

# **WESTMINSTER CITY COUNCIL**

## **STATEMENT OF DECISION**

**SUBJECT: DEBT RECOVERY OF ADULT SOCIAL CARE (ASC) CARE CONTRIBUTION DEBT**

Notice is hereby given that the Cabinet Member for Finance and Council Reform has made the following executive decision on the above mentioned subject for the reasons set out below.

### **Summary of Decision**

That where there is no impediment to the client making payment; and where efforts to encourage the client to engage and settle debts have been exhausted, legal action be undertaken to pursue debt through the County Court, subject to the joint agreement of the respective Executive Directors for Finance & Resources and Adult Social Care & Public Health or their delegated representatives (Director of Revenues & Benefits / Bi-Borough Director Adult Social Care).

### **Reasons for Decision**

The Council will have exhausted the prescribed routes to encourage ASC Care clients to engage with it to settle their unpaid care contributions. The contributions will have been assessed in line with the Care Act at the point the client seeks care services from the Council. There will be no other option other than to take legal proceedings or to write off as a bad debt.

The consequence on the Council of writing off debt due simply due to service users' refusal to pay can be far reaching and adversely impact the Council's ability to continue to provide Adult Social Care services. The Council cannot and would not cease providing services to bad debtors simply due to their refusal to pay their assessed contributions. The Council also has a duty of fairness to all ASC clients assessed to contribute towards their care, to ensure all clients pay their contributions, and not only those clients who willingly co-operate and pay their invoices.

**Stuart Love, Chief Executive,  
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**Publication Date:** 07 March 2024

**Decision Date:** 15 March 2024

**Implementation Date:** 25 March 2024

**Reference:** FCR24-14