with the outcome of the Level 1 review of charge.

Your level 2 Initial Appeal will be passed on to the Head of Service, Cared for Children and Care Leavers, for consideration and you will be notified of the outcome within 14 working days of receipt of the request.

### Level 3 – Final Appeal

If you do not accept the outcome of the Level 2 Appeal, you should write to the Children and Families Financial Coordinator explaining that you would like to appeal against the Level 2 Initial Appeal decision.

Your Level 3 Final Appeal will be passed to the Director of Children's Social Care for consideration and you will be notified of the outcome within 14 working days of receipt of the request.

### **Complaints**

Cheshire East Council has a separate complaints procedure that is available if you are dissatisfied.

To request a leaflet telling you how to make a complaint please call 0300 123 5038 or visit [www.cheshireeast.gov.uk/customerfeedback](http://www.cheshireeast.gov.uk/customerfeedback)

### **Any Further Questions**

If you have any questions about the charges for children looked after by Cheshire East Council or would like more information, please ask your child's Social Worker or contact:

- Children and Families Service Financial Coordinator
- Email address: [placementservices@cheshireeast.gov.uk](mailto:placementservices@cheshireeast.gov.uk)

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