



# Paying for Care and Support Services in a Care Home

Care and Support Services are not free and a financial assessment will be undertaken to see how much, if anything, you will need to pay. How much you pay will depend on your financial circumstance to ensure you only pay what you can afford.

This leaflet explains how we work out how much to charge for Care and Support in a Care Home. Torbay and South Devon NHS Foundation Trust (the Trust) has a power to charge clients for the Care and Support in a Care Home in line with the Care Act 2014 which came into force on 1 April 2015, previously these services were charged for under the National Assistance Act.

## Care and Support Services and your Personal Budget

Care and Support services are based on your needs and will be agreed with you and your Social Care Worker in your assessment. A copy will be given to you and included in your support plan. Your Personal Budget gives an indication of how much it will cost to meet your assessed needs. You can use this as a Direct Payment for you to arrange your own care (if you have a temporary stay in a care home) or we can use it to arrange your care for you. However a Direct Payment cannot currently be used for a permanent stay in a Care Home.

To contact us please call **01803 219700**. For more information and to download other helpful leaflets visit our website

**[www.torbayandsouthdevon.nhs.uk/careact](http://www.torbayandsouthdevon.nhs.uk/careact)**



## Are all Care and Support Services charged for?

Some Care and Support services cannot be charged for and these are set out in section 14 of The Care Act and include:-

- Community equipment (aids and minor adaptations): a service which consists of the provision of an aid, or minor adaptation to property, for the purposes of assisting with nursing at home or aiding daily living. An adaptation is minor if the cost of making the adaptation is £1,000 or less;
- Intermediate care (including re-ablement support) services for 6 weeks;
- Care and support provided to people with Creutzfeldt-Jacob Disease;
- After-care services/support provided under section 117 of the Mental Health Act 1983;
- Any service or part of service which the NHS is under duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care;
- Services which the local authorities have a duty to provide through other legislation;
- Assessment of needs and care planning, including the cost of the financial assessment, as these constitute 'meeting needs'.

Care and support provided in your own home is charged for in a different way. Please see the leaflet Paying for your Care and Support in your own home for more information.

## Who will decide how much I have to pay?

In most cases a Financial Assessment and Benefits Visiting Officer (FAB officer) will visit you to complete the financial assessment to see how much you need to pay. We will need to look at the money you have in bank/building society accounts and any other savings, the money you are paid as an income (such as your benefits, works pension, state pension)

The FAB Officer will also help you to complete a full benefits check. This will make sure that you know about any state benefits you have the right to claim, for example Pension Credit, Employment Support Allowance and Disability Benefits. If you wish to make a claim for any benefits, the FAB team can help you to do this. Please remember it is your responsibility to let the Department for work and Pensions know if you move into a Care Home, even if this is only for a short period of time.

Where possible you will be told at the time of the visit as well as receiving a letter telling you how much you have to pay for your services. You will also receive a copy of the financial assessment showing how this was worked out. Any charge you have been assessed to pay, in most cases, will be from the first day of you stay.

You can choose not to complete the financial assessment, please see details on 'light touch assessment' later in this leaflet.

## Can I have somebody with me when the FAB officer comes?

You can have anybody you want with you during this visit, or any other visit by a person from the Trust. For example, this could be a friend, relative or a carer. However, this person cannot sign the financial assessment form, we will require you to sign this.



### **What if I do not have capacity?**

If you do not have capacity to help with the financial assessment we can liaise with your legal representative, however, we will need to see evidence that this person has been appointed legally to act for you. Should you only be in receipt of state benefits and have no other income someone appointed by the Department for Work and Pensions could sign the form for you.

### **Are different stay types assessed differently?**

Yes there are a few differences between a temporary stay ( e.g respite, short stay, short break vouchers and an emergency stay) and a permanent stay (e.g long stay, trial stay where there is no planned date to return home). These differences are mentioned in the following pages and please note a stay that may initially be thought to be a permanent stay may change if you return home and therefore you will be reassessed as a short stay resident likewise a stay that was initially thought to be temporary may become permanent and you will then be reassessed as a permanent resident from the date of the new decision.

### **How are the charges worked out?**

The Trust follow the rules set out by the Government about charging for services. We must therefore refer to sections 14-17 of the *Care Act 2014*, in accordance with the provisions in Parts 2 to 5 of the charging regulations. We must also have regard to chapter 8 and Annexes A to F of the statutory guidance. We assess your charge by looking at the money you have coming in and for a stay where your care plan advises your stay is temporary we can look at the money your home costs to run. We then see if you can pay something towards the cost of your care and support services.

If you have less than £23,250 in capital or savings in any bank accounts in your name (not including the value of your home as this is ignored if you have a temporary stay and for the first 12 weeks if your stay is permanent) we will work out exactly how much you can pay when we do the financial assessment.

If you receive Attendance Allowance (AA) or Disability Living Allowance (DLA) Care Component we include the payments only if your stay is agreed as permanent in your care and support plan. Once we have the details for your income and capital we will then deduct the weekly personal allowance amount, and any saving credit disregarded amount where appropriate, the balance will be your contribution. The personal allowance is dictated by the government each year (for 2016/17 this is £24.90).

If you have more than £23,250 (not including the value of your usual property) you will be asked to contribute the full amount of your Personal Budget. This will include capital you have and any other property or land that you do not live in as your home.

You do not have to tell us about your money and you can choose for us to carry out a 'light touch' assessment where you agree that your assets will mean you will need to pay the full cost of your care and support services. Please be aware that some income and capital has to be disregarded within your financial assessment therefore please ask your FAB officer regarding these. You can request a full financial assessment at any time.

Should you be assessed as being liable to pay the full cost of your care and support or if you have chosen to have a 'light touch' assessment it is unlikely that the Trust will continue to contract for your stay in the Care Home if you are a permanent resident. You will be expected to contract directly with the Care Home provider.



If there is difficulty in contacting you or your representative the Financial Assessments and Benefits team (FAB) will send a letter requesting contact within a two week period. Should there be no response in this time or if you refuse to engage in the assessment process the Trust will assess you using a light touch assessment and as such you will be liable for the full cost of the service. These charges will be applied from the start of your stay in the Care Home.

### **What if the Home charge more than the Trust would normally pay**

The Trust has set fees that we will pay to meet your Care and Support needs in a Care Home, if you choose to move to a Care Home that charges more than these set fees then the additional amounts will be classed as a third party contribution or 'top-up'. This will normally need to be paid by another person and they will need to satisfy the Trust that they are able to pay this 'top-up' whilst you are in the Care Home. When you are subject to the 12 week property disregard you may be able to pay the 'top-up' yourself but this is the only occasion. Please see the policies on Third Party Contributions and Deferred Payments for more information.

### **What if I am married, or have a partner?**

The Care Act advises that we must treat people as individuals and therefore your financial assessment will only look at your means. However we will need to see details of any jointly held income (such as benefits) or capital and it may be beneficial for you for us to complete a joint assessment.

- If you have any savings or investments in joint names, only half of the value will be used when working out your charge.
- For example, if you have a joint bank account with £15,000 in it then only £7,500 of this money would be seen as belonging to you.
- Your partner's money situation will not be used to make the charge higher, it will be based only on the money you have. We also have to disregard 50% of any Occupational/annuity pensions you receive as long as these are paid to your spouse/partner
- Whenever possible we will try to be sure that your partner has enough money to meet their own needs. We can only do this if your partner agrees to provide details of their means to us. This is important should you move into a Care Home on a permanent basis

### **How much will I have to pay if I move into Care Home permanently and I own my own Home?**

Should your Care and Support Assessment show that you need to move into a Care Home on a Trial with a view to permanent stay or a permanent stay from admission our policy is to undertake a full assessment of your individual financial circumstances. The contribution you are assessed to pay will then be payable from the day you move into the care home. Usually, no allowance will be made for ongoing expenses of maintaining your home.

For the first twelve weeks of any long stay in a care home, the value of your **usual home** address will automatically be disregarded as a capital asset. However, after this twelve-week period the value of this property will be included in your financial assessment **unless** the property was your usual home address **and** it will remain occupied by:

- Your spouse or partner, or
- A close relative who is aged 60 or over, or
- A close relative of any age who is incapacitated, or
- A child under the age of 16 who you are liable to maintain.



Even if the value of your property is taken into account in your financial assessment, **the Trust will not require you to sell the property**. If you do not want to sell your property straight away, the Trust **may** allow you to defer part of your assessed charge and you will need to sign an agreement to enable us to secure any arrears that accumulate against the value of your property. This is called a **Deferred Payment Agreement**. You will be given information and advice on this procedure should you wish to consider this option and we would also advise you to obtain Independent legal and financial advice. Please see the Deferred Payment Agreement leaflet for more information.

### **What if my circumstances change?**

You must tell us if your financial situation changes and we can review your charges if needed. You must tell us promptly as any increase to your charge will be from the date of the change not the date you tell us. This could be changes to your income or capital or it may be that there is a change to your household situation for example your Spouse moves to a residential home or passes away.

### **Reviews**

Your charge will be reviewed annually to see if a new charge is appropriate and to change the amount of your Personal Allowance. The review will be up-rated in line with benefit changes. In some instances we will visit you but this will only in exceptional circumstances.

### **Deprivation of assets**

Deprivation of income and/or assets is the disposal of income and capital (property and investments) in order to avoid or reduce care charges. Disposal can take the form of transfer of ownership or conversion into a disregarded form. Where the Trust decides that you have deliberately deprived yourself of an asset or income in order to reduce a charge for care and support, the Trust will charge you as though you still own the asset or income. This is in accordance with Section 70 (transfer of assets to avoid charges) of the Care Act 2014.

### **How do I pay?**

The first time you get a bill you will also get a leaflet explaining the charges. You will be sent a bill every four weeks.

You will be sent a different bill for any non-residential care services you receive.

If you receive your Personal Budget as a Direct Payment you will be expected to pay any assessed contribution into your direct payment account, the Trust will pay the balance between your personal budget and your contribution into the same account.

If you cannot pay your bill you must get in touch with us at the earliest opportunity. The Trust has a debt policy that it follows when a bill is not paid and if you would like more information regarding this please let us know.



## What should do if you think you assessed charge is wrong.

If you have any worries about your charge, please phone the person who visited you and helped to complete your financial assessment. They will have given you a card with their name and telephone number, this will also be on the letter you get about your charges.

If you are still have concerns you can phone Rachel Harris FAB Service Manager on 01803 219772 who will be happy to check the charges if needed and ask another FAB Officer to come to visit if you would like

## Where to find more information?

The Trust has leaflets covering a wide range of subjects including;

Deferred Payment Agreement

The Direct Payment Scheme

Third Party Payments

Paying for Care and Support in your own home

There are some local organisations, which can give you help and independent advice. These are:

Money Advice Service	0300 500 5000	<a href="http://www.moneyadviceservices.co.uk">www.moneyadviceservices.co.uk</a>
SOLLA	0845 303 2909	<a href="http://www.societyoflaterlifeadvisers.co.uk">www.societyoflaterlifeadvisers.co.uk</a>
Age UK	01803 555181	<a href="http://www.ageuk.org.uk">www.ageuk.org.uk</a>

## What should I do if I want to complain?

If you are not happy with any of the care services you get from the Trust, a complaint procedure is available.

Please contact:

Feedback and Engagement Team  
Torbay and Southern Devon Health and Care Trust  
Bay House  
Nicholson Road  
Torquay  
TQ2 7TD

Telephone 01803 210500



## Example of the financial assessment for a temporary stay

A client is aged 70 and has capital of £3000. The client has few expenses but does pay £5 per week for his water rates, please note the Attendance Allowance is disregarded in full for a short stay. The total income (£223.65) minus the total deductions (£35.65) equal a weekly charge of £188.00.

Type of Income	Weekly Amount	Accessible	Deductions	Charge
State Pension	£115.95	£115.95		
Occupational Pension	£21.95	£21.95		
Attendance Allowance	£82.30	£0.00		
Pension Guarantee Credit	£75.15	£75.15		
Pension Savings Credit	£10.60	£10.60		
Tariff Income on savings	£0.00	£0.00		
<b>Total Income</b>		<b>£223.65</b>		
Personal Allowance			£24.90	
Savings Credit Disregard			£5.75	
Household Expenses			£5.00	
<b>Total amount deducted</b>			<b>£35.65</b>	
<b>Maximum Weekly Charge</b>				<b>£188.00</b>

