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Social Work Resources

Charging Policy for Non-residential Services

2018-19

Contents

Section	Description	Page number
1	Introduction	4
2	Aims of the Charging Policy	4
3	Legislation	4
4	Services which can be charged for	4
5	Services which are not chargeable	5
6	The financial assessment process	7
7	Timescales for completing a financial assessment	8
8	Non-disclosure	8
9	Failure to respond	8
10	Calculating the supported person's contribution	8
11	Minimum income thresholds	9
12	Charge taper	9
13	Income, benefits and disregards	9
14	Capital taken into account	10
15	Housing costs taken into account	10
16	Treatment of compensation	11
17	How a supported person's contribution is calculated	11
18	When a contribution is effective from	12
19	How contributions and charges are collected	12
20	Changes in circumstances	12
21	Changes in service provision	12
22	Waiving and abating of charges	13

23	Annual review	13
24	Data protection	13
	Appendix A Self-directed Support Charging Process	14
	Appendix B Personal Care	15
	Appendix C Self-direct Support Charging Process	16
	Appendix D Disregarded Benefits/Income List	17

1. Introduction

- 1.1 This document sets out the Council's Charging Policy for Non-residential Services.
- 1.2 The Charging Policy provides details of the legislative background to charges for nonresidential services, and how supported persons' contributions are assessed, together with minimum income thresholds and tapers.
- 1.3 The charging policy has been developed in line with the principles of the COSLA National Strategy and Guidance on Charges Applying to Non-residential Social Care Services and the Scottish Office Circular SWSG1/1997 which sets out the powers local authorities have to charge for a range of non-residential services. South Lanarkshire Council reviews the policy on an annual basis.

2. Aims of the charging policy

- 2.1 South Lanarkshire Council is committed to supporting people with social care needs to live at home independently, safely and for as long as possible. To help us to continue to provide services to people with a range of needs, we may need to charge for some care and support services.
- 2.2 Charges apply whether the service is provided by South Lanarkshire Council, by an external provider or for any other expenditure/services funded from a personal budget.
- 2.3 Charges and contributions are an important source of Council income and are a means to help with council- managed stretched resources and to help maintain and develop essential levels of service.

The main aims of the Charging Policy are to:

- provide a consistent, fair and transparent framework for charging
- recover appropriate costs of service provision
- maintain essential services and support high standards of care within available resources
- maximise the income of supported persons

3. Legislation

- 3.1 The Charging Policy has been developed within the parameters of community care legislation and guidance. The legal basis for charging for non-residential services is the Social Work (Scotland) Act 1968, the Community Care and Health (Scotland) Act 2002 and the Mental Health (Care and Treatment) (Scotland) Act 2003.
- 3.2 In terms of the guidance on charging set out in the Scottish Office Circular SWSG1/1997 and with regard to the subsequent development of COSLA guidance, councils have the power to charge for a range of adult non-residential social care services. Details are provided in section 4.

4. Services which can be charged for

- 4.1 Charges can be made for the following social care services:
 - care at home
 - day care

- domiciliary services, including meals on wheels
- wardens in sheltered housing
- laundry services
- aids and adaptations
- after-care services for people with a mental illness
- care and support services for those who have or have had a mental illness
- transport

Administration expenses can also be charged.

Charges for the Alert Community Alarm service, Frozen Meals service and Lunch Club meals are charged at a standard rate as determined by the Council Wide Charging Policy.

- 4.2 Supported persons in receipt of social care services or personal budgets will be offered a financial assessment to determine their ability to pay. This excludes the Alert Community Alarm service, Frozen Meals service and Lunch Club meals where there is a standard flat rate charge applied. See section 6 for the Financial Assessment Process.
- 4.3 The Social Care (Self-directed Support) (Scotland) Act 2013 requires local authorities to provide personalisation through a range of options with varying levels of choice and control, to people with eligible support needs. The provisions of the Act came into force on 1st April 2014 and apply to all new social care cases from that date, and to existing cases at the point of their next review. Self-directed Support enables people to exercise control over the use of resources identified to meet agreed outcomes. This requires the person to be aware of the financial value attributed to meeting their needs to allow them to make an informed choice about how it is used to meet their needs.

The charging policy will apply to Personal Budgets awarded and takes account of legislative requirements, such as free personal care. As Personal Budgets are awarded on an annual basis, the supported person will be required to complete a financial assessment to establish their annual contribution to their budget. The contribution will be calculated as a weekly equivalent sum. See appendix A for SDS Charging Process.

The contribution is directly linked to the approved personal budget and the supported person's ability to pay, not the services that the person ultimately utilises to meet their agreed outcomes. The contribution is therefore finalised once the details of the support plan have been approved to allow consideration of any free personal care.

5. Services which are not chargeable

- 5.1 Legislation and the Scottish Office Circular SWSG1/1997 also sets out which services cannot be charged for and these include:-
 - Services for people who are subject to Compulsion Orders under the Criminal Procedure (Scotland) Act 2003
 - Nursing Care and Personal Care for people aged over 65 (see Appendix B for list of personal care tasks)
 - Preparation of food for people aged over 65
 - Advice and information about the availability of services, and assessment of care needs or care management

- 5.2 As recommended by COSLA, South Lanarkshire Council do not currently charge for services provided to people who are subject to Compulsory Treatment Orders under the Mental Health (Care and Treatment) (Scotland) Act 2003
- 5.3 The Scottish Office Circular SWSG1/1997 and subsequent COSLA guidance also encourages councils to exempt charges where a supported person is diagnosed as being terminally ill.

COSLA recommend that where a person, aged under 65, has a progressive disease where death as a consequence of that disease can reasonably be expected within 6 months and the prognosis can be evidenced through a DS1500 or letter from individual's General Practitioner or hospital consultant, charges should be waived.

South Lanarkshire Council waive charges to all supported persons who are deemed to be terminally ill, where it is evidenced by a DS1500 or if the person satisfies the special rules of DS1500 and evidence of prognosis is provided.

5.4 The Scottish Executive Circular (No. CD/2/2001) and subsequent updated COSLA guidance requires that home care should be provided free for up to 42 days to those aged 65 and over (on the date of discharge) following NHS in patient care or surgery as a day case (does not apply to A&E), who have been assessed as needing it.

Further considerations are:-

- Only new, intermediate or additional services provided after a person comes out of hospital will be free for a limited time. Services that were in place pre-admission and continue after discharge will continue to be chargeable.
- Where the person is eligible for free home care, all social care services provided in the person's home are free, such as home care, laundry services and the shopping service.
- The relief from charging does not apply to discharges following admission on a regular or frequent basis as part of the person's ongoing care arrangements e.g. admissions for respite care or for ongoing but episodic treatment.
- Services provided wholly outside the person's home, such as day care, lunch clubs etc are not covered, and are therefore subject to the Council's charging policy.
- The alert community alarm service is not free and will continue to be charged even during the hospital admission period.
- After the 42 day period, the normal charging policy for non-residential services will apply.
- 5.5 South Lanarkshire Council has extended the above provision to the Supporting Your Independence programme, which is a six week programme of care to re-enable people who due to illness, injury or change in their personal circumstances require some extra support to live independently. During this period, supported persons will not be expected to contribute to their services. However, if services extend beyond the six week period, a financial assessment will be required to determine the person's ability to contribute to their care.
- 5.6 For services provided to children or their families, the charging policy should only be applied if the department does not have a legal or statutory duty to provide the service. South Lanarkshire Council do not apply charges to children under the age of 18. However, if a family is receiving care services which are directly attributable to the parents, then the service would be chargeable dependent on the family's personal/financial circumstances.

- 5.7 For Independent Living Fund cases, the Council will not apply its own charging policy due to the supported person being subject to a charge from ILF. It is the Council's expectation that supported persons will optimise other funding and income sources prior to taking up services. The cost of the services to the Council would therefore be net of such funding.
- 5.8 South Lanarkshire Council do not currently charge for Social Work funded equipment and adaptations for disabled people. Grants are available for some categories of adaptation work in privately owned homes. A mandatory 80% grant is awarded for eligible adaptations for disabled people once their needs have been assessed by an occupational therapist. A grant to cover the full costs may be made subject to eligibility, criteria and assessment. Work must be for standard amenities (including the provision of a low level shower or wet floor shower) or internal alterations. A charge (currently £50) is made towards the costs of administration of the grant.
- 5.8 The introduction of the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 requires local authorities to waive charges where services are provided to adult carers under section 3(4) of the 2013 Act and where services are provided to children who are in need under section 22 of the 1995 Act because they are young carers.

Charges for support to carers must be waived under the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 whereas support to a cared-for person (supported person) may be charged for. It is therefore necessary to establish whether support is being provided to the carer or cared-for person (supported person) in order to establish whether it may be chargeable.

6. The Financial Assessment Process

- 6.1 A financial assessment is an integral part of the care assessment process to assess a supported person's ability to pay/contribute towards their services or personal budget and will take account of evidenced income, savings, capital and specific household expenditure.
- 6.2 It is the policy of the Council to include a benefits check to ensure that all benefits are maximised. The Financial Assessor will promote benefit take up for supported persons and where there is an entitlement to benefits, the assessor will assist in making the appropriate benefit application, if required.
- 6.3 Where there are issues with benefit outcomes, a referral may be made to the Money Matters Advisory Services (MMAS) for advocacy and advice.
- 6.4 Where the supported person has a partner, the financial assessment will be based on their joint income and capital and supporting evidence must be provided. Where there is any doubt or dispute regarding whether or not two people are living together as a couple, the Council will refer to the decision made by the Department of Work and Pensions regarding the entitlement to state benefits, whether as a couple or individuals.
- 6.5 Where the supported person or couple receive a range of care services or personal budgets, an assessed single charge will be calculated.

7. Timescales for Completing a Financial Assessment

- 7.1 A financial assessment must be completed within 14 days of the request. A reminder will be issued providing a further 7 days and if no response is received, the supported person may be charged the actual cost of their care.
- 7.2 Where a financial assessment has been received and is incomplete, the Financial Assessor may complete an interim assessment pending the receipt of supporting documentation.
- 7.3 For an interim assessment, the assessed contribution will be communicated and a further 4 weeks provided to allow the supported person or their representative to forward the required supporting documentation or information.
- 7.4 If the documentation is not received by the due date the Financial Assessor will progress the application as a non-responder (please refer to section 9).
- 7.5 If the documentation is received to allow an accurate ability-to-pay assessment, the revised contribution will be effective from the initial implementation date. This may result in the contribution being increased or decreased and invoices being revised.

8. Non-disclosure

8.1 Supported persons or their representatives who choose not to disclose their income will be charged the full cost of the chargeable element of their care or personal budget.

If they choose to disclose their income and complete a financial assessment with supporting evidence at a later date, the assessed contribution will be effective from the date the assessment is fully completed.

9. Failure to respond

9.1 Supported persons or their representatives who fail to respond to the request to complete a financial assessment with supporting evidence will be charged the full cost of the chargeable element of their care or personal budget.

If they decide to respond and complete a financial assessment with supporting evidence at a later date, the assessed contribution will be effective from the date the full charge was initially implemented.

10. Calculating the supported person's contribution

- 10.1 In accordance with COSLA charging guidance, the amount that a supported person has to contribute towards their care services or personal budgets should be based on their ability to pay. This is determined by the financial assessment process as detailed above. COSLA set a Minimum Income Threshold annually based on rates set by the UK Government Department for Work & Pensions.
- 10.2 There is no requirement to calculate a contribution based on ability to pay for the following services. South Lanarkshire Council charges a flat rate for these services:-
 - Alert Community Alarm service
 - Frozen Meals service
 - Lunch Club meals

10.3 See Appendix C for flat rate charges.

11. Minimum income thresholds

- 11.1 The minimum income thresholds are recommended by COSLA and set a level of personal income below which a person can receive care services or a personal budget without the need to pay a contribution towards the costs of the services they receive.
- 11.2 Supported persons whose income falls below the relevant minimum income threshold do not need to contribute towards their assessed care services or approved personal budget.
- 11.3 The minimum income thresholds are based on DWP rates together with a 25% buffer applied. The buffer is to help those on low income and to recognise that not all of a user's income above these DWP rates should be taken in charges.
- 11.4 The applied threshold is determined by the supported person's marital status and their pensionable age. The pensionable age is confirmed via the Department of Work and Pensions website.
- 11.5 See Appendix C for minimum income threshold values.

12. Charge taper

12.1 COSLA recommends that councils should not base the supported person's contribution on all of the remaining income and that they should calculate the maximum contribution by determining a percentage of the remaining income which is available to the supported person over the threshold figure.

This determines the maximum total contribution required from the supported person for their services or budget, regardless of the cost of providing those services or budgets.

12.2 See Appendix C for the charge taper.

13. Income, benefits and disregards

13.1 Income from all sources including Department of Work and Pensions (DWP) pensions /benefits and net income are taken into account in a financial assessment.

Income / benefits disregarded in full

- 13.2 The following types of income/benefits are fully disregarded:
 - Disability Living Allowance (Mobility component)
 - Personal Independence Payment (Mobility component)
 - All benefits paid in respect of the supported person's dependent children, for example Child Benefit and Child Tax Credit
 - Payments from the Independent Living Fund
 - War Disablement Pension and compensation payments paid through the Armed Forces Compensation Scheme

Income / benefits disregarded in part

13.3 The following types of income/benefits are disregarded in part:

- Where night-time services are not provided by the local authority and the supported person receives either the higher rate of Disability Living Allowance (DLA) or Attendance Allowance or enhanced rate of Personal Independence Payment (PIP), only the middle rate for DLA, the lower rate of Attendance Allowance or standard rate for PIP will be taken into account
- Earned income £20 disregarded

Disregards for couples

- 13.4 There are a number of other disregards which may be applied in a couple's assessment, namely:-
 - Where both receive social care services or a personal budget standard disregards apply
 - Where only one receives chargeable services or a personal budget:-
 - Disregard 75% of all partner's income / pension
 - o Disregard all of partner's AA / DLA / PIP

Other Potential Disregards

- 13.5 There are a number of other potential disregards recommended by COSLA.
- 13.6 The list of disregarded benefits or income which the Council will consider as a full or part disregard are noted in Appendix D.
- 13.7 The Financial Assessor will confirm the disregard applied in each individual case.

14. Capital taken into account

- 14.1 Capital from all sources, including a partner's capital, is taken into account in a financial assessment.
- 14.2 The value of the supported person's home is excluded from the assessment.
- 14.3 There is no upper capital limit at which supported persons will be refused a service.
- 14.4 COSLA has recommended capital thresholds for calculating tariff income from capital. For any capital held above the threshold, a weekly income is assumed and this is added as 'tariff' income in the financial assessment.
- 14.5 Where a supported person has capital in excess of the amount to be disregarded and is in receipt of Income Support, there is no requirement to calculate the capital tariff contribution as this will already have been completed by DWP, with an appropriate adjustment to the amount of Income Support paid to the supported person.
- 14.6 See Appendix C for the capital and tariff income details.

15. Housing costs taken into account

- 15.1 Housing costs which the supported person is responsible for and can provide evidence of, will be deducted from their total income, before calculating the contribution.
- 15.2 Housing costs are defined as follows:
 - Rent
 - Council Tax (including water and sewerage costs)

- Mortgage Interest Payments
- Household Insurance premiums i.e. building and/or contents insurance
- Lodging Allowance (flat rate set by the council)

Please note if Housing or Council Tax Benefit is in payment, only the rent and/or council tax actually paid by the supported person (if any) is taken into account.

- 15.3 Where DWP has included an allowance for housing costs in a supported person's benefits, the allowance should be disregarded in full and no deduction should be made for housing costs from their income.
- 15.4 The gross amount of social security benefits, prior to any deductions e.g. fuel deductions, social fund repayment rent or council tax arrears, should be the level of income used for calculating charges.
- 15.5 For couples' assessments, 50% of evidenced housing costs are deductable.

16. Treatment of compensation

- 16.1 COSLA recommends that councils should establish the breakdown of any compensation award and consider whether some elements of compensation payments should be included when assessing a supported person's ability to pay a charge.
- 16.2 All compensation awards are considered by the Council's Legal Team to ensure the treatment of the award within the financial assessment is accurate and fair.

17. How a supported person's contribution is calculated

17.1 Once a financial assessment is completed, the maximum supported person contribution is calculated as follows:-

(a)	Total Gross Income (including tariff income from capital)
(b)	Less applicable income/benefit disregards
	= Total Net Income
(C)	Less applicable housing disregards
	= Total Assessable Income
(d)	Less Minimum Income Threshold
	= Total Excess Income
(e)	Apply taper to total Excess Income
	= Maximum Supported Person's Contribution

Example:

Assume single person under pensionable age with taper of 60%

(a)	Total Gross Income (including tariff income from capital)	£280.00
(b)	Less applicable income/benefit disregards	£58.00
	= Total Net Income	£222.00
(C)	Less applicable housing disregards	30.00
	= Total Assessable Income	£192.00
(d)	Less Minimum Income Threshold	£134.00
	= Total Excess Income	£ 58.00
(e)	Apply taper to total Excess Income	£34.80
	= Maximum Supported Person's Contribution	£23.20

17.2 A supported person will not be charged more than their assessed maximum contribution, so if their chargeable services or budget is less than the maximum they will be charged the lower amount.

Example:

If the assessed maximum supported contribution is \pounds 50 per week, but the supported person only receives \pounds 30 of services per week, they will only be charged the cost of the service, that is £30 per week.

However if the assessed maximum supported contribution is £50 per week, but the supported person receives £300 of services per week, they will only be charged the maximum supported contribution, that is £50 per week.

18. When a Contribution is Effective From

18.1 The assessed supported person's contribution is effective from the date the service or budget started. Once the financial assessment is completed, the financial assessor will communicate the contribution amount and effective date to the supported person or representative in writing.

19. How contributions and charges are collected

- 19.1 The contribution to services or a budget will depend on the funding options chosen.
 - Invoices will be issued 4 weekly in arrears, with the initial invoice covering the period from the start date of service or budget.
 - Where a Direct Payment has been chosen (a Self-directed Support funding option), the assessed contribution will be deducted from the payment at source. The supported person is therefore expected to pay their contribution into their nominated direct payment bank account to ensure their care service invoices can be paid in full each invoicing period.
- 19.2 Charges for the Alert Community Alarm Service, Frozen Meals and Lunch Clubs are collected as follows:-
 - Alert Community Alarm service an annual invoice is issued in advance
 - Frozen Meals service payment to be made direct to the provider
 - Lunch Club meals payment to be made direct to the lunch Club

20. Changes in circumstances

- 20.1 If a supported person has a change in circumstances which affects their income or financial status, they should contact their financial assessor to carry out a review.
- 20.2 Any impact on the assessed contribution will be effective from the date of the change.

21. Changes in service provision

21.1 For Self-directed support cases, service changes will have no effect on the contribution, as the contribution is directly linked to the approved personal budget and the supported person's ability to pay, not the services that the person ultimately utilises to meet their agreed outcomes.

A review of the contribution will only be carried out if the Personal Budget is reviewed/changed. This includes the requirement for an annual review.

21.2 For all other cases, the contribution may be affected by a change in service provision. Invoices will be amended accordingly.

22. Waiving and abating of charges

- 22.1 COSLA recommends that councils use their powers to abate or waive charges on a case by case basis, where the supported person has difficulty in meeting the approved cost of the service due to their financial circumstances.
- 22.2 Where a supported person feels that they are suffering undue hardship due to the assessed contribution, they can request a review of their contribution. They can request this via their Financial Assessor or Lead Worker.
- 22.3 A Request to Review Contribution form will be issued for completion and the supported person will be required to complete a full statement of their income and outgoings.
- 22.4 The Director of Health and Social Care has the discretionary power to reduce or waive charges in cases of financial hardship and/or risk to the supported person and will consider the facts in each individual case. Waiving or an abatement of the charge may be considered where the supported person meets all of the following criteria:-
 - Their circumstances are exceptional
 - The application of a charge would cause financial hardship
 - There is evidence of income and expenditure supplied to support the financial circumstances
 - There is evidence that benefits have been maximised

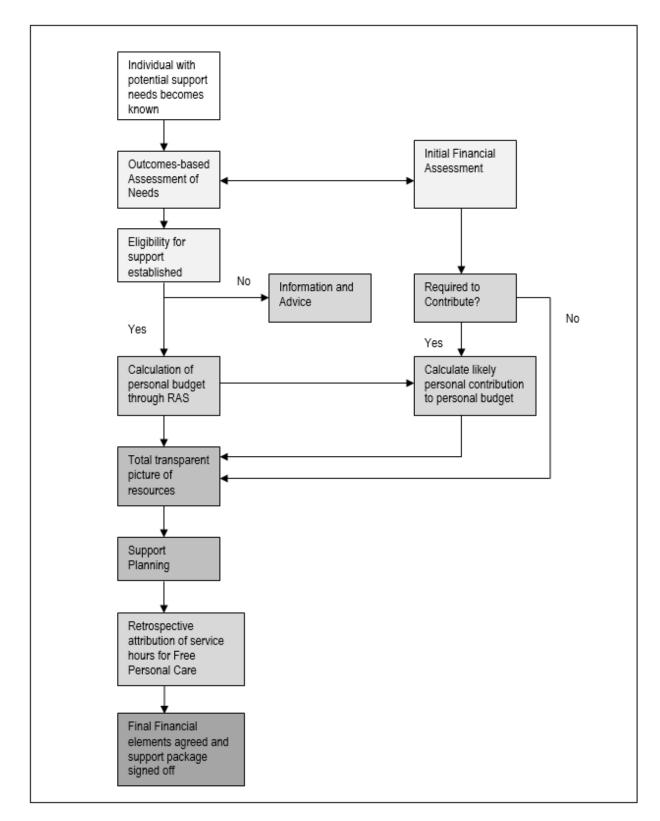
23. Annual review

- 23.1 Financial assessments are subject to an annual review in line with the up-rating of DWP pensions and benefits.
- 23.2 Care and support plans, including personal budgets are subject to an annual review.

24. Data Protection

24.1 Information provided by the Supported Person or representative will be treated lawfully and correctly in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

APPENDIX A



Self-directed Support (SDS) Charging Process

(Excerpt from 'COSLA National Strategy and Guidance – Charges Applying to Nonresidential Social Care Services 2018/19)

APPENDIX B

Personal Care

These guidelines offer further explanation of the components of personal care and should be read in conjunction with the relevant legislative provisions.

Personal hygiene

Help with washing as well as bathing and showering is included.

Continence management

Help with the use of continence equipment is included.

Problems of immobility

Only care provided to deal with the effects of immobility which directly meets personal care needs as defined by the Act is included (i.e. personal hygiene, continence management, eating, simple treatments and personal assistance tasks).

Food and diet

Food preparation and provision of meals are not included. However, assistance with eating, assistance to manage special diets and the assistance with the preparation of specialist meals (e.g. pureed foods) is included.

Simple treatments

Assistance with tasks in this component will continue to be in line with any local agreements defining task responsibilities of health and care at home staff.

Personal assistance

Help to move about indoors is included.

Equipment & adaptations

This relates to the provision of social and nursing care not the provision of equipment and adaptations. For the purposes of this policy, only memory and safety devices which help individuals to manage their own personal care needs are included (e.g. the use of personal reminder systems to allow individuals to manage their medicines or the use of sound/movement alarms linked to light controls to guide people with dementia to the toilet and minimise the risks related to wandering at night).

It must be noted that alert community alarms and other associated devices are not included above.

APPENDIX C

2018/19 Values

1. Services which are not means-tested

The following services are not means tested and are charged as follows:

Service	Charge
Alert Community Alarm	£82.68 per annum
Frozen Meals	£2.97 per meal
Lunch Clubs	£3.00 per meal

2. Capital and Tariff Income

Category	Disregard Capital Below	Weekly Tariff Income
Below state pension qualifying age	£6,000	£1 per £250 ⁽¹⁾
State pension qualifying age or above	£10,000	£1 per £500 ⁽¹⁾

3. Minimum Income Thresholds

The following minimum income thresholds are based on DWP benefit levels together with a 25% buffer applied:

Category	2017/18 threshold	2018/19 threshold
Single person below pension qualifying age	£133	£134
Single person above pension qualifying age	£200	£204
Couple below pension qualifying age	£202	£204
Couple above pension qualifying age	£305	£311

4. Charge Taper

The charge taper is 60%.

Appendix D

Disregarded Benefits/Income List (may be full or part)

Adoption Payments
Age-Related payments Act 2004 Payments
Bereavement Payment
Budgeting Loan
Carers Allowance (previously Invalid Care Allowance)/Carers Allowance Supplement
Carers Premium
Certain payments made to trainees
Charitable and special funds
Child Benefit
Child related premiums paid to pre April 2003 Income Support Claimant
Child Support Maintenance Payments
Child Tax Credits
Children's Benefits
Christmas bonus
Christmas Bonus paid with benefits
Cold Weather Payments
Compensation payments made through the Armed Forces Compensation Scheme
Council Tax Benefit / Council Tax Reduction
Dependency increases paid with certain benefits
Difference between higher and lower rate of Attendance Allowance and higher and middle rate of DLA
care when the person is not receiving night-time services
Difference between enhanced and standard rate of Personal Independence Payment (Daily Living
Component) when the person is not receiving night-time services
Direct Payments made by a local authority under Section 12B of the Social Work (Scotland) Act 1968 to Individuals in respect of a care service that they or a dependent child have been assessed as requiring
Disability benefits paid to client's partners where the partner is not a service user
Disability Living Allowance (Mobility component)
Disability payment in respect of child
Discretionary Housing Payments
Earnings
Far East Prisoner of War payment
Foster Payments
Gallantry Awards (e.g. GC, VC, similar from abroad)
Guardian's Allowance
Housing Benefit
Income from a "home income plan" annuity
Income from a mortgage protection policy
Income frozen abroad

Income in kind

Independent Living Fund Payments

Kinship Care payments

Personal Independence Payment (Mobility Component)

Non-dependent child payments

Non-therapeutic Earnings

Scottish Welfare Fund – Community Care Grants

Scottish Welfare Fund – Crisis Grants

Social Fund payments

Student Loan Repayment

Sure Start Maternity Grant

The Macfarlane Trust

The value of any ex-gratia payments from the Skipton Fund to people infected with Hepatitis C as a result of NHS treatment with blood or blood products

Therapeutic Earnings

Trainees' training premium and travelling expenses

Victoria Cross/Japanese Prisoner of War Payments

Victoria or George Cross payments

War Disablement Pension

War Pensioner's Mobility Supplement;

War Widow(er)'s supplementary pension

War Widow's Pension (but not War Widows' Special Payments).

War Widows Pension (pre 1973)

War widows special victims awards

War Widows/Widowers Pension.

War Widows' Special Payments

Where the Service User is a student, any grant payment for a public source intended for the childcare costs of a child dependent

Winter Fuel Payments

Work expenses paid by employer, and expenses paid to voluntary workers