

Charging for day services: Get your rights

Mencap says it is not fair for you to pay council services that support you to live an ordinary life, if your main income is from Income Support.

1. What the law says about charging

- Local councils **can** charge for some services, but they **do not have to**.
- Any charges must be 'reasonable'. This means that **you should not have to pay a charge if this would leave you with too little money to live on**.
- It is the same for direct payments.
- The council must not ask your family to pay instead of you.
- They must tell you about benefits.

2. If your Council has decided to charge people

They cannot charge you if you show it would leave less than the following money:

- Income Support (personal allowance + disability or enhanced disability **premium**)
- + 25%.

They will ask you about any other income you have, such as disability **benefits**. But if they include disability benefits in your income, then they have to take off your expenses that are caused by your disability.

They cannot count:

- the Severe Disability Premium
- the mobility component of the Disability Living Allowance (DLA)
- DLA that is paid for night care
- pay from a job or from Working Tax Credit.

3. You will show you do not have enough money to pay charges

- If you send the council a Financial Assessment form that shows your disability expenses are as high as your disability benefits, and that you have no other extra income, then you will not have enough money to pay charges and the council cannot charge you.
- If you think you do not get enough money to pay charges for a service, so you do not agree to pay, your **council must still give you that service**.

4. How to challenge a charge

- If you refuse to pay, the council could take you to court, but this would cost them a lot and make them look mean, so most councils do not try this. If they do - get advice.
- If the council still says you must pay the charge, they must tell you how to challenge it. Ask for a hearing before an appeal panel. You can ask for advocacy support for this.