



Department  
of Health &  
Social Care

From Helen Whately MP  
Minister of State for Care

39 Victoria Street  
London  
SW1H 0EU

PO-1440295

The Rt Hon Sir George Howarth MP  
By email to: [george.howarth.mp@parliament.uk](mailto:george.howarth.mp@parliament.uk)

8 March 2023

Dear Sir George,

Thank you for your correspondence of 24 February on behalf of your constituent, about social care assessments and charging.

I hope you will appreciate that the Department of Health and Social Care cannot comment on individual cases. Under the Care Act 2014, charging is based on a number of principles, including that people should not be charged more than it is reasonably practicable for them to pay. Where a local authority charges a person for their care and support, regulations set limits below which a person's income and capital must not be reduced by charges.

Reviews of existing care and support plans and financial assessments usually take place at least once a year. The Care Act 2014 sets out the framework within which local authorities carry out their responsibilities and services, including to decide what people can afford to contribute towards the cost of their care and support. The *Care and Support Statutory Guidance* states that local authorities may take into account most of the benefits that people receive. However, they need to ensure that, in addition to the Minimum Income Guarantee or Personal Expenses Allowance, people retain enough of their benefits to meet their needs that are not being met by the local authority.

Anyone who is unhappy about the way in which a local authority carries out a financial assessment for charging can make representations through the complaint procedure that all local authorities are required to have. If they are unhappy with the result of their complaint, they can ask the Local Government and Social Care Ombudsman to investigate. Further details can be found at [www.lgo.org.uk](http://www.lgo.org.uk).

Yours,

**HELEN WHATELY**