



West Lothian Council  
Finance and Property Services  
Adult Social Care

## RECONSIDERATION AND REVIEW PROCESS OF FINANCIAL ASSESSMENTS/CHARGES FOR ADULT NON RESIDENTIAL SOCIAL CARE

### 1. PURPOSE

To ensure fair, consistent and timely consideration of management and decisions in reconsidering financial assessments or reviewing assessed contributions or social care charges without prejudice to an individual's right to use the statutory Social Work Complaints procedure [SPSO - how to complain information](#)

### 2. RECONSIDERATION - FINANCIAL ASSESSMENTS

- 2.1 Reconsideration of a financial assessment can be requested by an individual, their carer or a representative, for the following reasons:
- the proper process has not been followed;
  - relevant information has not been considered before a decision has been made about the individual's financial circumstances;
  - incorrect dates or amounts have been used;
  - the contribution has been incorrectly calculated;
  - additional expenditure, not previously stated as part of the financial circumstances details; or
  - an invoice has been raised for services not received (except where notification of breaks in care should have been notified to the service).
- 2.2 Reconsideration can result in a reduction or increase of the financial contribution, if there has been an error in the process or information has not been fully considered. It should be noted that if a financial assessment was done incorrectly because relevant facts were unknown by the decision-maker at the time it is possible the council will not be able to backdate any charges/contributions. If an assessment is incorrect because of unknown facts a decision-maker should be able to reconsider this after they have all the relevant facts.
- 2.3 The council will apply discretion as is reasonable in the circumstances to accept a request beyond the above timescale. Preferably this should be no later than 3 months of the initial decision being made.

### 3. REVIEWS - FINANCIAL ASSESSMENT/CHARGES

- 3.1 This can be requested by the individual or their representative where payment of the assessed amount will cause undue financial hardship to an individual. The review can request a complete waiver or a reduction of the financial contribution which has been calculated as being due.
- 3.2 On receipt of a request for a reconsideration or review, invoices may continue to be raised but the debt recovery process will be placed 'on hold' pending the outcome of the review.

#### **4. RECONSIDERATION PROCESS - FINANCIAL ASSESSMENT TEAM**

- 4.1 After the financial assessment a written decision letter will be issued. This letter will explain to the individual how the financial contribution was calculated and of their right to request a reconsideration. Contact details for the Financial Assessment Team and how to request reconsideration will be provided in the decision letter.
- 4.2 The individual should provide details of their reasons for requesting a reconsideration of the financial assessment and any additional information. A request should be made within one month of the date of the decision letter. If an individual is making a late request they must explain their reasons for not requesting reconsideration within the one month timescale.
- 4.3 When someone asks for reconsideration we will check the:
  - financial assessment; and
  - correct procedures were followed.
- 4.4 The reconsideration will be carried out by a member of staff who was not involved in the original assessment. The decision will be provided to the individual within one month of receipt of the request. If the decision is to change the financial contribution the council will write to the individual and advise of the revised contribution. If the original decision remains unchanged the individual will be required to pay the contribution previously notified. Nonpayment of invoices will be addressed under the council's Service Accounts, Invoicing and Collections process and the Corporate Debt Policy.

#### **5. REVIEW PROCESS – ADULT SOCIAL CARE**

- 5.1 If an individual feels that the financial contribution will cause them undue financial hardship they may request a review, this will only consider the individual's financial circumstances and is not a review of the financial assessment or process. The individual should provide detailed reasons and evidence to explain their request, and reasoning for a request to a reduction or waiver of a charge or financial contribution.
- 5.2 Requesting a review shall entitle an individual to an acknowledgement within three working days and a full written response within 20 working days unless there is agreement to provide the council with more time to consider the review.
- 5.3 A senior social work manager shall initially consider the request and may carry out the review, to recommend a reduction or waiver of a charge or financial contribution.
- 5.4 Alternatively a panel of senior management or team managers from adult social or revenues services, who have had no previous involvement may be convened to carry out a review.
- 5.5 The decision to waive or reduce a financial contribution or social care charge remains with the Deputy Chief Executive of Health and Social Care, which may be delegated to the Head of Social Policy for such invoices or debt to be written as necessary where those are under £3000. Any amount over £3000 requires to be approved by Committee. In these circumstances a final decision on any review may not be known to the individual for some time and they shall be updated as to relevant timescales if this applies.
- 5.6 The senior manager or panel will take into consideration all information provided to them and may contact the individual if more information is required before they can make a recommendation.

## 6. COMPLAINTS

The right to access the council's statutory social work complaints procedure remains until there is any change by the Scottish Government to this. [West Lothian Council Social Work Complaints Procedure - click for link to leaflet](#)

Other complaints should be referred to through the [West Lothian Council Complaints Procedure - click to link](#)

### Links

[Help for Adults WLC Health Partnership](#) – for copies of relevant policies and other information on eligibility

[West Lothian Council Complaints Procedure](#)

[Council tax and Benefits](#)