

Social Services

Paying for Residential Care



April 2020

PAYING FOR RESIDENTIAL CARE

APRIL 2020

You may be able to receive financial support towards your care if you are assessed by a Social Worker as needing residential or nursing care. This factsheet provides information about how a decision is made by Flintshire County Council when we are asked to provide financial assistance towards the cost of fees charged by a care home. Flintshire County Council complies with the Social Services and Well-being (Wales) Act 2014.

Depending on your finances you may be expected to meet all or part of the cost of the care from your own resources as soon as you go to stay in a home. In most instances you can choose which home you go into.

You must not give away any financial resources such as cash, property or deprive yourself of any assets for the purpose of reducing your ability to pay Flintshire County Council charges. If you do, Flintshire County Council may still regard those resources as belonging to you. If you have any doubt about your position you should seek legal advice.

You may have already read the 'Thinking about a care home' guide which is issued by the Welsh Government. Please ask your Social Worker if you would like a copy.

If you receive funding from Flintshire County Council you will still be able to keep £32.00 (a Personal Allowance) of your assessed weekly income to pay for your personal expenses.

Charges from Flintshire County Council will not be applied if you are under 18, getting help under Section 117 of the Mental Health Act 1983 or have been assessed as meeting the criteria for Continuing Health Care, which is assessed and funded by the Local Health Board.

Paying for residential/nursing care is quite a complicated subject and you will need to discuss options with your Social Worker or a Social Services Financial Assessment Officer.

At all times it is vital that you seek independent advice.

This factsheet explains:

1. Savings and Capital limits
2. How the amount a person has to pay is worked out
3. Short Term, Respite and Temporary Care
4. Property
5. Queries and challenging the assessment outcome
6. How charges can be paid
7. Am I claiming the correct benefits
8. What happens to the information given to Social Services
9. Details for current Flintshire fees for 2020-2021
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1. Savings and Capital Limits

If you have savings and/or capital more than £50,000.00 you will have to pay the full standard charge for the Care Home you choose. You will not receive financial assistance from Flintshire County Council. This may also be the case if you own more than one property. If your savings and assets are under £50,000.00 we will need to complete a financial assessment.

We will count 50% of the balance in any joint accounts you hold with your spouse/partner as being yours and 100% of balances in your sole name. We also include fixed-term savings plans, investment bonds* and shares held in your name.

If you hold an account with someone other than your spouse/partner we will count 100% of the balance as being yours unless it can be evidenced otherwise.

*Certain investment bonds that include life insurance cover may possibly be excluded from calculations.

What happens if my savings and/or capital fall below £50,000.00?

If you are self-funding your current care fees and your savings reach the capital limit, you should in the first instance contact the Council in which the care home is located for assistance with funding. This means if the care home is located in Wrexham or Cheshire, you will need to contact the respective Council for assistance.

Deprivation of Capital

The Local Authority may consider that individuals have deprived themselves of assets in order to reduce their charge. Deprivation of assets occurs when a person has deprived or decreased their overall assets resulting in the reduction or removal of any charge imposed for their care and support. This means that they must have made a conscious decision to do this in the knowledge that to do so would have such an effect on their charge.

The following actions would be considered as deprivation of assets:

- A lump-sum payment to someone else, for example a gift
- Substantial expenditure has been incurred suddenly and is out of character with previous spending
- The title deeds of a property have been transferred to another person
- Assets have been put into a trust that cannot be revoked
- Assets have been reduced by living extravagantly, for example buying an expensive sports car

We will not give financial assistance to anyone who we believe has deliberately disposed of capital/savings so that they fall below £50,000.00. They will be asked to pay the full cost for their services with no funding assistance from the Authority.

2. How is the amount a person has to pay worked out?

A Welfare Benefits Officer from Flintshire County Council will arrange to visit you to complete a Financial Assistance Claim Form to help the Financial Assessment Officer work out how much you can afford to pay towards your services. We will need this information as soon as possible otherwise you may have to pay the full weekly cost of the service you receive. You can request to have a family member, friend or someone you trust to be present to support you at this visit.

What if I don't want to or fail to give you information on my finances?

If you choose not to tell us your financial circumstances or don't provide the information we need to complete the assessment, you will be expected to pay the full cost of your care home fees with no financial assistance from the Council.

If you do not have the correct information at the time of the Welfare Benefits Officer's visit, written details of what further information is required will be provided. You have a maximum of 14 working days to provide this further information. Please let us know if you are experiencing difficulties providing this or we may assume that you no longer require financial assistance.

Once we have assessed your savings/capital as being below £50,000.00 we look at your income. The assessment is completed by totalling 100% of all pensions and benefits less the Personal Allowance.

The Personal Allowance amount is an amount set by the Welsh Government and is the minimum amount you must be left with if you are in a permanent care home placement.

- We use either the capital sum of any savings or investments or the interest you receive depending on the type of investment.
- We do not count your spouse/partner's pensions and benefits or their savings.
- We do not count any Mobility Component of Disability Living Allowance or Personal Independence Payment.
- We do not count the first £32.00 of your weekly income as this is the Personal Allowance Amount.
- We do not count the first £5.75 of any Savings Credit you may receive each week.

For Example	Income	
	State Retirement Pension	£104.85
	Occupational Pension	£72.60
	Assessable Income	£177.45
	Disregard	
	Personal Allowance	£32.00
	Total Disregard	£32.00
	Weekly charge	£145.45

Your Financial Assessment Officer will write to you to confirm the outcome of your financial assessment.

Please note entitlement to benefits such as Attendance Allowance, Personal Independence Payment and Disability Living Allowance (care component) will stop after four weeks of admission to a Residential or Nursing Home, therefore you should notify the Department of Work and Pensions of admissions to avoid overpayment of benefits.

3. Property

What if I own a property?

The value of your house, any other property or land will be taken into account when working out your contribution towards your care after the first twelve weeks. During the first twelve weeks the Council will complete a financial assessment based on your income and capital only, this is called the 'twelve week disregard' and when the value of your property and/or land is not included in the calculation. The aim of this is to give you time to decide what you are going to do with your former home. During this period you will still be expected to pay your assessed contribution to the care home. You will also have to maintain the property and meet any on-going costs that arise.

From the thirteenth week onwards you will be considering to be a self-funding resident as the value of your property will be taken into account. You will be asked to pay back the Council's contribution towards your care home fees from the sale of your property from the thirteenth week. You will also be entitled to claim Attendance Allowance, a benefit awarded to help pay towards the cost of your care, from this date. A Welfare Benefits Officer can assist you to complete this claim.

The Council will, by means of a legal charge, recover the amount paid on your behalf. This will be removed once the Council has received payment in full for fees accrued against your property.

If your spouse or partner continues to reside, on a permanent basis, in your home when you move into a care home, the value of this property **will not** be included in our calculations; however if you own a second home and/or land the value of this land/property will be counted and you may be deemed as self-funding.

If someone else other than your spouse or partner continues to reside in your home when you move into a care home, for example your child or friend, the value of this property may well (with certain exemptions) be included in our calculations. You should discuss this with a Financial Assessment Officer or a Welfare Benefits Officer.

The Deferred Payment Agreement

The Council may consider entering into a Deferred Payment Agreement where you do not have to immediately sell your property to fund your residential care but can 'defer' the sale to a later date. You will enter into a legal agreement with the Council and a legal charge will be placed on your property. This charge will be removed once the Council has received payment in full for fees accrued.

There are administration charges to cover the cost of setting up and maintaining the agreement for as long as necessary. Other charges such as legal costs will also apply. The amount of money accruing against your property will have interest charged on it, please be aware that this interest will be compound.

You are advised to seek legal and financial advice before entering into a Deferred Payment Agreement.

If you would like further information regarding the Deferred Payment Agreement please discuss with the Welfare Benefits Officer or your Financial Assessment Officer.

If you have transferred the ownership of your home to someone else e.g. children or grandchildren the notional value of the property may still be counted as your savings/capital and funding may be refused.

4. Short Term, Respite and Temporary Care

When a stay is arranged in a care home for Short Term Care such as emergencies or Respite Care, the Welsh Government Guidelines are that the charges be the same as if you are living at home. Short Term Residential or Nursing Care for up to a period of 8 weeks will be assessed under the policy for Community Care Services.

If a Short Term Care placement exceeds eight weeks, it should be treated as a Temporary Placement and will be assessed under the charging policy for Residential and Nursing Care. If a placement is known to be Temporary (whether it does or does not have an expected end date) it will be assessed under the charging policy for Residential and Nursing Care from the date of admission.

In some cases short term care stays may be under Intermediate Care Funding, which means there will be no charge to yourself for up to six weeks. Your Social Worker will discuss and confirm this with you when arranging the service.

5. Queries and challenging the assessment outcome

If you have any queries about or think that an error has been made in the assessment of your contribution towards the cost of residing in a care home, you should contact a Financial Assessment Officer. If this does not resolve the matter to your satisfaction you can ask for the Financial Assessment Team Leader to review your application. Our contact details are:

Financial Assessment and Charging Team

Social Services

Tŷ Dewi Sant

St David's Park, Ewloe

Flintshire, CH5 3XT 01352 701318

You can request a review any time after we have written to you confirming your weekly assessed contribution. You must tell the Council why you want the decision to be looked at again. You can do this by either speaking or writing to your Financial Assessment Officer.

It is important you let your Financial Assessment Officer know of any changes to your income or circumstances as this could have an effect on your weekly assessed contribution.

All financial assessments are reassessed every April in line with the annual benefit uplift, this review is completed automatically and you do not need to contact us during this time. Once your reassessment has been completed we will write to you confirming your new weekly assessed contribution.

6. How charges can be paid?

Once you have been advised of your assessed weekly contribution you will need to arrange to pay your contribution directly to the care home. Most care homes offer a Standing Order service or will accept cheques. They tend to prefer to be paid on a monthly basis. Please note, if you are in a care home owned by Flintshire County Council you will receive an invoice from the Council for your contribution.

7. Am I claiming the correct benefits?

When you decide to go into a Home, your Social Worker will ask a Welfare Benefits Officer to visit to complete forms with you and ensure that you (and your family) are in receipt of all the correct benefits. Any new benefits you will be entitled to due to your change in circumstances will be included in your assessment. A Welfare Benefits Officer will assist you with any new claims.

8. What happens to the information given to Social Services?

We respect your privacy, however, on occasions we are obliged to share information with third parties in order to verify the information, for the prevention or detection of crime and/or for the purpose of discharging any statutory or administrative function or as required by law.

9. Details of Flintshire fees for April 2020 to March 2021

The maximum weekly amount (including contributions that is paid to a privately owned care home contracted with Flintshire County Council is outlined below :

Privately owned care home	
Elderly / Very dependent elderly	£584.33
EMI residential	£607.53
Nursing care (over 60)	£631.64
EMI nursing	£667.80
Local Authority Owned Homes	
Residential / Very dependent	£584.33
Elderley mentally ill (EMI) residential	£607.53

Please note Social Services pay an additional £7.27 per week towards all nursing placements in Wales.

Cases of exceptional special need will be determined by a Senior Manager.

There may be some care homes whose weekly fees are greater than those agreed by the Local Authority. The difference between the rates will be charged by the care home

as a 'top up fee'. For example, the Council's set weekly fee is £584.33 and you choose a care home which costs £600.00 per week. As your chosen care home costs more than the fee set by the Council a top up payment of £15.67 will need to be paid. This is in addition to your weekly assessed contribution and is often paid by a member of your family or can be paid by yourself if you have sufficient savings. Please discuss top ups with care homes and take this into account when making your decisions. The third party should seek legal advice to fully understand the implications of agreeing to the top up.

Nursing and EMI Nursing care residents will also receive a Funded Nursing Care contribution from the Health Authority. This is currently £172.96 per week and is set by the Health Board. The NHS will pay this directly to the nursing home in addition to the care home fees. In some cases the Health Authority can agree to pay the full weekly cost of your care home, this is known as Continuing Health Care Funding. There is a process that must be followed when applying for this funding and until this has been agreed you will still have to continue to pay your weekly assessed contribution to the care home. Your Social Worker will apply for the above funding on your behalf if appropriate. For more information regarding Funded Nursing Care and Continuing Health Care Funding please discuss with your Social Worker.

10. Complaints, compliments and representations

We are aware that despite our best efforts there may be occasions when you have to make a complaint. Any complaint about the services can be made to your Social Worker, their Team Manager or you can contact:

The Complaints Officer

Social Services

Tŷ Dewi Sant, St David's Park

Ewloe, Flintshire, CH5 3XT

01352 702623

A leaflet 'Your right to compliment and complain' which explains how your comments can be made and how they will be dealt with is available from the same address or online at: www.flintshire.gov.uk/careinfo

11. Data Protection / GDPR (General Data Protection Regulations)

You have a right to see personal records we hold about you. An administrative fee may be charged. Please ask us for more information.

12. Other sources of information and help

A wide range of voluntary organisations provide independent advice and assistance. Contacting them will help to give you the information on your rights.

Flintshire Citizens Advice Bureau

08444 772020 www.flintshirecab.org.uk

Flintshire Care and Repair

01352 758700 www.flintshirecr.co.uk

Advice on housing repairs, adaptations and benefits for disabled and elderly people.

Age Connects North East Wales

08450 549969 www.acnew.org.uk

Mencap Cymru

0808 800300 www.mencap.org.uk/wales

MIND

01352 757637 www.flintshiremind.org.uk

North East Wales Carers Information Service (NEWCIS)

01352 752525 www.carers.org/local/wales/flintshire

Flintshire Disability Forum

01352 755546

Social Services

Single Point of Access

Preswylfa, Hendy Road, Mold, Flintshire, CH71PZ

Email : spoa@flintshire.gov.uk

03000 858858

SSDUTY@flintshire.gov.uk

www.flintshire.gov.uk/careinfo

Financial Assessment Officers and Welfare Benefits Officers can be contacted through our offices at Tŷ Dewi Sant, St David's Park, Ewloe, Flintshire, CH5 3XT on **01352 701318**

Mae'r ddogfen hon ar gael yn Gymraeg. Cysylltwch a 03000 858 858 i gael fersiwn Gymraeg.

This document is available in Welsh. Please contact 03000 858 858 for a Welsh version.

This factsheet is available in alternate formats including Braille and Large Print on request to 03000 858 858.