

Kent County Council

Charging for

Residential care

April 2018

www.kent.gov.uk/careandsupport



About this booklet

This booklet contains information about how Kent County Council (KCC) works out charges for care provided in residential and nursing homes. We will explain Kent County Council's residential and nursing home charging rules and also tell you about the help available, including financial help.

There are lots of complex rules regarding residential care charges, and although this booklet covers the key information, it doesn't contain all of the rules. Detailed guidance on the application of these regulations is laid out in the Care Act 2014 and Care and Support (charging and assessment of resources) Regulation 2014.

This booklet is available in alternative formats and can be explained in other languages. Please call:



Telephone: 03000 41 61 61

Text relay: 18001 03000 41 61 61

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Part 1

Going into a care home

Eligibility

We decide whether you are eligible for support based on guidelines set by the Government.

If you are not eligible for support we will tell you why and will provide information about other organisations that can support you.

Needs assessment

We assess you to identify what your needs are, what type of support you will need and whether we can provide support for you.

STEP 1: Needs assessment

Do you need residential care?

If you are considering moving into a care home and think you may need help with the cost of this, we first need to decide that you are **eligible** for our support. To do this, we will complete a **needs assessment** over the telephone or face to face. This will be free of charge.

An assessment is an opportunity for you to tell us about your situation and discuss your care and support needs with us. This will help us to decide if you really do need to go into a care home or if there are other kinds of support available to help you stay in your own home. Before we are able to give you any help towards paying for your residential or nursing care, your assessment must show that you need these services.

If we agree that you need residential or nursing care, your Case Manager will tell you how much we are able to pay for the type of home that will meet your needs.

Even if you think you will have to fully fund your stay in a care home it is still advisable to contact us and, if appropriate, arrange for a needs assessment.

This will help you to decide if there are any alternatives to going into a care home and whether we will fund the cost of your care if your funds later reduce below the capital threshold. We cannot usually fund care homes that cost more than our current price guidelines.

Some care homes have a section where people can live either as tenants or own their properties. In these cases the charging arrangements will be different to those described in this booklet. If you are in this situation please ask your Case Manager for further information.

STEP 2: Financial assessment

What happens?

Once we have agreed that you need residential or nursing care we will work out how much you can pay towards the cost of it. We do this by carrying out a financial assessment.

A financial assessment looks at your **capital** and your weekly **income** to see how much you can pay towards the cost of your residential or nursing care.

- Your **capital** includes most **savings and investments**, and the value of any property or land you may own or partly own, including in other countries.*
- Your **income** includes most **pensions and benefits** and any other money you may have coming in and an assumed level of income from any savings and investments (see Step 3).

*In some circumstances the value of your home can be disregarded - see page 6.

The financial assessment is carried out by one of our trained Finance Assessment Officers, and may take place in your home or over the telephone.

Your Finance Assessment Officer will also tell you about the kinds of benefits you are able to claim. You will need to claim all of these benefits and our Finance Assessment Officers may be able to help you to do this. When we work out your contribution we will assume you have this income and take it into account.

Some of the benefits that you may receive are affected when you move into a care home. The Department for Work and Pensions (DWP) will need to know if you are in residential care (whether temporary or permanent).

It is **your responsibility** to tell The Department for Work and Pensions about any change in your circumstances including hospital admissions.

After we have completed your financial assessment we will write to you to give you information about what you need to pay.

STEP 3: Financial assessment

How much do you need to pay?

First, we will look at your finances to see how much capital (savings, investments etc.) you have.

If you have over £23,250 in capital then you will need to pay the full cost of your residential or nursing care.

If you have less than £23,250 in capital then we will look at your weekly income to see how much you need to pay towards the cost of your residential or nursing care.

In addition to your weekly income, if you have capital between £14,250 and £23,250 we will apply a tariff income. This assumes that for every

£250 of capital or part thereof you are able to afford to contribute £1 per week towards the cost of your care. This will be added to your weekly income when assessing your weekly charge.

For example, if you have £17,000 in capital, this means that:

Your capital £17,000 minus Capital Threshold £14,250 = £2,750

$£2,750 \div £250 = 11$. This means that we will add £11 to your weekly income based on your capital. We will add up all the income that we are allowed to take into account.

There will always be a small part of your income which you can keep for your personal use. This is called your personal expenses allowance and is currently £24.90 per week. In addition, both temporary and permanent residents may, in exceptional circumstances, be allowed extra allowances to cover certain housing and other costs.

We will help you to pay the cost of your care, if you have less than £23,250 in capital and your weekly income is less than the weekly cost of a care home.

Part 2

Is the value of your own home included?

We will not include the value of your home when we look at your capital if:

- your stay in residential care is temporary (where it is felt you will eventually return home i.e. following a hospital stay)
- your stay in residential care is a period of respite (planned agreed period of time i.e. to give a carer a break)
- for the first 12 weeks of a permanent stay in residential care funded through us. During this period you will still need to pay towards the cost of your residential care based on your other capital and income (excluding the value of your home).

This 12 week property disregard only applies whilst the property remains unsold. After the first 12 weeks we will include the value of your home when we work out your capital unless it is occupied by:

- your spouse or partner (including same sex partners)
- your estranged/divorced partner if s/he is a lone parent with a dependent child
- a relative who is aged over 60
- a relative who is incapacitated
- your child under the age of 18.

We do have discretion to disregard the value of your home in exceptional circumstances. Your Case Manager or Finance Assessment Officer will be able to discuss this with you. You will not be entitled to a 12 week property disregard if you have been self-funding your care in a residential home for longer than 12 weeks.

Part 3

What if you own your home with someone else?

Once your stay in a residential or nursing home becomes permanent we will work out your share of the value of your home and add this amount to any other capital you may have.

For example:

You jointly own your home with your adult son who doesn't live there. The total value of the house is £200,000 and you own 60% of the property. We will work out that your 60% share is worth £120,000 minus 10% (this is the standard deduction for the expense of sale). This means that you are assessed as having £108,000.

If you are unhappy with the figure that we arrive at by this method you do have the right to ask us to arrange for a specialist valuer to value your share of the property. We will then use the figure provided to us by the specialist valuer.

Part 4

Paying the care home

Top ups

A top up or third party payment is where there is a difference between the care home charge and the amount of money the council will contribute. The shortfall is called a top up and is normally paid by a relative or other person.

We will pay the care home for the cost of the services that directly meet your needs.

We then invoice you for the amount we have worked out that you need to contribute towards your care. If another person or organisation is contributing to the cost of your care, we will also collect any money from them. We call this money a **top-up** fee.

The residential home should not ask you for any money, except for additional services that you have chosen to purchase.

Please ask your Case Manager to explain this to you before you or anyone else pays money directly to the home.

Part 5

Who can give you advice about care home fees?

We have listed below some organisations that can give you advice about care home fees, money management, budgeting and information on benefits.

It's always a good idea to take independent financial advice when paying for a care home yourself so that you can make all the right decisions and don't risk running out of money.


Money Advice Service

Free and impartial money advice set up by government. You can find information on choosing the right care services, paying for care, finding a financial adviser, work, pensions and retirement, budgeting, benefits, insurance, debt and borrowing, homes and mortgages.

 www.moneyadviceservice.org.uk

Age UK


Age UK is the new name for Age Concern and Help the Aged who have merged organisations.

 0800 055 6112

 www.ageuk.org.uk

Independent Age


Independent Age gives advice and information to older people, their relatives and carers across the UK.

 0800 319 6789

 www.independentage.org

Society of Later Life Advisors

The organisations aim is to ensure that consumers are better informed about the financial issues of later life and can find a fully accredited adviser quickly and easily.

 www.societyoflaterlifeadvisers.co.uk

 0333 2020 454

Part 6

What help is available if you can't access your capital?

(For example if it is tied up in your former home)

In some cases, you could have more than £23,250 in capital but you may not be able to currently access this money (for example if you haven't managed to sell your home.) If this applies to you, we have a scheme that may be able to help you. This is Deferred Payments.

This scheme involves Kent County Council temporarily paying some of your residential or nursing home fees. We will pay the residential or nursing home the amount we have agreed with them. We will then collect from you a weekly contribution, based on our assessment of what you can afford. The balance will accrue as a debt and be paid when your former home is sold or when the agreement ends. To secure the debt we will place a legal charge on your property (similar to a mortgage.)

Please do not assume you will qualify for this scheme until we have confirmed this.

The cost of the residential or nursing home must be agreed by Kent County Council and will be based on various factors, including the amount of equity in your property.

The Deferred Payments scheme is available to people who do not want to sell their home as well as those who cannot sell it quickly enough to release the money to pay for their residential or nursing home care fees.

To be considered for Deferred Payments:

- You must have less than £23,250 in capital (such as savings and investments apart from your former home.)
- You must have a legal or beneficial interest in a property which is your main or only home
- We must be able to place a legal charge on your former home in order to secure the debt (in very exceptional cases we may consider other forms of security)
- The cost of the care home has been agreed by us
- The person applying for Deferred Payments must have Legal Authority to do so if the resident lacks mental capacity.

If you meet the criteria above, we may be able to set up a Deferred Payments agreement with you. During this agreement you would still need to pay a contribution towards the cost of your care from your weekly income, and any other assets.

You are permitted to retain up to £144 per week of your income. In addition, if you rent out your home you will be allowed to keep a percentage of the rental income. The rest will be taken into account in the financial assessment. However, you need to bear in mind that the more income you retain, the more you will defer and have to pay back at a later date when the agreement ends.

If you enter into a Deferred Payments agreement interest will be charged throughout the life of the loan. The rate is reviewed twice every year in January and July. In addition you will be charged an initial set up fee and an ongoing annual administration fee. Both the interest payments and the administration fee can also be deferred.

If you would like more information, please speak with your Finance Assessment Officer or Case Manager who will give you an information pack. If we agree to you receiving Deferred Payments you should get independent financial advice before the arrangements are finalised.

Part 7

What happens if you have health needs?

Residential care partly funded by the NHS

If your assessment shows that you need nursing home care the NHS will pay for the cost of the care needed from a registered nurse. Your nursing home is entitled to receive a payment from the NHS for the costs of your registered nursing care element.

Residential care fully funded by the NHS

If your main need is a health need the NHS will provide for all of your needs. This will include accommodation, if this is part of your needs.

If this is the case, you should be eligible for free care outside of hospital that is arranged and funded by the NHS. This is called NHS Continuing Healthcare. Sometimes, the NHS will pay for this care in settings other than a care home. Please ask your Case Manager to explain this more fully.


If you would like to speak to someone in the NHS about NHS funded care (either part or full funding) please contact one of the following NHS teams:


West Kent

 nelcsu.chcenquires@nhs.net


 03000 428167


Thanet, South Kent Coast, Canterbury, Ashford

 nelcsu.chcenquires@nhs.net

 01233 618168

Dartford, Gravesend, Swanley, Swale and Medway

 nkccg.placements@nhs.net

 03000 424999

Part 8

Your questions answered

Can I give away money or capital assets?

If you give away money or capital assets to avoid paying care fees this is seen as 'Deprivation of Assets' and will mean the assessment of how much you will have to pay will still include the value of the assets that have been given away. In some circumstances, we can ask the person who was given the money to pay some of your care home costs.

What if my savings fall below £23,250 and I am already in a care home?

You may be able to get financial help from us. It is important that you let us know as soon as you think this is likely to happen so you do not lose out on any financial help that we are able to give. However, we may not be able to support the full fees of a more expensive home without some extra contributions from someone else, for example, a friend or relative.

Can I choose to go into a more expensive home?

You can choose to go into a more expensive home if there is someone else, like a relative, friend or charity, who are willing to pay the extra costs. This is called a third party top up.

The person paying the extra costs will have a separate third party top up contract with us. The person agreeing to pay the top up may be asked

to undertake a financial assessment to evidence their ability to meet the required payments. These payments will need to be made all the time you are in the home and must still be made even if you go into hospital. If they stop paying you could be asked to move into a different home.

Who can help me look after my money?

If you need help to manage your money a third party can act on your behalf. This person will become responsible for claiming and receiving your income on your behalf and using this income to pay KCC the weekly contribution towards your fees.

If you do not have someone who can help you then we may be able to appoint someone to look after your money. You may want to consider seeking advice regarding Power of Attorney. A solicitor or the Office of the Public Guardian (a government department) will be able to advise you.

You can contact the Office of the Public Guardian on 0300 456 0300 or through their website: www.publicguardian.gov.uk

What happens if I am temporarily absent from the home?

If you are temporarily absent from the home for any reason (for example you are admitted to hospital or go on holiday) the fees will continue to be paid to the home and therefore you will continue to be charged.

What if I am only staying in a care home temporarily?

If you are only staying in a care home temporarily, you will also be allowed an extra £10 per week (£5 if one of a couple) if you are responsible for the upkeep of your home.

What if I do not agree with the outcome of the assessment or the services offered?

If you disagree with the results of your needs assessment or financial assessment you should first speak to the person who completed the assessments.

If this does not resolve the problem you can challenge the decision by using our complaints procedure.

Our leaflet 'Have your say - comments, complaints and compliments' describes how to do this.

For a copy, please call 03000 41 61 61
or go to our website www.kent.gov.uk

Who can I speak to if I have a question about the financial assessment?

If you have any questions about the financial assessment please speak to the Financial Assessment Team on the telephone number below.



03000 41 28 00



Financial Assessment Team
St Peter's House
Dane Valley Road
Broadstairs
CT10 3JJ

Kent County Council Adult Social Care

Charging for residential care in Kent

How to get in touch with us

If you would like more information on any of the topics covered in this booklet, or you would like to have your needs assessed or report abuse, you can contact us in the following ways:



03000 41 61 61 (if you live in Kent)



01634 33 44 66 (if you live in Medway)



Kent and Medway **out of hours** service: **03000 41 91 91**



Text relay service: **18001 03000 41 61 61**

A text relay service is available for deaf, hard of hearing and speech impaired customers and is available 24 hours a day, 7 days a week.



www.kent.gov.uk/careandsupport



social.services@kent.gov.uk

Visit your local gateway (www.kent.gov.uk/gateways)

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socialservicesleafelts@kent.gov.uk