

Accessing services in Sutton

MOVING INTO A CARE HOME -

The Financial Assessment Process





take part, take pride





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Who pays for a place in a Residential or Nursing Care Home?

If you need to move into a residential or nursing care home there will be a charge for your accommodation and care. You may be asked to pay these in full or in part depending on your income and capital.

Unless you are able to pay the full fees yourself, the council has to carry out a financial assessment to see how much you should contribute towards your care fees. The rules about how we calculate your contribution are laid down by Parliament and this document helps to explain the financial assessment.

If your income is less than the fees for the care home and you have less than £23,000 in savings or other assets, you will need to pay a contribution towards the care home fees and this council will pay the remainder of the agreed fees. How much you need to pay will depend on how much money you have.

To calculate how much your contribution should be we ask you to give us details of your income, such as pensions, benefits and any other payments that you receive. We will also ask you for details of your capital, including any savings, stocks and shares, investments or any other assets. This includes any property that you own.





How the Council will support you

Unless you are "self-funding", the Council will arrange a contract with the Residential or Nursing Home to pay either the full fee or a proportion of it.

We have a duty to assess how much you can afford to pay towards the cost that the Council has agreed to pay the Home. The Home does not have to be in the Borough. We will require you to complete a confidential Financial Assessment form, which tells us about your financial circumstances. We will contact you if we need any other information.

We will write to tell you how much you have to pay and we will then send you an invoice, every 4 weeks.

If the care home asks you to pay a top up, then you will be unable to do so with out the consent of the Finance Team. This is because any third party top up payment will need to be included in our contract with the care home. Third parties are not able to make their own agreements with care homes directly. This is because any additional monies to be paid to the care home must be approved by the Finance Team first.

If we cannot agree to pay the full amount charged by the home because this is more than what we feel is a reasonable price, a third party will have to pay the difference if you still wish to move there.









Self-Funding

If your weekly income is greater than the weekly care home fees, or if your total assessed capital is above £23,000, you will be expected to fund your own stay in residential or nursing home care.

We can give you advice about whether the home you have in mind is suitable for your needs but we cannot enter into a contract with the home to provide your care unless you are unable to do this yourself and have nobody to help you.

If your capital is only just above the £23,000 limit, you will find that your savings will soon start to reduce as you pay your fees. At some stage your savings may reduce below this limit and you will need to contact us to re-assess your entitlement to help with the care fees. You will be asked to complete a Financial Assessment Form giving up to date details of your savings and income and we will assess your contribution to your fees. If you have chosen to live in a Care Home that is in another local authority area, then you will need to contact the Finance Team in the local authority where the care home is located for financial assistance.

If we do not consider the fees charged by the home to be reasonable, or if you are paying for a level of service which we consider is greater than your assessed needs, we may have to restrict the amount we can contribute to your fees. Therefore it is a good idea to talk to your care manager (social worker) or the Finance Team about your intentions before you move into the home so that later problems may be avoided.







Free Nursing Care

If you are paying your own fees in nursing care you no longer have to pay for the nursing element of the care fees you are charged.

The National Health Service pays your nursing home a set amount each week. The amounts paid are set by the National Health Service and are reviewed once a year.

This means that the fees charged by your nursing home are less than they would be if you were charged for the nursing care you receive. You will still have to pay for your non-nursing care and your accommodation charges.

In some cases the National Health Service may reimburse you directly for the nursing care that you receive.

Deferred Payments

If you own your own home and you are unable to sell it or you do not wish to sell, you may be able to defer payment of some of your fees so that you don't need to sell your home when you go into residential care. This is an option after the standard twelve week disregard of your property (see page 19).

You may choose to defer your payments if the value of your property is expected to cover all your likely care homes fees for the duration of your stay.







The Deferred Payment Agreement means you are responsible for the full amount of your residential or nursing home fees but only have to pay us a contribution based on income and savings during your lifetime. After your lifetime, or if you decide to end the agreement earlier, for example, by selling your property, the accrued difference between the contribution and the full fees will be repaid to us.

If you opt for deferred payments we will calculate your contribution to your fees based on just your income and any savings you have between £14,000 and £23,000. We will ignore the value of your home in our calculation. You then pay a reduced contribution based on your income rather than the full fees.

In return, we will place a legal charge on your property to the value of the difference in funding between this contribution and the full fees that you would have been charged had the property been taken into account. You may be asked to pay the council for any legal costs incurred in arranging these deferred payments, for example, land registry expenses.

We recover this funding when your property is eventually sold, whenever that happens. If your payments are deferred in this way, you will not be forced to sell your home and no interest will be added whilst you are in residential care.







In certain circumstances, we may not be able to agree a Deferred Payment Agreement. If this happens, we will let you know why we cannot do this.

If you enter into a Deferred Payments Agreement and do not get Income Support or Pension Credit you may still be entitled to receive Attendance Allowance or Disability Living Allowance (Care Component). Please note that income Support or Pension Credit may not be payable if your property is not up for sale and being actively marketed.

If you think that you may wish to defer your payments you should seek independent financial advice.

Top Up Payments

What are Top-Up Payments?

If we cannot agree to pay the full amount charged by the care home because this is more than what we believe is a reasonable price, and you still wish to move there, then someone will have to pay the difference. This is known as a "Top Up" or "Third Party Payment".

The contract we draw up with you and the care home will include any additional monies to be paid by the third party. Our Finance Team need to approve any additional payments and will want to ensure that the care home is continuing to be fair and reasonable in their expectations about how much people can afford to pay.





Who can pay the Top Up?

You are not allowed by law to pay the top-up yourself from your savings, except in very limited circumstances. If these circumstances do not apply to you then a third party will have to pay. A third party could be a friend, relative – but not your spouse, a charity, trade union or other person or organisation.

It will almost certainly not be possible for us to pay the top up amount to the care home if you or your third party are unable to continue paying the top up amount. If you think this might happen during your stay, you will need to discuss the implications with the care home and your care manager.

When you can pay the Top Up yourself.

You can pay the top up yourself if the Council is supporting you financially for twelve weeks because you own a property and have less than £23,000 in other savings and assets.

You can also pay the top up yourself if you have decided not to sell your property and have entered into a legal agreement with us to defer your payments.

If you are thinking of paying the top up yourself.

If you are thinking of paying the top up yourself you will need to remember that you will have to use your savings. This is because we will ask you to contribute most of your income towards the cost of your care. You will need to work out if you have enough savings to pay the top up fee for



the length of your stay. If you think your savings may not be enough, then you will need to arrange for a third party to

Income

If we are going to support you financially with your care fees, we will need to work out how much income you have. By income we mean any money that you receive, for example, pensions, benefits or any other payments that you receive. Income includes things like:

■ State Retirement Pension and Widows pension

pay the top up when your savings run out.

- Occupational and Private Pensions from former employers
- → State Benefits and Allowances
- Earnings
- → Charitable and Voluntary Payments
- Maintenance payments and money from friends or family
- Annuity Payments
- Money from certain types of Trust
- Payments from abroad
- Other payments made to you

This list is not exhaustive and does not cover all the possible income types.

We do not include things like income on savings or share dividends as part of your income but the money invested will be included as capital.









We only need to know about money that you receive not about money that your partner gets if the payment is in their sole name. You should always tell us about money that is held jointly or in joint names.

Most income is included in your financial assessment in full. Some income is fully or partially disregarded, for example, we ignore 50% of any occupational or private pension if you pay at least this amount to your partner or spouse.

We also ignore for the financial assessment, the Mobility Component of Disability Living Allowance. There are other disregards that are dependent upon income type. You should tell us about all your income and we will apply all the disregards that are appropriate.

If you are a temporary resident we will ignore any Attendance Allowance or Disability Living Allowance (Care Component) that you get. We will also ignore any housing costs that you may have for your normal home.

Capital

What we mean by capital

By capital we mean any money, savings or assets that you have. Any property, that is, buildings or land, that you own may be treated differently.

If we are supporting you financially, then we will need to work out how much capital you have.





What is counted as capital?

We include things like:

- Bank and Building Society Accounts
- National Savings Certificates
- Premium Bonds and Income Bonds
- Stocks, Shares and other investments
- ☑ Individual Savings Accounts (ISA's)
- Unit Trusts
- Cash
- Property or Land
- Money that belongs to you which is held for you by someone else
- Yer Funds held by the Court of Protection or your Receiver
- Any assets or property held abroad

This list is not exhaustive.

Some capital is not included when we assess your total assets. For example, we ignore personal possessions, Social Fund Payments, arrears of certain benefits and ex-gratia payments made in respect of former Japanese prisoners of war, payments made by the Secretary of State for Health in respect of people with CJD or who have contracted Hepatitis C from infected blood or blood products as a result of NHS treatment.

You should tell us about all your capital and we will apply any disregards that you are entitled to.







You should note, that we are unable to disregard the value of items like personal possessions, if you have bought them with the intention of reducing or avoiding your liability for Residential or Nursing Care fees.

If your Capital is held abroad

If your capital is held abroad, we will make a reasonable allowance where you incur a cost of transferring the capital to this country. We will also take into account any restrictions that apply regarding how much you can transfer out of some countries at any one time.

If some or all of your capital is held jointly.

If some or all of your capital is held jointly with other people, then usually we would value your share by dividing the total by the number of people who own it. However there are circumstances when this may not be true.

If some or all your capital is held in a trust fund

If some or all your capital is held in a trust fund, then the terms of the trust deed will determine whether this should be counted as capital or not. We will need a copy of the trust deed to help us decide how the capital should be treated.

If you give away any of your capital

We need to tell you that it is against the law to dispose of or give away your assets with the intention of reducing your responsibility for residential or nursing care costs.





If this happens, we may work out your responsibility for care fees as if you still have the asset. In some circumstances we may also take steps to have the asset returned to you.

This means that you can still use your assets to buy yourself things that you need or want, or to buy presents for people. However, you must not do this with the intention of reducing your responsibility for care fees.

How capital is treated

If you have capital of £23,000 or more, then you will be responsible for the full amount of your care fees. We refer to this as self funding.

If you have capital between £14,000 and £23,000, we have to ask you to pay a set weekly amount to us as part of your contribution. We call this a tariff income. The amount you pay is set at £1 per week for every £250 or part thereof, that you have over £14,000.

This means that you are able to ask us to reduce your contribution if your total capital falls by £250 or more. You will need to contact the Finance Team if this happens when we are supporting you financially.

If you have capital of less than £14,000 we will not ask you to pay anything from your capital towards the cost of your care, but you will have to contribute from your income.

If you have any questions about capital please contact the finance team directly.









Property

What we mean by property

Property is any individual building, parts of individual buildings and land that you own either the freehold or leasehold of. We also mean any individual buildings, parts of buildings and land that you own abroad. This applies whether you are the sole owner or you own the property jointly with other people.

Why property is important

The law says that if you have assets worth more than £23,000 then you are expected to use the value of those assets to pay for your care.

Property is important because most properties, particularly in Sutton are valued at much more than this amount. People with property therefore, are expected to use the value of their property to pay for their residential or nursing home fees.

However, there are circumstances when this is not the case.

If another person lives in your property

You are not expected to use the value of your property to pay your care fees if someone lives there who is:

- Your spouse or partner, or
- Over 60 years of age and your close relative, or
- Under 16 years of age and you have a legal liability to maintain them, or
- → Has a disability





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If someone lives in your property who looks after you

If someone lives in your property who looks after you, under some circumstances you may not be expected to use the value of your property to pay for your care fees. This may apply if they do not fall into one of the four categories above.

If you would like us to consider this, we will need to ask you questions about how much and for how long your carer has looked after you. We may also need to ask about your carer's own financial circumstances. We need to tell you that we may not be able to agree to this in all cases.

If your property is jointly owned

If your property is jointly owned with another person or other people then we have to value your share. This applies whether you own the property as joint tenants or tenants in common.

Valuing your share in these circumstances can be difficult. If we cannot agree with you what your share is worth, we may seek an independent valuation from a professional.

It is advisable for you to seek independent advice if you jointly own your property with someone who does not fall into any of the four categories already mentioned.

If you have property abroad

If you have property abroad, then we always make a reasonable allowance for the cost of transferring any income from it, or the proceeds of the sale, to the United Kingdom if this is necessary.







We know that some countries have restrictions on the amount of money you are able to transfer out of them at any one time. If you think this applies to your property, you need to tell us.

If you are unable to use the value of your property

If for some reason you find you cannot use the value of your property to pay your care fees, then please contact the finance team directly.

Under some circumstances we may be able to help you financially until you are able to make arrangements to pay your fees yourself. This may work in a similar way to the Deferred Payments Agreement. You will still need to pay us back for any amounts we have paid on your behalf for fees that you are liable to pay. We may also have to place a legal charge against your property.

About Legal Charges

If we have a financial claim against the value of your property, for example because we have a Deferred Payment Agreement with you, then we may place a Legal Charge against your property.

By placing a legal charge against your property our financial interest in the property is recorded by Her Majesty's Land Registry. The fact that we have a financial interest is publicly available to any potential buyer, however, the amount of the financial interest is not publicly available. Mortgage companies register their financial interest in your property in the same way.







When the property is sold, our financial interest has to be discharged by paying us the amount owed. The sale cannot be completed before this has happened.

Using your property to pay your full care fees

It may not be necessary to sell your house to pay for your care fees. We are unable to advise you on the best way for you to use the value of your property to pay for your care home fees if you do not want to sell it. An independent financial adviser should be able to provide you with the best options for you.

This is a complicated area and there may be serious financial implications. For this reason, we would strongly urge you to seek independent financial advice. Please note that there will probably be a charge for the adviser's service.

Seeking Independent Financial Advice

If you are responsible for the full amount of your fees, we would always recommend that you get independent financial advice on all your options. Financial advisers are regulated by the Financial Services Authority (FSA). The FSA only allows those advisers with the finance industry's "CF8" qualification to provide advice on care funding. We strongly recommend you check that the financial adviser you have chosen has that qualification.









How Property is treated

12 Week Property Disregard

We ignore the value of your property for the first 12 weeks of your stay in residential or nursing home care, where the property was your former home. This means that we will assess how much your contribution to your care fees should be as if you did not own your property. We start counting the 12 weeks from the start of your permanent stay.

If you have other assets over £23,000 these will still count towards your assessment so you will have to pay your full fees yourself, no matter what your income.

Capital of £23,000 or more

If you have capital of £23,000 or more in addition to the value of your property, you will be responsible for the full amount of your care fees from the date of your move to the care home.

If your capital drops below £23,000 during the first twelve weeks, for example, because you are paying your care fees, we may help you financially from the date your capital drops below £23,000 until the end of the twelve week period.

You will need to contact the finance team directly if this happens so that we can make the necessary arrangements.





Capital below £23,000

If you have capital of less than £23,000, not including the value of your property, the Council will help financially for the first twelve weeks.

From the start of the thirteenth week you will be responsible for paying the full fees to your care home unless you have a Deferred Payment agreement.

If your property is sold within the twelve week period then you will be responsible for the full fees from the date of sale.

Benefits

When you go into residential or nursing home care your entitlement to benefits may be affected. This is because your needs will be different. Some things you might pay for at home will be provided by the care home and will be covered by the fees charged.

You should notify the Department of Works and Pensions (Benefits Agency) and the Housing Benefit Section promptly of any stays in residential or nursing care.

Attendance Allowance / Disability living Allowance

If you are funding your residential care placement yourself ("self funding") your Attendance Allowance or Disability Living Allowance (Care Component) will not be affected. You can continue to receive this for as long as you satisfy the conditions for entitlement and are self-funding. If you do









not already receive either of these benefits prior to going to live in a care home, you will probably be entitled to claim the benefit when you go to live in the care home, whilst you are self funding.

If you are getting financial support from the local authority for your placement your Attendance Allowance or Disability Living Allowance (Care Component) will cease after 28 days in residential care. However, if you intend to repay the local authority from the proceeds of the sale of your home (Deferred Payment) you will keep these allowances.

If you go into temporary care regularly, for example for respite care, and your breaks at home are of 28 days or less, your stays in the care home are added together. When the days in care add up to 28 days your Attendance Allowance or Disability Living Allowance (Care Component) will stop. This is known as the linking rule.

A stay in residential care does not affect Disability Living Allowance (Mobility Component).

Income Support and Pension Credit

If you go into temporary residential care, for example, respite care, your Income Support (called Pension Credit for people over 60 years) will usually be paid at the same rate as when you are living at home.

If you go into permanent residential care you will usually be entitled to your normal rate of Income Support but without any housing costs.







However, if you are getting Attendance Allowance or Disability Living Allowance (Care) and this stops after 28 days your Income Support entitlement should be reassessed and may reduce. This is because some people get extra Income Support because they also receive Attendance Allowance or Disability Living Allowance (Care). This extra Income Support stops when the other allowances end.

Housing Benefit

If you enter permanent residential care your Housing Benefit will stop. Housing Benefit may be payable for any period of notice you may have to give to your landlord if you are not resident at your home and you are in a care home.

If you enter residential care on a trial basis to see if the home suits you, you can continue to get Housing Benefit for up to 13 weeks. However, the moment you decide to stay, or decide you will not be returning home, your Housing Benefit will stop. If you have to pay your landlord for a notice period, then Housing Benefit may continue for this period.

If you enter residential care on a trial basis to see if the home suits you, and you have always paid full rent for your home; you may be able to apply for housing benefit for your home to enable you to pay for your care home and your own home whilst you decide whether you want to live permanently in residential care.

If you enter temporary residential care you will continue to get Housing Benefit for up to 52 weeks, longer if there







are exceptional circumstances and you will be returning to your home soon. However, your Housing Benefit will stop the moment you decide to stay permanently or decide you will not be returning home, subject to payment during any notice period.

No Housing Benefit is payable once your stay in residential care becomes permanent or if you have no intention of returning home or if you sub-let your home while you are in residential care. These rules are the same for Council tax Benefit.

Assessment Examples

Income Support or Pension Credit in payment

Mrs Smith gets £130.00 Pension Credit, which includes £78.65 State Retirement Pension. She has capital below £14,000. Her assessment will be as follows:

Income:	State Retirement Pension	£78.65
	Pension Credit	£51.35
Total Weekly		
Income:		£130.00
Allowances:	Standard Personal	
	Expenses Allowance	£21.90
Assessed Weekly		
Charge:		£108.10

Mrs Smith must contribute £108.10 each week to the cost of her care. She keeps £21.90 of her weekly income.



No Income Support, private pension in payment

Mr Patel gets £89.80 Long term Incapacity Benefit and a pension from his former employers of £36.92 per week. He has capital below £14,000. His assessment will be as follows:

Income:	Incapacity Benefit	£89.80
	Private / occupational pension	£36.92
Total:		£126.72
Capital:	Below threshold therefore	
	no tariff income:	£0.00
Total Weekly		
Income:		£126.72
Allowances:	Standard Personal	
	Expenses Allowance	£21.90
Assessed Weekly		
Charge:		£104.82

Mr Patel must contribute £104.82 each week to the cost of his care. He keeps £21.90 of his weekly income.







Pension Credit, Capital between £14,000 and £23,000

Miss Greene gets a State Retirement Pension of £99.53 and has Capital of £19,300. She is entitled to Pension Credit. Her assessment will be as follows:

Income:	State Retirement Pension Pension Credit Guarantee	£99.53 £11.65
Capital:	£19,300 minus £14,000 threshold, divided By £250, Rounded up to the next pound,	
	Therefore weekly tariff income	£22.00
Total Weekly Income:		£133.18
Allowances:	Standard Personal	
	Expenses Allowance:	£21.90
Assessed Weekly Charge:		£111.28

Miss Greene must contribute £111.28 each week to her care. She keeps £21.90 of her weekly income.

Capital over £23,000

Following the sale of his home, Mr Tanner has savings and investments totalling £197,000. Therefore, he cannot get help with his funding.

Although he only gets £84.25 basic state retirement pension he will have to pay his own care fees.







Legislation we use

When we talk of legislation we mean Acts of Parliament, Statutory Instruments, Regulations and Guidance issued by Parliament or the Department of Health or other body, which has the force of law. Below are listed some of the most relevant documents, but this list is not exhaustive.

- The Local Government Act 1970 and the National Assistance Act 1948 details powers Local Authorities have to recover debts owed to them.
- ▶ Part 3 of the National Assistance Act 1948 says that Local Authorities must assess how much people can afford to pay towards their care.
- The National Assistance (Assessment of Resources) Regulations 1992 (and subsequent amendments), says how Local Authorities should assess how much people should pay towards their care. The Department of Health guidance on these regulations is the Charging for Residential Accommodation Guidance. This is commonly known as CRAG.
- People who are entitled to receive services under Section 117 of the Mental Health Act 1983 do not have to pay towards the cost of their care.
- ➤ The National Assistance (Sums for Personal Requirements) Regulations 1993 (and subsequent years) sets the amount of the Personal Expenses Allowance.







- → The National Assistance Act 1948 (Choice of Accommodation) Directions 1992, and subsequent amendments, enables top up payments for more expensive accommodation.
- → The Health and Social Services and Social Security
 Adjudications Act 1983 gives Local Authorities extra
 powers where assets have been given away to avoid or
 reduce a liability for care fees and to place charges on
 property or land.
- The Health and Social Services Act 2001 makes the purchase of nursing care in nursing homes the responsibility of the Health Authority instead of the Local Authority from April 2003. It also provides additional powers to put a charge on property or land where fees are deferred.

Where to get copies of the legislation

Please contact our Finance Team. We will be able to provide you with copies of some of the documents straight away or within a few days. Alternatively, your local library will also be able to find any legislation you may wish to see.







What happens next

If you think that you may need financial help paying the fees for the care home, please ask your care manager (social worker) or the Finance Team for a Financial Assessment form to complete. Please note that we can only provide you with financial help if your care needs assessment says that you need residential or nursing care.

When your form is returned to us, we may contact you if we need any further information. The information you give us is treated in the strictest confidence.

When we have worked out your contribution we will write to tell you how much you have to pay and send you a monthly invoice for the charge.

When you have paid your assessed contribution you will generally have a minimum of £21.90 per week left for your personal expenses.

When your contribution will change

Your contribution will change in April each year because your state benefits will change. We will write to you in February or March each year about this.

If your financial circumstances change, for example, if you win or inherit some money, then we may need to review your contribution. Please contact the Finance Team if your circumstances change and we will tell you what you need to do.







Compliments, Comments or Complaints

If you have a comment or query about the service you have received please talk to your care manager (social worker) or to a member of the Finance Team.

If you are unsatisfied with our service you have the right to complain. Your complaint does not have to be in writing. To make a complaint you will need to contact the Complaints Officer who deals with Complaints for Social Services.

We are very interested in any comments that you have to make about this leaflet or indeed any leaflet that you read about the services that we provide. We are keen to make this leaflet easy to use and as informative as possible. Your comments will be extremely useful to us.









If you would like this document in another language or format please tick the box and fill in your name and address below.

سول على نسخة من هذه الوثيقة بلغة أخرى أو بشكل آخر، ة في الخانة وتقديم اسمك وعنوانك أدناه.	إذا كنت تريد الحص فيرجى وضع إشار
আপনি যদি এই নথিটিকে অন্য ভাষা বা ফরম্যাটে পেতে চান, বল্লে টিক এবং নীচে আপনার নাম ও ঠিকানা পূরণ করুন।	দিন Bengali
倘若你需要本檔以另一種語言或格式提供, 請在所需要的語言或格式上打 / 並在下面填寫你的姓	名和住址 Cantonese
زبان دیگر یا شکل و فارمت دیگر می خواهید، شکل ده نام و آدرس خویش را در زیر بیان دارید.	
Si vous voulez ce document dans une autre langue ou u veuillez cocher la case et indiquer vos nom et adresse	· French
이 문서를 다른 언어나 양식으로 원하실 경우, 네모 칸에 하고 아래에 이름과 주소를 적어 주십시오.	"✓" 표시를 Korean
Heke vê mijarê bi zimanekî din yan şiklekî din dixwazin, li baska rûbirû da nîşan bikin û nav û nîşana xwe li jêr d	
ن به زمان یان فزرِماتیّکی تر دهویّت، لمو باکسهی هی تک لیّدهن و ناو و ناونیشانتان لمو بهشمی خوارهوهدا بنووسن.	
如果你需要本文件以另一种语言或格式提供, 请在所需要的语言或格式上打 / 并在下面填写你的	的姓名和住址 Mandarin
بله ژبه او فارمټ غواړئ، شکل ته نشاني واچوئ په لانډې ډول ولیکئ.	
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