



## Disability Services Commission



### Policy Information Sheet

**Policy No:**  
**I51**  
**March 2005**

#### **LEVYING BOARD AND LODGING CHARGES FOR FUNDED ACCOMMODATION SERVICES POLICY AND GUIDELINES**

The provision of accommodation support services often coincides with the supply of services or goods that are the personal responsibility of the individual. As with all citizens, people with disabilities are responsible to meet their own costs of everyday living (i.e. rent, food, clothing, medication, personal hygiene products, travel and recreational expenses) comparable with other members of the community.

Accommodation Support Funding (ASF) does not cover the costs associated with everyday living. Organisations will need to develop their own policies and procedures with regard to the recovery of expenses associated with these costs. The following guidelines may assist organisations in developing their own policies on Board and Lodging charges.

This policy has been developed with reference to the principles and guidelines of the Accommodation Services Directorate (ASD), Disability Services Commission's policy on levying Board and Lodging charges for individuals residing in Commission accommodation facilities.

The flat rate charged for children by the ASD (indexed by CPI annually) correlates to the base rate paid by the Department for Community Development (DCD), Family and Children's Services for children 0-6yrs. . The DCD is the state body charged with out-of-home care for children and, after having researched the cost of care of looking after a child, it has established benchmarks for fair and reasonable rates which are paid to foster carers for reimbursement of the costs of care. Given that these rates reflect a fair representation of the expense the family of origin may incur if the child were at home, then it seems reasonable to set these as the *maximum* that organisations may charge for Board and Lodging for out-of-home care.

The need for clarity regarding fees for children in supported out-of-home options was raised in the Report of Accommodation Blueprint Steering Committee – March 2003. This policy captures the intent expressed in this report and seeks to assist Commission funded Service Providers with a framework for the levying of Board and Lodging charges for both adults and children in accommodation services.

## ***Policy Statement***

Under the Accommodation Support Funding Policy, the Commission does not pay for the costs of everyday living of an individual. A schematic representation of the funding sources of accommodation and living costs is provided in Attachment 1: Parameters for Accommodation Support funding.

If individuals are not directly paying for the costs of everyday living and the organisation incurs these expenses, then the organisation is entitled to recoup costs from the individual through Board and Lodging charges.

In keeping with the intent of the Disability Service Standards, the Commission considers it essential that all organisations have a clearly articulated policy on the charging of Board and Lodging fees. This policy is to be freely available to service users and detail what costs are covered by these charges. The following information may be of assistance to organisations in developing policies on Board and Lodging charges.

### **Definitions**

*Costs of Everyday Living* – i.e. general facility and personal care costs. Those costs associated with meeting the basics of daily living i.e. rent, food, utilities, health, clothing and client travel.

*Discretionary/Personal Expenditure* – those costs associated with meeting all other living expenses eg. entertainment, recreation and domestic costs.

*Individual Contribution* – that contribution which is made by either an adult, juvenile or the parent of a child with a disability i.e. to costs of everyday living and discretionary/personal expenditure.

### **GUIDELINES**

1. Individual charges may include direct payment for costs of everyday living, or the payment of Board and Lodging, or some combination of the above.
2. In the case of children under the age of 16, in accordance with the CHILD SUPPORT (ASSESSMENT) ACT 1989 – SECT 3 and 4, it is the primary duty of the parents to maintain the child. Parents remain responsible for the costs of everyday living for their child; therefore it is appropriate that

parents contribute where possible to these costs where their child is in out-of-home accommodation<sup>1</sup>. Notwithstanding this, parents should also contribute to the discretionary/personal expenditure costs for their child.

3. The Commonwealth Government has the responsibility for providing income support to disadvantaged adults to meet the costs of everyday living. This income support is in the form of pensions and allowances. If these allowances and subsidies prove to be insufficient, then this needs to be taken up with the respective Commonwealth authority.
4. Where eligible, other allowances are available to meet some of the costs of transportation and pharmaceutical benefits. Service Providers should assist individuals in receipt of accommodation support to be aware of, and access, their entitlements.
5. Service Providers should have a process to consider waiving fees in cases of financial hardship.
6. Individuals and/or their advocates/guardians should have made available to them a clear and concise statement explaining Service Provider charges and the obligations of both parties in respect of meeting other costs (i.e. domestic expenses, personal items etc).
7. Individuals in receipt of compensation payments made for the purposes of meeting future costs of care are required to contribute fully to the cost of their support. Service Providers should seek individual contributions on a full cost recovery basis (*see Policy on Compensable Clients External Service Providers*).

## **FRAMEWORK FOR DETERMINING FEES AND CHARGES**

In implementing this policy, Service Providers are encouraged to consider the following framework for determining fees and charges.

### **Adult and Juveniles (aged 16-18)**

- Service Providers are responsible for developing their own fee structure for adults and juveniles (aged 16-18); however an individual's fee for the cost of everyday living should total no more than 75% of their pension or allowance.
- Notwithstanding the above, individuals and/or their advocates/guardians may make an informed decision to spend a higher amount of personal

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<sup>1</sup> Where the child under 16 has been placed under the legal guardianship of the Department for Community Development, that Department is responsible to meet the costs of everyday living and discretionary/personal expenditure.

income on domestic arrangements such as superior accommodation or extra facilities.

### Children

- Service Providers should seek agreement from the child's parents as to how discretionary/ personal expenditure costs will be met.
- Service Providers should inform parents of their responsibility to notify the relevant authorities of any changes in care arrangements which may affect Government grant payments or child support arrangements. Certain payments may be redirected to the Service Provider, to assist in meeting the costs of the child's daily living expenses.
- In the event the Commonwealth Government allowances do not meet the total cost of everyday living for a child in out-of-home care, the parents of that child should be asked to meet the difference. A voluntary agreement between a Service Provider and parents can be made, or alternatively in the case of a child living with foster parents, the foster parent can make an application for assessment of child support through the Australian Government Child Support Agency (CSA) under section 7B of the Child Support (Assessment) Act 1989.
- The Department for Community Development's foster carer subsidy can be used as a guide for the maximum level of Board and Lodging charges for children. That subsidy is calculated to cover food, accommodation, heating, electricity and gas, local transport, haircuts, small toys, general expenses for personal hygiene, basic general medical treatment and general items from the chemist, incidental expenses for education, leisure and hobbies.

The foster carer subsidy is revised annually and, as at January 2004, is as follows:

<b>AGE</b>	<b>COST (pd)</b>	<b>COST (pf)</b>
0 – 6 yrs	\$12.85	\$180.00
7 – 12 yrs	\$16.15	\$226.00
13 – 16 yrs	\$19.45	\$272.00

(Reference: Department for Community Development, Foster Care rates and subsidies; January 2004) [http://www.fcs.wa.gov.au/content/foster\\_care/support.cfm](http://www.fcs.wa.gov.au/content/foster_care/support.cfm)

The Commission is committed to the continuous improvement of its services. It will therefore, review its policy on Levying Board and Lodging Charges for Funded Accommodation Services on a regular basis.

In addition, formal complaints can be lodged through the Commission's existing formal complaint mechanism by contacting the Consumer Liaison

Officer, telephone (08) 9426 9244; toll free 1 800 998 214; TTY (08) 9426 9315; E-mail: clo@dsc.wa.gov.au

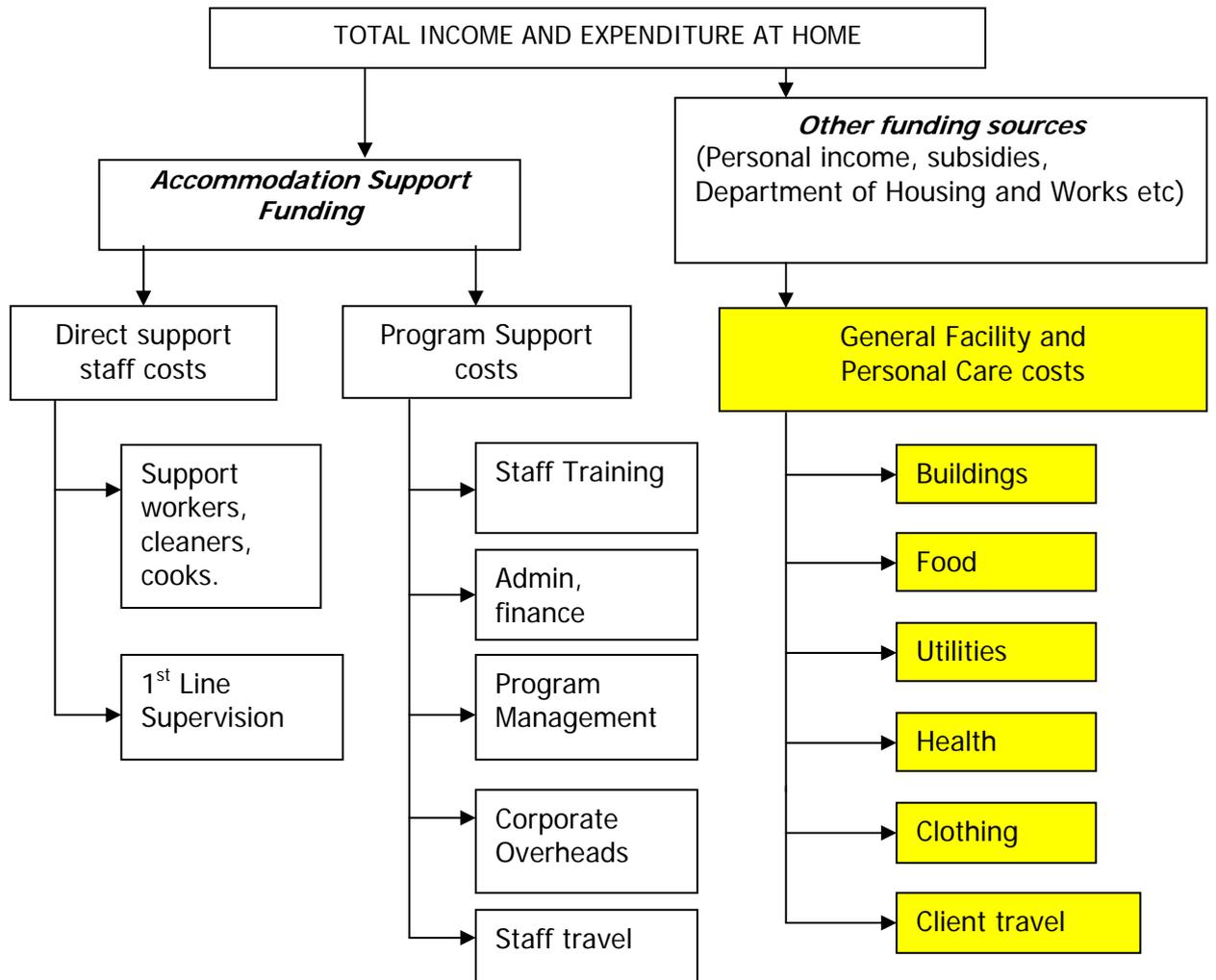
Date: March 2005

For enquiries contact:	Manager Accommodation Support Program
	Telephone (08) 9426 9200 Toll Free 1 800 998 214 TTY (08) 9426 9315 E-mail:
Other relevant Policies:	
	<ul style="list-style-type: none"><li>• Policy on Accommodation Support Funding (ASF) Policy (2004)</li><li>• Policy on Non-Recurrent Accommodation Set-up Costs (2002)</li><li>• Policy on Compensable Clients External Service Providers (2003).</li></ul>
Policy Information Sheet replaced by this Information Sheet:	
	<ul style="list-style-type: none"><li>• Nil – replaces Community Funding Briefing Paper 24/97.</li></ul>

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**ATTACHMENT 1:**

**PARAMETERS FOR ACCOMMODATION SUPPORT FUNDING**



## **ATTACHMENT 2:**

### **RELEVANT EXTRACTS FROM THE CHILD SUPPORT (ASSESSMENT) ACT – 1989**

#### **CHILD SUPPORT (ASSESSMENT) ACT 1989 - SECT 3**

##### **Duty of parents to maintain their children**

- (1) The parents of a child have the primary duty to maintain the child.
- (2) Without limiting subsection (1), the duty of a parent to maintain a child:
  - (a) is not of lower priority than the duty of the parent to maintain any other child or another person; and
  - (b) has priority over all commitments of the parent other than commitments necessary to enable the parent to support:
    - (i) himself or herself; and
    - (ii) any other child or another person that the parent has a duty to maintain; and
  - (c) is not affected by:
    - (i) the duty of any other person to maintain the child; or
    - (ii) any entitlement of the child or another person to an income tested pension, allowance or benefit.

#### **CHILD SUPPORT (ASSESSMENT) ACT 1989 - SECT 4**

##### **Objects of Act**

- (1) The principal object of this Act is to ensure that children receive a proper level of financial support from their parents.
- (2) Particular objects of this Act include ensuring:
  - (a) that the level of financial support to be provided by parents for their children is determined according to their capacity to provide financial support and, in particular, that parents with a like capacity to provide financial support for their children should provide like amounts of financial support; and
  - (b) that the level of financial support to be provided by parents for their children should be determined in accordance with the legislatively fixed standards; and
  - (c) that persons who provide ongoing daily care for children should be able to have the level of financial support to be provided for the children readily determined without the need to resort to court proceedings; and
  - (d) that children share in changes in the standard of living of both their parents, whether or not they are living with both or either of them; and

- (e) that Australia is in a position to give effect to its obligations under international agreements or arrangements relating to maintenance obligations arising from family relationship, parentage or marriage.
- (3) It is the intention of the Parliament that this Act should be construed, to the greatest extent consistent with the attainment of its objects:
  - (a) to permit parents to make private arrangements for the financial support of their children; and
  - (b) to limit interferences with the privacy of persons.

## **CHILD SUPPORT (ASSESSMENT) ACT 1989 - SECT 7B**

### **Meaning of *eligible carer***

- (1) In this Act, *eligible carer*, in relation to a child, means:
  - (a) a person who is the sole or principal provider of ongoing daily care for the child; or
  - (b) a person who has major contact with the child; or
  - (c) a person who shares ongoing daily care of the child substantially equally with another person; or
  - (d) a person who has substantial contact with the child.
- (2) Despite subsection (1), if:
  - (a) a person provides care for a child, shares care of a child or has contact with a child; and
  - (b) the person is neither a parent nor a legal guardian of the child;and
  - (c) a parent or legal guardian of the child has indicated that he or she does not consent to the person providing or sharing such care, or having such contact;

then the person is not an eligible carer in relation to the child unless it would be unreasonable in the circumstances for a parent or legal guardian of the child to provide or share such care or have such contact.

- (3) For the purposes of subsection (2), it is unreasonable for a parent or legal guardian to provide care for, share care of or have contact with, a child if:
    - (a) the Registrar is satisfied that there has been extreme family breakdown; or
    - (b) the Registrar is satisfied that there is a serious risk to the child's physical or mental wellbeing from violence or sexual abuse in the home of the parent or legal guardian concerned.
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