Scrutiny

Charges and Payment of Invoices for Adult Social Care





9826939675230000139

Invoice

Enquiries regarding this invoice must be addressed to:

MR E GOV ANY STREET ANY DISTRICT ANY TOWN ANY COUNTY KIRKLEES COUNCIL
WHATEVER DEPARTMENT
WHATEVER STREET
WHATEVER TOWN
WHATEVER COUNTY
01484 221000
MR WHOEVER

WHEN CALLING PLEASE QUOTE THESE REFERENCE NUMBERS						
Tax Point Date	Payment Due Date	Invoice Number	Customer Reference	VAT Number	Page	
10SEP07	01OCT07	7523000013	00000000	184 3524 57	1	



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1. RATIONALE FOR REVIEW

- 1.1 During the work programming process in June/July 2011, Scrutiny received a referral from two members of the public asking that a review of payment invoicing for adult care charges be undertaken, with a particular focus on the invoicing process.
- 1.2 Members of the Panel were also aware of a number of further concerns that had been expressed by members of the public and therefore agreed to commission an Assigned Task to look at the payment invoicing process for adult social care charges.
- 1.3 The Fair Access to Care Services Criteria (FACS) is used to determine if a person is eligible for statutory social care services, and if deemed eligible, then those services are chargeable. As a person's needs are assessed, points are awarded which convert into pounds and provide an individual's personal budget. Individuals can choose to manage their own budget or for the Council to do this on their behalf.
- 1.4 Once the personal budget is allocated, a financial assessment is carried out to determine if a person has the resources to contribute to their package of care.

2. TERMS OF REFERENCE AND METHODOLOGY

- 2.1 The members of the Assigned Task Group were: Cllr. Viv Kendrick (Lead)
 - Cllr. Amanda Stubley
- 2.2 The Assigned Task was supported by Laura Ellis, Senior Scrutiny Officer.
- 2.3 The agreed Terms of Reference were:
 - (i) To identify how charges for adult social care services are invoiced and collected including details of the range of payment methods available.
 - (ii) To establish how the invoicing process reflects the Council's charging policy.
 - (iii) To establish user experiences of the process of charging and invoicing for adult social care services.
 - (iv) To make recommendations for improvement, as appropriate.
- 2.4 The use of Assigned Task Groups is an approach taken by scrutiny to complement the main work that is undertaken by the full Panel. An Assigned Task is designed to provide Scrutiny Panel members with an opportunity to investigate and research aspects of policy and services with the aim of gaining an overview of the key issues. It is acknowledged that this approach may not allow for a detailed in-depth study of the areas of focus and that it

may be necessary for the Council to consider commissioning further more detailed research in response to the conclusions and recommendations that result from this work.

2.5 The Assigned Task Group carried out their work between August 2011 and January 2012 and interviewed the following people:

Date	Witness
4 August 2011	 Dianne Green, Head of Well Being & Early Intervention Yvonne Kaye, Client Financial Affairs Group Manager
27 September 2011	2 residents who had sent in the original request.
26 October 2011	 Dianne Green, Head of Well Being & Early Intervention Yvonne Kaye, Client Financial Affairs Group Manager
9 January 2012	 Dianne Green, Head of Well Being & Early Intervention Yvonne Kaye, Client Financial Affairs Group Manager
16 January 2012	Carer for service user

- 2.6 An e-mail was sent to all Kirklees Councillors on 26 October 2011, followed by a reminder on 30 November 2011, inviting them to submit any feedback, whether positive or negative, on experiences of the invoicing process that had arisen through their work with constituents. Two councillors responded.
- 2.7 A letter was also sent on 26 October 2011, followed by a reminder on 30 November 2011, to all MPs in the Kirklees area inviting them to submit evidence. One issue was identified by Mike Wood MP.

3. SUMMARY OF EVIDENCE

3.1 Background and Context to the Review

- 3.1.1 Client Financial Affairs is an integral part of the Wellbeing and Integration Service providing support and safeguarding adults' finances both in the community and within the residential and nursing environment.
- 3.1.2 Their purpose is to ensure that all residents accessing social care services have well informed information regarding the charging policies and have access or the opportunity to receive a financial assessment in respect of their care. Having undertaken a financial assessment they then inform each service user of their financial contribution to care. It is then the department's responsibility to ensure appropriate collection of this contribution to maximise income for the council whilst minimising liability. The team currently ensures

payment to third party providers for the services they provide in contribution to the total social care provision for adults within Kirklees. They also provide support and financial assistance to vulnerable clients still resident within the community.

3.1.3 The key functions of Client Financial Affairs are:

- To carry out a financial assessment for all service users assessing their ability to pay for the service received. A review of benefits received is undertaken to ensure that the service user is receiving the maximum benefit entitlement in their given circumstances. They then update systems to reflect any change in circumstances. They will also support universally the self-funding clients by sign posting them to the approprite care services/providers.
- Administration of service users personal finances, this includes receiving benefits and managing personal allowances, depositing savings, care of client's property, paying utilities and debt management. This section manage Court of Protection Orders, administer estates on death and arrange funerals under the Public Health Act.
- To ensure that the payments are verified for nursing and residential care within the four weekly timescale. All invoices received have to be processed within the council's corporate deadline of ten days. This team provides information to other areas of CFA regarding individual clients to ensure accurate administration of payment and billing regarding placements.
- To invoice service users for their contribution to care in an accurate and timely manner to maximise revenue for the council and enforce recovery procedure for non payers. In addition, they will assist vulnerable clients in managing personal budgets.
- Provision of administrative support in relation to the collection of DWP benefits, private pensions, rent and housing benefits.
- To support and protect the service user from potential and actual financial abuse.

3.1.4 At a glance, in 2011/12:

- 5000 service users
- 32,526 invoices sent out
- £14,743,517.33 money collected

3.2 Term of Reference 1

To identify how charges for adult social care services are invoiced and collected including details of the range of payment methods available.

- 3.2.1 The Fair Access to Care Services Criteria (FACS) is used to determine if a person is eligible for statutory social care services. If deemed eligible then services are chargeable. There are two systems:
 - Charging for Residential Accommodation Guide (CRAG) for people in residential or respite care;

• Fairer Charging Policy – for community services e.g. homecare, day care.

A person can move between the two systems, but can only be in one at any time. The process of assessment is the same – once needs are assessed, then this triggers referral for financial assessment.

- 3.2.2 When a person's care needs are assessed, if these are deemed critical or substantial, then part of the process awards a person points, which are converted into pounds i.e. their personal budget. A person's points are based on the needs that they have so it can range from a small amount of money to several hundred pounds a week.
- 3.2.3 Once a person has been allocated a personal budget, a referral is generated to Client Financial Affairs, so that a financial assessment can be undertaken. This assessment will be undertaken to see if the person has the resources to contribute to their package of care.
- 3.2.4 The personal budget can be paid as a direct payment, a cash sum paid to the person to help them make their own social care arrangements. Alternatively, people can ask the Council to arrange this on their behalf i.e. a virtual budget.
- 3.2.5 Everyone is encouraged to undergo the financial assessment and if they choose not to, then an assumption is made that they have the financial resources to pay and they will pay the maximum charge for their services. This assessment is reviewed annually but can be reviewed at any time at the service user's request.
- 3.2.6 There is no process to receive information from the Department of Work & Pensions about changes in income for individuals, although this is an aspiration of Client Financial Affairs (CFA) and continuing liaison seeks to achieve this.
- 3.2.7 Every service user is given a dedicated person in Client Financial Affairs to liaise with. They will be provided with written confirmation of the charges they have been assessed to pay following the financial assessment.
- 3.2.8 A bill is automatically generated every four weeks for service users in receipt of home care and day care and quarterly for Carephones. All invoices are sent out in arrears.
- 3.2.9 There are a number of methods and venues for service users to pay invoices. Methods include payment, by telephone/internet banking, debit or credit card, cash, cheque and postal order and venues include at Post Offices, Customer Service Centres, Library & Information Points, Pay Point and Pay Zone outlets. There are venues throughout Kirklees.
- 3.2.10 Every service user is asked if they want to pay by direct debit.
- 3.2.11 There is a charge (approximately 1%) when credit cards are used, which is paid by the Council.

Assigned Task Group (ATG) View

It is felt that both staff and service users should be made aware that the use of credit cards incurs a charge to the Council. This information should be clearly stated on literature and where possible in person. The use of debit cards as an alternative should be encouraged.

- 3.2.12Where service users receive care from the independent sector, the care provider has to send invoices to CFA for services provided. The majority of home care service users receive care from the independent sector. If there are changes to the service provided, the Client Financial Affairs team is unaware until the invoices from the provider are received.
- 3.2.13 As service users are invoiced on their planned hours, it is necessary for the following 4 weekly invoice to be adjusted for any change in service for example, if a service user does not receive a particular service due to hospital admission, holidays, etc.
- 3.2.14 The invoicing system does not currently have a facility for removing Bank Holidays in advance, which results in service users being billed for these dates and then the next invoice being adjusted accordingly.

Assigned Task Group (ATG) View

It is felt that, as a standard process, the invoicing system should be amended so that for facilities such as Day Care, Bank Holidays are removed from the invoicing process at the beginning of each year, so that service users are not billed for these dates. This should also extend to processes being put in place so that where staff training days would result in a facility being closed or provision reduced, that these are planned in advance and the invoicing system adjusted.

It is recognised that some service users may attend on an alternative day, and would therefore not be eligible for a refund. However, accurate and prompt registers submitted by Day Care facilities would enable these service users to be billed accordingly.

3.2.15 There are instances where a service user may get a refund for not receiving a service, but this is not always the case due to the discrepancy between the actual cost of care and the amount that a service user contributes. A number of examples are set out below:



Mr B is unable to attend daycare on Monday, which is the only day that he usually attends, and he cannot take up the offer of attending on a different day. As Mr B has therefore not received any care that week, he is entitled to a refund of the full amount that he contributes towards his care every week.



If Mr B agreed to attend daycare on Tuesday rather than Monday that week, then he would not receive a refund, as he would have received the same level of care.



If Mr B usually attended daycare 5 days a week, and it was just Monday that he couldn't attend, then he may be entitled to a refund, depending on the level of contribution that he makes towards his care.

Mr B's care costs £500 a week; this week it has only cost £400 as he didn't attend on Monday

• Scenario 1

Mr B pays £200 a week towards his care – he would therefore not be entitled to a refund as the overall cost of care that week would still exceed his contribution.

• Scenario 2

Mr B pays £450 a week towards his care – he would therefore be entitled to a refund of £50 as this is the amount he has contributed over the actual cost of care.

- 3.2.16 Service users are required to contact their day care centre or respective home care provider in the eventuality that they will not be attending or needing care on a particular day.
- 3.2.17 Day care centres are required to submit a weekly report to Client Financial Affairs which should set out those who did not receive care, so that a correct invoice can be issued.

Assigned Task Group (ATG) View

The ATG is aware of instances where notification has not been robust and where day care centres have not been aware that it is not their decision whether a charge is made. It is essential that day care providers notify Client Financial Affairs of all non-attendance, as it is Client Financial Affairs who will make the decision in respect of payment. Client Financial Affairs should reinforce the system in place with day care providers for reporting non attendance of service users on a weekly basis and insist that all non attendance is reported irrespective of whether the provider considers that a charge will be made for the care.

3.2.18 There have been problems arising from delays in Care Providers sending in invoices to the CFA team, which in turn cause delays in the team invoicing service users and in adjusting charges for the level of service received. It is now part of the Provider contracts that invoices must be presented in a timely manner.

Assigned Task Group (ATG) View

The invoicing system and processes are very complicated and service users and their families may find it difficult to follow and understand them. The Council should make the processes as easy to understand as possible, and it is proposed that a feasibility study be undertaken on providing an online service which would give access for service users and their families/carers to check accounts. This would be of particular benefit to families who live at a distance from the service user and/or work full time and are unable to easily contact Client Financial Affairs.

3.2.19 Over the last 12 months there have been changes to systems and processes which have impacted on the performance of the CFA team. The changes caused delays for the CFA team in sending out invoices to service users. As a result of this, the CFA team ensured that if an invoice covered a period of more than 4 weeks and the account was in excess of £250 that the service user was telephoned to advise them of this. In some cases CFA Team members have visited service users, where a bill was in excess of £250 and offered payment plans.

Assigned Task Group (ATG) View

That where there have been delays in providing invoices, and large bills have accumulated, all service users should be offered a payment plan to repay the outstanding amounts.

- 3.2.20 There was a problem with the new financial system in April 2011 and service users were sent reminders rather than original invoices. The CFA team are working with the corporate centre to make sure that invoicing systems run better.
- 3.2.21 Well-Being & Integration have been proactive in improving the invoicing and debt collection service. This has included:
 - Other teams within Well-Being & Integration, which were also invoicing Kirklees residents, have now been moved into the Client Financial Affairs Team.
 - The CFA Team have been working with the Debtors Service to establish one system of debt collection rather than the two current systems.

Recommendations

- That both staff and service users should be made aware that the use of credit cards to pay for services, incurs a percentage charge, which is paid by the Authority. This information should be clearly stated both on literature and where possible in person. The use of debit cards as an alternative should be encouraged.
- That as a standard process, the invoicing system should be amended so that
 for facilities such as Day Care, Bank Holidays are removed from the invoicing
 process at the beginning of each year, so that service users are not billed for
 these dates.

Recommendations

- 3. That processes are put in place so that where staff training days would result in a facility such as a Day Care Centre being closed or provision reduced, that these are planned in advance and the invoicing system is adjusted so that service users are not billed for these dates.
- 4. That Client Financial Affairs reinforce the system in place with day care providers for reporting non attendance of service users on a weekly basis, to insist that all non attendance is reported irrespective of whether the provider considers that a charge will be made for the care.
- 5. That the Service should undertake a feasibility study on providing an on-line service, which would give access for service users and families/carers to check accounts; this would ensure that the invoicing process was as transparent and accessible as possible.
- 6. That where there have been delays in providing invoices, and large bills have accumulated, that all service users are offered a payment plan to repay the outstanding amounts.

3.3 Term of Reference 2

To establish how the invoicing process reflects the Council's charging policy for non-residential care.

- 3.3.1 The ATG have examined the Council's charging policy for non-residential care, which sets out the invoicing processes.
- 3.3.2 The policy does not incorporate any information advising service users on who to report to if they do not require, or receive care on a particular day, or how the refund process works. The ATG has also established that this information is not provided in writing to service users at any other point in the process, although it is explained verbally. As many service users are vulnerable and reliant on family or friends to help manage their affairs, having information in writing assists in communication.
- 3.3.3 The Client Financial Affairs Team has explained that they are starting work on a welcome pack for service users and the ATG is recommending that this needs to incorporate the above information.

Recommendation

7. That the Welcome Pack being developed by Client Financial Affairs include information on how a service user should report that they do not need a service for a particular period and the refund process.

3.4 Term of Reference 3

To establish user experiences of the process of charging and invoicing for adult social care services.

- 3.4.1 The Panel interviewed the carers/relatives of a number of service users who had raised concerns; and information was also sought from councillors and local MPs on issues raised by their constituents.
- 3.4.2 The following issues were raised by service users/ carers:
 - Backdating an increase in Home Care charges about which the service users had not been notified.
 - Delays in receiving invoices: Waiting 6 months for a bill relating to Home Care. Waiting 9 months for a bill in respect of Day Care, which costs approximately £80 per week.
 - Being charged for day care when the facility was not open for staff training, Bank Holidays etc. One person who attends Day Care on Mondays was charged for Christmas and New Year Bank Holidays 2011.
 - Not receiving a Home Care visit but being charged for it and struggling to get it reduced from a bill.
 - Being charged for service which has been permanently reduced.
 - Reminders being received when a bill has been queried or even paid.
- 3.4.3 Client Financial Affairs have advised that they have received 21 complaints in the last year. Of these, 17 were potentially relevant to this assigned task: 9 were regarding incorrect invoices, and 8 related to service users not having been notified of increased charges.
- 3.4.4 The Panel, whilst recognising that the number of complaints is small in the context of the overall number of service users, also feel that it is important to recognise that this group of service users are vulnerable and less likely to complain than the general population.
- 3.4.5 Incorrect Invoices
- 3.4.6 As set out in 3.2.17, the Council is reliant on day care centres submitting accurate and timely reports on service user attendance, in order that correct invoices can be issued.
- 3.4.7 Notification of Increased Charges
- 3.4.8 Evidence from service users suggests that they have not been notified in a timely manner of increased charges. This has resulted in service users not having the opportunity to consider the implication of changes, and there have also been financial implications for the Council.
- 3.4.9 The Panel feels that where there has been an increase in charges for a service and the service user has not been informed beforehand, that the service user should not be charged for the increase for the period during which they were unaware of the change.

Assigned Task Group (ATG) View

Service users should be given sufficient time to consider the implication of increased charges and the ability to choose whether they wish to continue receiving the service in that way. If they have not been informed in advance of an increase in charges, they should not be charged for the increase for the period during which they were unaware of the change.

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Recommendation

8. That where there has been an increase in charges for a service and the service user has not been informed beforehand, that the service user should not be charged for the increase for the past period.

4. Conclusions

- 4.1 There were a limited number of cases raised where problems/issues were identified. No further cases were identified by Councillors and one case referred in a letter from a carer was related to the change from provision of home care by Kirklees Council to an independent provider. This was judged to be outside the remit of this assigned task.
- 4.2 The cases considered appear to be related to a past period when the CFA team were experiencing delays in sending out invoices, caused by changes to systems and processes. There were delays in invoices being sent out and therefore in some cases, large bills were accumulated, potentially causing distress to service users and carers.

Assigned Task Group (ATG) View

The ATG recognises that the Client Financial Affairs Team has worked to resolve the causes of some of the delays e.g. writing into provider contracts the need to invoice the Authority in a timely manner. The Team also contacts service users by telephone where there is a delay in invoicing and the amount is in excess of £250 and in some cases payment plans are offered. The ATG feels that payment plans for large outstanding amounts should be offered as a standard response. Some service users will be on fixed weekly incomes and accumulated invoices may be particularly difficult to address.

- 4.3 The Client Financial Affairs Team are very clear that reductions in service such as a missed home care visit or non-attendance at or closure of a day centre may result in overcharging on an invoice but this is resolved on the next 4 weekly invoice. However, **some** service users and their carers do not appear to share the same understanding, or who they should contact. The Assigned Task Group members do not feel that they have seen any literature which gives clear guidance to service users about which organisation/service should be contacted when service provision is missed or not attended.
- 4.4 Members are aware that the Welfare Reform Act proposes that there will be a review of all Disabled Living Allowance recipients and there is an expectation that this will be reduced and in some instances individuals may not longer be eligible. The Council needs to undertake a full analysis of the implications in order to determine the impact of this.

Assigned Task Group (ATG) View

The ATG is concerned that there may be a negative impact on incomes of some residents resulting from the Welfare Reform Act which may in turn impact on their financial assessments for care. The Council should undertake a full analysis.

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Recommendation

9. That the Council undertake a full analysis of the implications of the Welfare Reform Act in order to understand the impact of these on service users and the charging process.

5. Summary of Recommendations

- 5.1 That both staff and service users should be made aware that the use of credit cards to pay for services, incurs a percentage charge, which is paid by the Authority. This information should be clearly stated both on literature and where possible in person. The use of debit cards as an alternative should be encouraged.
- 5.2 That as a standard process, the invoicing system should be amended so that for facilities such as Day Care, Bank Holidays are removed from the invoicing process at the beginning of each year, so that service users are not billed for these dates.
- 5.3 That processes are put in place so that where staff training days would result in a facility such as a Day Care Centre being closed or provision reduced, that these are planned in advance and the invoicing system is adjusted so that service users are not billed for these dates.
- 5.4 That Client Financial Affairs reinforce the system in place with day care providers for reporting non attendance of service users on a weekly basis, to insist that all non attendance is reported irrespective of whether the provider considers that a charge will be made for the care.
- 5.5 That the Service should undertake a feasibility study on providing an on-line service, which would give access for service users and families/carers to check accounts; this would ensure that the invoicing process was as transparent and accessible as possible.
- 5.6 That where there have been delays in providing invoices, and large bills have accumulated, that all service users are offered a payment plan to repay the outstanding amounts.
- 5.7 That the Welcome Pack being developed by Client Financial Affairs include information on how a service user should report that they do not need a service for a particular period and the refund process.
- 5.8 That where there has been an increase in charges for a service and the service user has not been informed beforehand, that the service user should not be charged for the increase for the past period.
- 5.9 That the Council undertake a full analysis of the implications of the Welfare Reform Act in order to understand the impact of these on service users and the charging process.

SCRUTINY ACTION PLAN

Project: Charges and Payment of Invoices for Adult Social Care **Lead Scrutiny Officer:** Laura Ellis

			FOR COMPLETION			
No.	Recommendation	Directorate and Cabinet Member(s) asked to coordinate the response to the recommendation?	Do you agree with the recommendation ? If no, please explain why.	How will this be implemented?	Who will be responsible for implementation?	What is the estimated timescale for implementation?
1	That both staff and service users should be made aware that the use of credit cards to pay for services, incurs a percentage charge, which is paid by the Authority. This information should be clearly stated both on literature and where possible in person. The use of debit cards as an alternative should be encouraged.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The information regarding the percentage charge will be added into the welcome pack and shared with care managers. Consideration will be given to whether this can be also be added onto the invoices for information.	Rachel Tanner / Yvonne Kaye	July 2012
2	That as a standard process, the invoicing system should be amended so that for facilities such as Day Care, Bank Holidays are removed from the invoicing process at the beginning of each year, so that service users are not billed for these dates.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Partially	Systems are being developed to ensure that B/H's are removed from the invoicing in a timely way improving on the current pro-rata basis. However it would not be possible to deduct this at beginning of the year due to the volume of changes that occur for service users throughout the year; changing days, services ending/increasing.	Rachel Tanner/ Yvonne Kaye	September 2012

3	That processes are put in place so that where staff training days would result in a facility such as a Day Care Centre being closed or provision reduced, that these are planned in advance and the invoicing system is adjusted so that service users are not billed for these dates.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The service will review the current processes in relation to closures where there are staff training days. The service will request details of all planned closures in a timely manner at the beginning of the financial year.	Yvonne Kaye	to be confirmed
4	That Client Financial Affairs reinforce the system in place with day care providers for reporting non attendance of service users on a weekly basis, to insist that all non attendance is reported irrespective of whether the provider considers that a charge will be made for the care.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The service will monitor the weekly submissions of attendance from day care and address any centres where this is not being sent in a timely manner. The service will remind all day centres of the importance of this process and impact on service users if it does not occur	Yvonne Kaye	January 2013 to be confirmed
5	That the Service should undertake a feasibility study on providing an on-line service, which would give access for service users and families/carers to check accounts; this would ensure that the invoicing process was as transparent and accessible as possible.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The service will explore the feasibility of online financial service for customers.	Rachel Tanner / Yvonne Kaye	January 2013

6	That where there have been delays in providing invoices, and large bills have accumulated, that all service users are offered a payment plan to repay the outstanding amounts.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The service will incorporate this offer in the letters to service users where there have been delays and also in the telephone contact with service users.	Yvonne Kaye	to be confirmed
7	That the Welcome Pack being developed by Client Financial Affairs include information on how a service user should report that they do not need a service for a particular period and the refund process.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	This information will be included in the welcome pack that is nearing completion.	Yvonne Kaye	to be confirmed
8	That where there has been an increase in charges for a service and the service user has not been informed beforehand, that the service user should not be charged for the increase for the past period.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The service will consider this approach on a case by case basis to clearly identify the reasons for the delay and information provided to the service users.	Yvonne Kaye	to be confirmed
9	That the Council undertake a full analysis of the implications of the Welfare Reform Act in order to understand the impact of these on service users and the charging process.	Well-Being & Communities Directorate Cllr Molly Walton, Cabinet Member	Yes	The service will liaise with the Revenues and Benefits Department to consider the implications of the Welfare Reform Act on the charging process	Yvonne Kaye / Julian Hobson	tbc