

LAWPACK

The Daily Telegraph

Caring

for loved ones
in old age

Being a carer, paying for
care and choosing a
care home

counsel + care 
for older people, their families and carers

This is an excerpt from Lawpack's book *Caring for Loved Ones in Old Age*.

To find out more about care homes, dementia and financial help for elderly care, [click here](#).

Caring for Loved Ones in Old Age
by Counsel and Care

First edition 2007
Reprinted 2007
Reprinted 2008

Copyright © 2008 Counsel and Care for the Elderly

Lawpack Publishing Limited
76–89 Alscot Road
London SE1 3AW

www.lawpack.co.uk

All rights reserved
Printed in Great Britain

ISBN: 978-1-905261-49-9

Exclusion of Liability and Disclaimer

While every effort has been made to ensure that this Lawpack publication provides accurate and expert guidance, it is impossible to predict all the circumstances in which it may be used. Accordingly, neither the publisher, author, retailer, nor any other suppliers shall be liable to any person or entity with respect to any loss or damage caused or alleged to be caused by the information contained in or omitted from this Lawpack publication.

For convenience (and for no other reason) 'him', 'he' and 'his' have been used throughout and should be read to include 'her', 'she' and 'her'.

Contents

<i>About the author</i>	viii
<i>Acknowledgements</i>	viii
<i>Introduction</i>	ix
1 The types of care available	1
When could someone need care?	2
What care is available from social services and how is it provided?	2
Contacting social services	3
What services can be bought privately?	4
Home care services	4
Day centres	6
Meals on wheels	6
Respite care services	7
Holidays for older people	7
Telecare support	8
Homeshare schemes	8
Befriending services	8
Transport and mobility support for older people	9
Arranging for maintenance to a home	10
Garden maintenance schemes	10
Safety in the home	11
Sheltered and extra care housing services	12
Residential care homes	13
Getting advice, information or advocacy	15
Sources of further information about care and support	16
2 How to pay for home care services	19
Setting up home care services	20
Having an assessment of need	20
After an assessment has taken place	24
What sorts of services are available from the council?	25

The importance of the care plan	27
Changes to services received from the social services department	27
Requesting a review of care needs	28
Refusing services and other problems	28
The social services financial assessment	29
How much is the council allowed to charge for its services?	30
What are direct payments and how can they help the older person?	31
Paying privately for home care	33
3 Care in a care home	35
When care in a care home may be necessary	36
Why is the care needs assessment so important?	38
Choosing a care home	39
Information and contracts	42
Care practices	43
Staffing considerations	45
The accommodation itself	46
Meals in the home	47
Leisure opportunities	48
Religious activities	49
Other important points to consider	49
The move itself	49
4 How to pay for care in a care home	51
General principles	52
Financial assessments by the local authority	53
Occupational and private pensions	55
Financial calculations for couples in care homes	55
My parents still live together, so will they have to sell their jointly-owned home to pay for the care home fees?	56
Payment for nursing care needs	56
Full payment of care home fees by the NHS	57
Arranging for a continuing care assessment	59
Continuing care funding and a person's physical and mental healthcare needs	60
Being denied continuing care funding	61
Palliative care in care homes	61

Care home placements funded by the local council	62
Third party top-ups and how they affect the older person	64
My mother has been financially assessed and she has between £13,000 and £21,500 in savings, capital and income. What does this mean?	65
Self-funders paying the full cost of care home fees	66
Contracts for care home placements funded by the individual	70
Arranging the payment of fees	71
Seeking advice about care fee planning	72
5 Being a carer	73
Who is a carer?	73
What rights do I have as a carer?	75
Where do I start?	75
Your right to information	77
Your right to an assessment of need	77
Delays in assessment	79
Your right to request flexible working	79
Support services available to carers	80
Being charged for support services	81
Direct payments for carers	82
Welfare benefits available to carers	82
When can I make a decision for the older person?	86
What if I am reading this before October 2007?	89
Organisations which can provide further help to carers	90
6 Caring for someone with dementia	93
What is depression?	94
Treatments for depression	95
Loneliness leading to feelings of depression	97
What is dementia?	98
The symptoms of dementia	100
Diagnosing dementia	102
Making decisions for someone who has dementia	102
Managing the finances of an older person with dementia	104
Finding support services for someone with dementia	105

Financial help and benefits available for someone with dementia	105
Arranging health support for someone with dementia	107
Support from the voluntary sector for people with dementia and their carers	109
Caring for someone with dementia	109
Financial help for carers	110
Communicating with someone who has dementia	110
Practical tips when caring for someone with dementia	111
The behaviour of someone with dementia	112
Finding accommodation for someone with dementia	113
NHS continuing healthcare funding	114
7 How to manage healthcare problems	117
Healthcare in the community	118
Occupational therapists	118
Mobility problems	119
Transport services	119
Home Improvement Agencies (HIAs)	120
Falls	120
Keeping warm	122
Continence issues	123
Foot care	124
Eye care	125
Dental treatment	126
Healthcare in hospital	126
Planned admission to hospital	127
Unplanned admission to hospital	128
Finding care and support services after a discharge	129
The welfare benefits available after a discharge from hospital	130
Attendance Allowance and Disability Living Allowance	130
Council Tax Benefit	130
Housing Benefit	131
8 The welfare benefits available to older people	133
Pension Guarantee Credit	134
Pension Savings Credit	135
Attendance Allowance	136

Housing Benefit	137
Council Tax Benefit	138
Disability Living Allowance	139
Carer's Allowance	142
Carer's Premium	143
9 Charitable help for those on a low income	145
The Social Fund	146
Financial help from charities	151
Support with heating bills and heating maintenance	156
Debt advice	157
10 If you have concerns or complaints	159
First steps	159
Why you may want to make a complaint	160
Informal complaints	160
Formal complaints	161
Independent advocacy services	162
Complaining about care at home	163
Complaining about care in a care home	164
Complaining about NHS services	165
Serious complaints against a doctor or nurse	168
Appendix	169
Useful addresses	169
<i>Index</i>	199

About the author

Counsel and Care is a national charity getting the best care and support for older people, their families and carers. It works with older people and their carers to ensure that they are aware of, and receive, their rights and entitlements, and promotes choice and control in later life. The charity operates an advice service which deals with around 100,000 enquiries per year, through telephone calls, emails, letters and the website. Counsel and Care also publishes a large range of fact sheets for England, Wales and Scotland about all aspects of the community care system.

Using the issues raised through the advice service, the charity continues to lobby and campaign for a better deal for older people.

www.counselandcare.org.uk

Acknowledgements

Thanks go to the compiler of this guide, Elizabeth McLennan, and the rest of the advice team at Counsel and Care, who provided invaluable guidance and assistance on the text.

CHAPTER 4

How to pay for care in a care home

THIS CHAPTER COVERS THE FOLLOWING:

- General principles
- Financial assessments by the local authority
- Occupational and private pensions
- Financial calculations for couples in care homes
- My parents still live together, so will they have to sell their jointly-owned home to pay for the care home fees?
- Payment for nursing care needs
- Full payment of care home fees by the NHS
- Arranging for a continuing care assessment
- Continuing care funding and a person's physical and mental healthcare needs
- Being denied continuing care funding
- Palliative care in care homes
- Care home placements funded by the local council
- Third party top-ups and how they affect the older person
- My mother has been financially assessed and she has between £13,000 and £21,500 in savings, capital and income. What does this mean?

- Self-funders paying the full cost of care home fees
- Contracts for care home placements funded by the individual
- Arranging the payment of fees
- Seeking advice about care fee planning

Paying for care in a care home is a complicated business, because there are many different possibilities and individual arrangements, and a great deal depends on the weekly cost of the care home itself. This chapter splits people into two groups – those whose care in a care home is paid for by the local authority, and those who pay for their own care, called ‘self-funders’. The differences between them are explained in more detail throughout this chapter.

Many of the details in this chapter relate to England specifically, but there are general similarities between England, Wales and Scotland, although certain aspects are very different. Where there are major differences, these are referred to during the explanation. If you need specific advice about the arrangements for Wales and Scotland, you can seek advice from Age Concern Scotland (tel: 0845 125 9732; www.ageconcernscotland.org.uk) or Age Concern Wales (tel: 029 2043 1555; www.accymru.org.uk) or an advice agency such as Counsel and Care (tel: 0845 300 7585; www.counselandcare.org.uk).

General principles

The system of paying for care homes in England and Wales starts with the premise that if an older person can afford to pay his own fees, he does so out of his own funds. Those individuals regarded as eligible for state support for their fees are people who are below a set threshold of income and capital savings. People who have nursing care needs are assessed by their local Primary Care Trust (PCT), and depending on the level of their nursing care needs, they receive a contribution per week towards the cost of the care home fees. Some people who have very intensive nursing care needs, and who are assessed as being eligible for what is called ‘continuing care funding’, will have all of their care home fees paid by their PCT. The full details of continuing care funding are set out on page 60 in this chapter of the guide.

In Scotland the system is different, because some services are provided free of charge. The NHS covers the cost of any nursing care received by the older person while he is in the care home. The local council, who assesses the older person's care needs, will provide care services free of charge. The charges the older person has to meet are for any additional services that he chooses to receive, and for his 'bed and board' costs (e.g. meals, washing, etc.).

Financial assessments by the local authority

Before starting to look for a care home, it is a good idea to obtain a care needs assessment, which is covered in more detail in Chapter 2. It will set out what someone's individual needs are and, as a result, what services are needed from a particular care home, and it will also narrow down the options available.

As stressed above, it is important that a care needs assessment is carried out before a financial assessment is completed. The local council is not able to deny an older person a care needs assessment on the basis that he is able to afford to pay his own care home fees. The council has a duty to assess everyone who appears to be in need of care. You can request an assessment of need by contacting the duty social work team in the social services department of the local council where the older person currently lives. If the older person is currently in hospital, the staff there will help you to do this. Read Chapter 3 for a more detailed explanation of the needs assessment.

After the needs assessment has been completed, the social worker will arrange for a financial assessment of the older person, which will establish how much financial support the local council will be able to offer to him. You can be present at this assessment, if the older person wishes for this, or if he needs help from you to understand what he is being asked.

A financial assessment is carried out because residential care services are not free if individuals own assets or have savings. The financial assessment will work out how much the older person owns in terms of his savings, investments and property, and will establish how much money he will be expected to contribute to the cost of his care home fees.

Before the social worker arrives, he should tell you and the older person what financial information he will need, along with any supporting documents he will need to see. This means that you can help prepare for the assessment, so that everything is ready before the social worker arrives to complete the assessment. The financial assessment will ask a number of questions about the older person's monthly income, his savings in accounts, his shares and investments, and any capital he owns, like a house or other property. The questions should be asked of the individual only, and this is really important. If it is your mother going into a care home, your father is under no obligation to provide details of money, savings or investments in his name. People have sometimes been caught out by this, as once a local council knows how much money a couple have between them, it often pursues a spouse for additional money, which otherwise would be provided by the council. This is called being a 'liable relative' and there are more details about this later on in this chapter. Only the income, savings and capital owned by the person going into the care home should be taken into account.

The financial assessment will take all assets into account, and will establish what needs to be provided by the individual. If the older person has less than £13,000 in capital and savings, the full cost of the care home will be met by the local council. In this situation all of his weekly income will be taken as part of the payment for the care home, apart from a weekly amount of £20.45, known as a 'Personal Expenses Allowance'. This can be used to pay for any personal items needed. For some people who have made modest savings, they may be eligible for Pension Savings Disregard, which is worth up to £5.25 a week, and which is added to the level of the Personal Expenses Allowance. There are more details about this later on in this chapter.

If the older person has between £13,000 and £21,500 in savings, investments or property, a proportion of the care home fees will need to be met by the individual, and the local council will pay the remainder. Again, any income the older person receives from pensions and benefits will be taken into account and will also be used to meet the cost of the care home. Some types of income are not included in the calculation because they are known as 'disregarded income'. These include:

- The mobility component of Disability Living Allowance

- (War Pension Scheme) mobility supplement (this is an additional payment to a war veteran if an injury he sustained on service means that he has serious difficulty in walking)
- Special War Widow's Pension
- Some charitable payments
- Pension Savings Disregard

The council will work out what is known as a 'tariff income', which means that for every £250 between £13,000 and £21,000 the older person will be regarded as having £1 a week income.

If the total savings, investments and property owned by the older person is worth more than £21,500, he will have to meet the full cost of the care home fees. If the older person's capital is less than £21,500 but his weekly income is above the level of the care home fees and Personal Expenses Allowance added together, he will be expected to meet the full cost of the care home fees from this income.

Occupational and private pensions

If the older person is moving to a care home leaving his spouse or partner in his previous residence, half of the occupational or private pension must be disregarded by the council in his financial assessment.

Financial calculations for couples in care homes

If both of your parents are moving into a care home at the same time, the local council will assess them as separate individuals with separate finances. This means that they can have savings of £21,500 each and the local council will have responsibility for payment of the care home fees, providing their weekly incomes are not above the care home fees level. If they have joint savings and investments, these will be split in half for the purposes of the financial assessment.

If they both move into the same care home and have separate living arrangements, they can still be treated by the Department for Work and

Pensions as having separate finances for the purposes of claiming Pension Guarantee Credit; that is, they will not be classed as a 'couple'. If the Department for Work and Pensions treats your parents as a couple for the calculation of Pension Guarantee Credit, you may wish to contact an advice service such as Counsel and Care (tel: 0845 300 7585; www.counselandcare.org.uk) for further advice.

My parents still live together, so will they have to sell their jointly-owned home to pay for the care home fees?

No, it is laid out very clearly in charging guidance for local authorities that they must not take into account the value of a home if a dependent relative or spouse is still living there. This means that only the savings and investments in the name of the person moving into care will be taken into account. Any joint savings and investments will be split so that 50 per cent is taken into account.

Payment for nursing care needs

Nursing and healthcare is provided free in England, Wales and Scotland on the NHS. This is applicable wherever the nursing care is provided, so that if an older person lives in a care home and he is receiving nursing care, the NHS should cover the cost of this.

If the older person has nursing care needs, they will have been identified in the care needs assessment carried out by the social worker. If it was established in this assessment, the older person will be referred to a nurse, who will complete an additional assessment to establish in more detail what these nursing needs are, and what care is required to meet them. The cost of nursing care in a care home is met by a weekly contribution by the NHS, which is made to the care home itself, and not to the individual. The level of contribution depends on the older person's level of nursing care needs. This contribution is not means-tested, so he will receive it regardless of his income, capital and savings. This contribution is known as a 'Registered Nursing Care Component' (RNCC).

The nurse who carries out the RNCC assessment will establish more precisely what the nursing needs are, and will place the needs into one of three categories:

1. **Low needs** require minimal registered nursing care input. They are paid at a rate of **£40** per week.
2. **Medium needs** require care from a registered nurse at least daily but the individual has a stable and predictable physical or mental condition. Medium nursing care is provided at **£83** per week.
3. **High needs** are defined as very complex. High needs would require ‘mechanical, technical and/or therapeutic interventions throughout 24 hours’ and the individual has ‘unstable or unpredictable mental health’. The high band is provided at **£133** per week.

If the care home fees of the older person are paid by the local council, the RNCC payment reduces the council’s level of contribution. Any payment made will not reduce the assessed financial contribution made by the older person, or any third party top-up made. If the older person pays the care home fees himself, the RNCC contribution will reduce the level of fees by the relevant amount.

Full payment of care home fees by the NHS

There are circumstances in which the NHS will cover the full cost of an older person’s care home fees, if his health needs meet certain criteria. This includes mental health needs as well as physical health needs. This is called ‘continuing healthcare’, and is generally referred to as ‘continuing care funding’. Continuing care funding can also be received if the older person is receiving his care at home, although it is rare for this to be arranged.

People are entitled to receive continuing care funding depending on the nature, complexity, intensity or unpredictability of their healthcare needs. Individual PCTs are required to have criteria which set out exactly what care needs will be met in their particular area. It is currently the case that every PCT will have slightly different criteria, although there is a requirement that these be based on national guidance from the Department of Health. However, at the time of writing this guide, there is

an expectation that the Department of Health will publish new national criteria which will be used by all PCTs for assessing who is eligible to receive continuing care funding. This will mean that there is a greater level of consistency across the country, as all people will be assessed on the same basis.

The national guidance used currently states that continuing care funding is provided according to:

- The nature, complexity, intensity, or unpredictability of the individual's healthcare needs (and any combination of these which requires regular supervision by a member of the NHS multi-disciplinary team).
- Whether the individual's needs require routine use of specialist healthcare equipment under supervision of NHS staff.
- Whether the individual has a rapidly deteriorating or unstable medical, physical or mental health condition and requires regular supervision by a member of the NHS multi-disciplinary team.
- Whether the individual is in the final stages of a terminal illness and is likely to die in the near future.

It is not just the severity of the condition which should be taken into consideration, but the type of care required to meet the needs resulting from the health condition.

If someone is assessed as needing this type of nursing care, the NHS in the local area will pay for the full cost of the care home fees, regardless of the income, capital and savings of the individual. If an older person receives this funding, he is unlikely to have much influence over the location of the care – the care managers involved will choose a care home which can meet the needs of the individual, and at a charged rate which is acceptable to the PCT. If you, as a family member of the resident, are likely to have difficulty visiting the older person as a result of the location of the care home, you should raise this with the care manager and ask him to reconsider the location, stressing the importance of family visits. If you are a close friend, you can also argue that visits from you are important to the older person's emotional and psychological well-being.

Continuing care funding is notoriously difficult to obtain. In 2006, 25,000 people were granted the funding, but it is thought that 100,000 people

should have received it (source: Age Concern). If you feel that the older person's needs may mean that he is eligible for the funding, you should contact a social worker or the doctor or nurse who is currently in charge of his care. They will be able to give advice on how to obtain an assessment.

CASE STUDY

Mrs Bell has been resident in a care home for a year. When she originally moved into the care home she was in the early stages of dementia but she has developed more severe symptoms in recent weeks. She also has very severe arthritis which means that she cannot walk or bear her own weight. She requires ongoing pain control to remain comfortable. Her family requests a review of her nursing care needs, because they feel that her requirements are so constant that she should be moved from the middle band of RNCC, and that she is eligible for continuing care funding. The registered nurse in the care home reassesses Mrs Bell, and she is found to be eligible for the full continuing care funding. Her arthritis is taken into account, as well as her mental health needs caused by the dementia, as her needs are never predictable, and she requires 24-hour supervision. Because the care home she is living in is able to meet her needs as assessed in the new assessment, she is able to remain in the same home. The PCT confirms that it is happy to pay the charges in this home.

Arranging for a continuing care assessment

If the older person is currently receiving hospital treatment, the doctor or nurse in charge of his care will be able to arrange for a continuing care assessment to take place. This could be completed by a medical consultant or doctor; ward nurse or specialist nurse; a speech and language or occupational therapist. If the older person lives in a care home, ask the home manager or a member of the nursing staff and they will be able to assist you, or complete an assessment themselves.

The assessment should look at different areas of the medical and personal needs relating to the particular health condition/s experienced, such as:

- Personal care needs (e.g. the ability to carry out washing, bathing and dressing)

- Continence, both urine and bowel (including the management of incontinence)
- Tissue viability and the risk of pressure sores
- Clinical background (past health needs and the care and support that was required)
- Mental health needs (e.g. dementia, depression and the behaviours and treatment relating to these)
- Medication (the ability to manage its safe use)
- Safety (is the individual at risk or is he a risk to somebody else?)
- Pain (the level of care needed to manage it with dignity)
- Nutrition and fluids (what care does the older person need to ensure that he receives adequate levels of these?)
- Mobility (the ability to walk or move about without support)
- Communication (how is the patient able to express his needs or process information?)
- The overall risk to the older person as a result of his condition and the above factors

If you ask for an assessment for the older person, but you do not agree with the outcome of it, you can ask for a review to be conducted. You will have to give good reasons why you think that the nursing care needs are intense, complex or unpredictable. You may want to see specialist advice before you ask for a review, by calling an agency such as Counsel and Care (tel: 0845 300 7585; www.counselandcare.org.uk).

Continuing care funding and a person's physical and mental healthcare needs

A recent Health Service Ombudsman report made clear that NHS continuing care is not just for those patients with physical healthcare needs. Continuing care should also be available to people with mental health needs, including those relating to dementia, if the level of needs meet the local criteria set out by the PCT. For example, it may be that the

person with dementia is physically mobile, but his condition requires intensive supervision to prevent his being harmed or harming others. Or, the advancement of the dementia might mean that the person requires regular repositioning, personal hygiene care, feeding and provision of fluids. The same continuing care criteria and assessment should be completed to assess the needs of someone with dementia. This assessment should include the opinion of a psychiatrist or other mental health professional.

If this has not happened or you have been told that the older person is not entitled to continuing care because he has dementia without a full assessment being carried out, you should consider raising a complaint on his behalf. You may also wish to contact the Alzheimer's Society (tel: 0845 300 0336; www.alzheimers.org.uk) for further information and support in obtaining continuing care for an older person with dementia.

Being denied continuing care funding

If the older person has received an assessment for continuing care funding, but has been refused the funding, you should ask to see the assessment and criteria on which the decision has been based. If you are denied a copy of the completed assessment, your local PCT's Patient Advice and Liaison Service (PALS), an independent advocate, the Independent Complaints Advocacy Service (tel: 0845 120 7111; www.cppih.org/icas.html) or an advice service, such as Counsel and Care (tel: 0845 300 7585; www.counselandcare.org.uk), may be able to support you to obtain it.

You can ask for a review of the decision, firstly by contacting the professional who carried out the initial assessment, stating why you think the older person should receive the funding. If a review is denied, or if you are still unhappy with the decision, you can raise the case as a complaint, writing to the Chief Executive of the PCT who made the decision.

Palliative care in care homes

It may be that the older person is nearing the end stage of his life due to a terminal illness, and therefore needs palliative care. This is care that is funded

free of charge by the NHS, and can be provided in hospital, in a hospice, in a care home, and in someone's own home. The care is provided by social care professionals and by specialist doctors and nurses who are trained specifically in this area. Palliative care services are designed to keep the patient comfortable and ensure that he has the best quality of life possible.

Local PCTs have individual eligibility criteria for the funding, which are often quite restrictive about what point in the terminal illness the person's life is considered to be at the end stage. If you think that someone you know may be eligible for palliative care, talk to the consultant in charge of his care. Although this may be a difficult conversation, it is important for the consultant to confirm that the person is at the end stage so that it is clear that he is entitled to palliative care.

Care home placements funded by the local council

If the older person is not receiving continuing care funding, and is being funded in the care home by the local council (because he is below the capital limit of £21,500), the family will usually be given the task of finding a suitable care home for the older person. If there are no family or friends available to help find a care home, the social worker will undertake a search for a suitable placement.

If you have been charged with this task, you should be given a copy of the assessed care needs, which would have been identified in the needs assessment the social worker carried out.

There are several things which you need to consider if you are in this position:

- **The standard rate that the council is offering:** This is the amount of money that the council will pay for a care home. The standard rate has to be realistic, so that you are able to actually buy a place in a care home which meets all of the older person's assessed needs. It is very important to remember that it has to be a realistic figure – the council cannot arbitrarily set a figure which does not relate to the market in the local area. You should be automatically informed by the social worker who undertook the assessment of the older person what the council's standard rate is; if not, you need to ask him. You cannot

begin to search for a care home unless you know what this financial restriction might be. The social worker will be able to give you this information.

- **How to find a home which meets this standard rate:** The social worker who assessed the older person should give you a list of care homes in the local area which meet the council's standard rate. Not all of the care homes will have vacancies, however, and some of them will be designed for needs which are different from the older person's. You will need to visit the homes which can meet the assessed needs (e.g. the nursing homes on the list if that is what you are looking for). Use the checklists in Chapter 3 of this guide to help you decide which home you like best. It is worth ringing the home before you visit to double check that it will accept the standard rate offered by the council.
- **What to do if there are no homes available:** Sometimes there may be no vacancies in the homes which accept the local council's standard rate, or you may find that the suitable care homes have no vacancies; for example, there are no dementia care homes on the list which have a vacancy. In this situation, the council must increase its standard rate so that a care home place can be found.

For instance, there are no care homes which meet the assessed needs of Mrs Ross in a particular area. All the care homes which accept £400 are found to be full. Her daughter finds a care home which charges £430 per week and which meets all of the assessed needs. The local council must therefore provide £430 per week for this care.

If this happens, the council can place the resident in the more expensive home, but it can then require the patient to be moved into a cheaper home once a cheaper placement becomes available.

- **What are the options if you do not like the homes which accept the standard rate?** You have looked around at all of the homes which accept the standard rate and the older person's care needs, and you do not like any of them, or you do not think that the older person will settle in them. Unfortunately, you have limited options. You can either find a care home which you do like, and find a third party to pay the difference in cost (as it is likely to be more expensive), or the older person has to move into one of the homes which you do not like. It comes down to whether the reason for the other homes being

unsuitable is because of preference or because of a care need. If the homes are not suitable because you do not like them, this is a preference. If it is a need (i.e. the care homes actually cannot provide the care that the older person requires), this must be looked at by the local council, and you can ask the social services department to adjust its standard rate. There are more rules about third parties which are covered below.

If you have found a home that you are happy the older person will settle into, you can start to make arrangements for the move. This will involve liaising with the care home manager, social worker and the discharge team at the hospital (if the older person is currently in hospital). You should arrange with the manager of the care home for the invoice for the care home to be sent directly to the local council for payment.

Q What money do residents get to spend on personal items?

A Care home residents who have their full fees paid by the local council are allowed a weekly amount of £20.45 which they are able to keep back from their pension and other benefits. This is called the Personal Expenses Allowance, and can be spent on anything they want (e.g. clothes, newspapers, haircuts, etc.). The money should not be used to buy additional services which are required by the older person (e.g. chiropody), as these should be provided and paid for either by the local council as part of the care package, or by the NHS if they are health services.

Third party top-ups and how they affect the older person

‘Third party top-ups’ is the name given to an additional weekly payment made by friends and family for a care home placement. The amount literally ‘tops up’ the amount that the local authority will pay for a care home, so that the older person can move into a care home of his choice. The weekly amount could be anything up to £150 per week, depending on the fees of the care home of choice.

There are some important facts to remember about third party top-ups:

- They are beneficial because they open up more choice about which care home is available. More expensive care homes may provide more services, have different types of décor and may be more luxurious. They should still provide the same quality of care available in a care home which accepts a lower fee.
- Third party top-ups can only be charged when the older person or his family is choosing a care home which is more expensive, and where there are other homes available which meet the assessed needs. So, it means that if you cannot find a care home which meets the local council's standard rate, you should not be charged a third party top-up – the council should raise its rate.
- If you are considering providing a third party top-up for the older person, think carefully about whether this is affordable in a long-term arrangement. The average length of stay in a care home is two years – is this affordable for you? Remember that if the third party top-up cannot be paid, it is likely that the older person will be moved to a cheaper home if the council becomes responsible for the fees.
- Make sure that the local council pays all of the care home fees in full, including the amount of the third party top-up, and then invoices you separately for the third party top-up. The care home should not invoice you directly. This is important so that the council knows how many people have to provide a third party top-up in your area.
- When you are deciding whether you can afford to pay, be prepared for any increase in the fees to be passed directly to the person paying the top-up. A care home can raise its fees once or, in some cases, twice a year.

My mother has been financially assessed and she has between £13,000 and £21,500 in savings, capital and income. What does this mean?

For every £250 or part of £250 which is owned by your mother, she will be assumed to have a £1 a week income. This amount will be added to the assessment of the weekly income. Therefore, your mother will need to pay a weekly amount towards the care home fees from her capital savings, until

they reach the value of £13,000. In practice, this is likely to mean that the local council pays the majority of the care home fees with a weekly contribution from your mother. She should still keep the weekly Personal Expenses Allowance of £20.45. When the savings reach £13,000 the fees of the care home should be met entirely by the local council.

If you are involved in choosing the care home for the older person, and he is paying a contribution towards the care home fees because he is in the bracket above, it is important to choose a care home which will accept the local council's standard rate. This is because, if the older person does become entirely supported by the local council, the social services department will check that the care home is charging a rate that is acceptable to it. If the older person is living in a home which charges significantly more than the council's standard rate, it is likely that the council will insist that he moves into a cheaper home. Therefore, to save the difficulties and upheaval involved in an accommodation move, it may be better if an initial move into a home is one where the council's standard rate is accepted.

Self-funders paying the full cost of care home fees

The term 'self-funder' is used to describe people who receive no financial support from the local council. They entirely fund their care home placement using their savings and capital, because together their assets are worth over £21,500. Or, if their weekly income is more than the cost of the care home fees, they will also pay the full cost of the placement.

The process of choosing a home should be followed as has been previously outlined in other chapters and above, making sure that the home chosen can meet all of the assessed needs, and that both you and the older person are happy with it. As in the other circumstances, it is likely that the family of the older person will need to find the care home placement, as there is limited support available from local councils for self-funded residents.

Someone who is a self-funder essentially has a free choice of care home, the main restriction being the budget available to spend.

If you have been given the responsibility of finding a care home placement for an older person who is a self-funder, there are a number of things you need to consider:

- **The care needs of the older person:** It is important that the older person has received a care needs assessment from a social worker at his local council. The older person is still entitled to receive this assessment, even if he will be paying for and arranging his own care home placement. This care needs assessment will set out what he needs from a care home, which in turn will help you identify which care homes are most suitable for him.

You can find care homes which are suitable for his needs by contacting the Elderly Accommodation Counsel (tel: 020 7820 1343; www.housingcare.org) or the Commission for Social Care Inspection (tel: 0845 015 0120; www.csci.org.uk). The social worker who undertakes the assessment of need should also be able to give you a list of approved care homes in your local area.

When you have found a care home which you would like to place the older person in, you should arrange to speak to the manager of the care home. He will make a visit to see the older person, to assess his needs, and to check whether the home is able to meet those needs.

If it is agreed that the home will be able to meet the care needs, a care plan should be arranged between the resident and the care home, and a contract should be drawn up. You and the older person should preferably receive both of these documents in writing before he moves into the care home. However, sometimes this is not possible if a move is urgent. If this is the case, you should make sure that you receive them both as soon as possible. Check that what you have agreed has been written into the care plan and contract, and that you are happy with both before they are signed. If the older person has mental capacity, he will need to sign the contract himself. If you are the representative of someone who does not have capacity, a family member can sign on behalf of the resident. For more details about mental capacity and how to establish whether an older person has the ability to make decisions for himself, please see the relevant sections in Chapters 5 and 6. It is important that you make sure that all the services you want the older person to receive are written in either or both documents, as these can be used to challenge the care provided if you feel it is not meeting the standard you agreed.

- **The amount of capital available to use:** This is important to consider because it affects how long term the care home placement is

likely to be. For instance, if your father owns a house worth £150,000, he will be required to use this capital to pay for his care (provided that there are no other dependent relatives living in the property). Because the first £21,500 is not taken into account, he effectively has £128,500 to spend on his care. If the care home costs £450 per week, it will cost £23,400 per year, and the costs are likely to increase each year with inflation. Consider also where his spending money will come from – it may be from his benefits, pension or other income.

An important consideration is whether the capital available is very close to the upper limit of £21,500. Remember that when someone has capital of below this amount the local council has the responsibility of picking up the costs of the care home placement. The local council is unlikely to continue paying for a care home which is above its usual rate per week and, therefore, it may ask the older person to move into a cheaper home. It may be better and less disruptive, therefore, if the older person is placed in a care home which meets the usual rate of the local council, and that way when the council starts paying the cost of the fees, he will not have to move home.

- **When a property is involved:** If the older person owns a property worth more than £21,500 and he lives alone, he will be required to use the value of his property to pay for the cost of his care home placement. There are some important considerations to remember if you are helping to arrange this placement on behalf of the older person, and he has several rights and entitlements which the local council must adhere to.

Firstly, when he moves into the care home, he is entitled to have the first 12 weeks of the fees disregarded, if he has less than £21,500 in savings other than his property. This means that the local council will contribute towards the care home fees (usually up to its standard rate), even if the older person will be paying the full cost himself after this initial 12-week period. This is designed so that the property does not need to be sold immediately on his moving into the care home, and it allows for any changes in his care needs after he has initially moved in, or if he decides to move back out of the care home into his property.

You, and the older person, have two options when you are considering what to do next. The local council of the older person will also be able to give more guidance about these options.

- The older person can choose to sell his home to pay for his care. This is likely to mean that relatives and other friends will be involved. Once the property is sold, the older person will use this funding to pay the care home fees until the money has run down to the capital limit of £21,500. (This is the capital limit for the financial year 2007–08, but it will alter in subsequent years. To find out the current rate, please contact Counsel and Care’s advice service on 0845 300 7585 or email advice@counselandcare.org.uk.)
- If the older person does not wish to sell his house, the local council can offer a deferred payments option. This is where the charges of the care home will be paid by the local council until the death of the resident or until he moves out of the care home. After this time the property will need to be sold, and the money owed to the local council paid from the proceeds of the sale. The benefit of this option is that the property does not have to be sold while the older person is still alive, which can often be quite distressing for him. The local council will place a charge on the property.
- **Deprivation of capital:** It is important to remember that there are also rules surrounding what is regarded as ‘deprivation of capital’. This is where someone is found to have deliberately used or given away money in order to avoid paying care home fees. It means that the older person cannot give away large sums of money, transfer the ownership of the property, or spend his money on something which is not necessary (e.g. an expensive painting). If this happens, he will be assessed as though he still has that money, and he will have to pay the care home fees himself. The Department for Work and Pensions can look retrospectively through records, even beyond seven years. In looking back they will decide whether a gift of property or cash was a deliberate deprivation to avoid care home fees. This means that if an amount of money was given to grandchildren many years before care was needed, the council should not regard it as deliberate. However, if this money was given two months before a move into a care home, it would be regarded as deliberate deprivation.

Contracts for care home placements funded by the individual

If the older person is funding his own placement in the care home, he should expect to sign a contract with the care home manager, outlining what the expectations of both parties are. The contract that is made with the care home should determine the following:

- The basis of the stay; for example, whether it is permanent, temporary or a trial stay
- Information about the room that the resident will be occupying
- The care and services, including arrangements for meals, drinks and laundry
- The fees or charges and how they are calculated, how often and when the fees are due
- Who is responsible for paying the fees
- Whether there are additional services to be paid for
- The resident's rights and entitlements
- The care home's rights and obligations
- How to make a complaint if you, or the older person, are not satisfied with the care provided
- The period of notice required by either party before being able to terminate the contract or move out of the care home
- How the care home will meet any special requirements, such as dietary or religious needs
- How any changes to the care needs will be managed
- How the resident's money and valuables will be secured, and who holds the responsibility for insuring them
- What liability insurance the care home has
- What the individual will be charged to hold his place if he is away from the care home temporarily
- How he can keep his property safe and secure

Be wary of the following being omitted from a contract – you should make sure that you clarify:

- How much the fees are, how often they are paid and who is responsible for the payment
- If the care home is excluded from liability for causing death or injury
- If the care home excludes itself from providing a particular service
- If the care home is excluded from looking after property and possessions of the residents
- If the care home excludes itself from responsibility if clothes are damaged in the laundry
- If the care home is allowed to make significant changes to its services without consulting residents or their relatives
- Whether the care home can change a resident's room without consulting him
- If staff can enter rooms without the consent of the resident
- Whether the care home has the right to keep or dispose of property or possessions
- The terms surrounding payment of the care home fees if the resident dies

No contract should be signed until all parties are happy with the arrangements, and only after it has been clarified exactly what services the home will provide.

If you are unhappy with any aspect of the contract the older person is asked to sign, you could contact the Commission for Social Care Inspection (tel: 0845 015 0120; www.csci.org.uk) to discuss it.

Arranging the payment of fees

The contract should provide details of how the care home fees are to be paid. If the care home placement is being paid for in full by the local council, it will make arrangements directly with the care home. If some of

the fees are paid for by the local council, but there are outstanding charges which will be paid from a third party top-up, the council should arrange to pay the net amount directly to the care home. The council should then invoice the resident or a third party for their contribution. That way, if there are any changes to the fees, the local council will maintain full funding responsibility while other arrangements and increases in contribution are arranged by the other parties. The Charging for Residential Accommodation Guidance (CRAG), which governs how all care home payments should be arranged, states that unless all parties (the care home manager, the resident and any third parties) agree otherwise, the council should pay the full fees directly to the care home and invoice the resident for his assessed contribution (including the third party contribution).

Seeking advice about care fee planning

As the system for funding care home placements is so complex, there are a number of sources of advice you can contact to seek more information and guidance. Several agencies can advise about the financial products on the market to help people invest money to pay for future care home fees. Sometimes if money is invested in payment plans, it is possible to maintain ownership of a property if someone wants to keep this intact as an inheritance or if the older person does not want to have to sell the property to pay for his care. You can obtain advice from Saga's Care Funding Advice Service (tel: 0800 056 8153; www.saga.co.uk/finance), NHFA (tel: 0800 998 833; www.nhfa.co.uk) or IFA Care (tel: 01562 822 955; www.ifacare.co.uk).