

Paying for Residential Care

General information about paying for residential care and how financial contributions are calculated



Contents

- 03 Introduction
- 04 What will I have to pay for respite care?
Respite care fixed charges
- 06 What will I have to pay for temporary care?
- 06 What will I have to pay for permanent care?
- 08 Am I entitled to keep part of my income?
- 09 What if I jointly own property or savings?
- 09 What happens if both partners move into a care home?
- 10 Can I give away property or capital to relatives and/or friends?
Will the person who received the gift be liable for my charge?
- 11 What if the home I choose charges a top up fee?
- 12 How will owning my own home affect what I pay?
- 13 Must I sell my house or property straight away?
- 15 What if I have a mortgage or debt secured against my property?
- 15 What happens if I only own a share of a property?
- 16 What happens if I own more than one property?
- 16 How do I pay my assessed charge?
Do I need to keep a record of my payments?
- 17 Do I have to pay if I leave the home overnight?
- 18 Does everyone have to pay for care?
- 19 What changes should I report to the council?
- 19 What if I disagree with the amount of my assessment?
- 20 Can I make my own arrangements for care?
- 20 Would it benefit me to fund my own care?
- 21 Independent advice
- 22 Useful contacts
- 23 Other organisations
- 24 Further Information

Introduction

This guide is intended to provide you with general information regarding paying for residential and nursing care. If you have specific questions which you can't find answered here, you should ask your social worker or a member of the Adult Care Finance Team for help.

When you enter residential accommodation, you are required by law to contribute towards the cost of your accommodation depending on the length of your stay and your ability to pay. The rules regarding what you must pay are contained in the Care and Support (Charging and Assessment of Resources) Regulations 2014.

Adult Care will complete a financial assessment which will determine how much you can afford to pay for your care. We will take into account your income, pensions, savings and investments and will consider whether or not to include any property you own as well.

If you enter care on a temporary basis, the value of your home will be disregarded, but any other property or land you own will be taken into account. Apart from your home, if you have assets worth more than £23,250 this will usually mean that you will be responsible for the full cost of your care.

If you enter permanent care the value of any property you own will be taken into account when working out how much you should pay. Apart from your property, if you have savings or available assets worth more than £23,250 then financial help will not normally be available until your capital reaches that level.

There are some circumstances though where your property is ignored in the financial assessment, for example if your partner still lives there. However, if your property is empty, you will most likely be responsible for the full cost of your care and any costs incurred by the council on your behalf will be recouped.

In general, care falls into 3 categories:

Short term care is appropriate when you need care for a short period. The actual dates of your stay are set in advance, for example when a person who normally cares for you at home goes away on holiday.

Temporary placements are used when you require a limited period of care, but the actual date of your return home may not be known in advance.

Long term placements are provided when you require ongoing care in residential accommodation.

What you might be expected to pay for these different types of care is discussed in this leaflet.

What will I have to pay for respite care?

To keep things simple, we raise a reduced fixed weekly fee for periods of care lasting less than 3 weeks. The fixed fee usually applies as long as your capital, apart from the value of your home, is worth less than £23,250 and your income is less than the full normal weekly fee charged by the care home. If you have savings worth more than £23,250, own or part-own another property or your weekly income is more than the cost of care, then you will have to pay the full cost from your own resources.

The basic weekly charge for respite care is dependent upon your age and basic state benefit entitlements. If your income is lower than the fixed charge, please tell us. If the home you choose charges an extra amount or top-up, this will be added onto the fixed charge.

Fixed respite care charges from April 2022

- 18 to 24 years of age with capital less than £23,250 - £71.60 per week
- 25 to pension age with capital less than £23,250 - £87.55 per week
- Pension age and over with capital less than £23,250 - £156.95 per week

You will pay the same fixed charge for respite care in a Derbyshire County Council run home as you would in an independently run home. The rules are slightly different for our own homes and you can access up to 8 weeks of respite care at a time if you have capital over £23,250 and can pay the full cost. These rates are based on basic benefit amounts which should be affordable for single people. If you feel your circumstances or resources mean you cannot pay this amount, please speak to us about an individual financial assessment.

Please ask for details of the full cost of care in one of our own homes.

The fixed charges are revised in April each year when benefits increase. Where a stay exceeds 3 weeks, you will be asked to provide comprehensive details of all your income and capital if you require help to meet the cost of your accommodation. We will then complete a full financial assessment and advise you of the charge for the remainder of your stay.



What will I have to pay for temporary care?

If you are admitted into care on a temporary basis, perhaps for a period of recuperation or whilst adaptations are made to your property, then the value of your home is not taken into account in the financial assessment and can be disregarded for up to 52 weeks. You will be assessed on your income and other capital, including any other property you own to determine how much you can pay.

We can make allowances for some essential on-going home commitments if they are not covered by benefits. You will be asked for details of these costs so that where possible we can take them into account when deciding how much you can afford to pay. If you are in receipt of benefits, then it is important to let the organisations who are paying you know of your change in circumstances. For example, after 4 weeks in a care home your entitlement to Attendance Allowance will be suspended. If you keep organisations informed you can avoid overpayments.

What will I have to pay for permanent care?

We use the same rules as all local authorities in England to determine how much you should contribute. You will be asked to provide details of your assets, both income and capital, for us to complete a financial assessment. Income and capital are those items which are legally or beneficially your own. If you have assessable capital over the funding threshold of £23,250 then you will be responsible for your own care costs.

Income is represented by any form of regular payment you receive. Income may come from pensions, both state and private,

or from other sources such as benefits or trusts, but may exclude income from capital as this could be dealt with in a different way. You must bear in mind that we will include all the benefits you are entitled to, even if you decide not to claim them.

Capital refers to any asset such as cash, money in the bank or building society, stocks and shares, savings certificates or bonds, together with the value of any property, buildings or land that you may own or have a share in.

Your various forms of capital are added together and a formula is applied to the total value to convert it into a weekly figure for charging purposes. This charge is called tariff income and is payable against capital between £14,250 and £23,250. You will not be charged on capital assets if their total value is less than £14,250.

Possessions such as jewellery and furniture are not included in the valuation of your assets unless they are sold. The Adult Care worker who will complete your financial assessment will ask to see your bank books, statements and income details to verify your assets and will assist you to claim any appropriate benefits.



Am I entitled to keep part of my income?

Yes, the rules say that everyone must have a minimum amount of money to cover basic needs such as toiletries, presents, hairdressing and clothes. This is known as your personal expenses allowance and is an amount set aside from your income for your use. The rate from April 2022 is £25.65 per week.

The personal allowance is set annually by the Department of Health, but the council has discretion to vary the amount in exceptional circumstances, for example, if you have a dependent child living at home.

If you are over 65, receive Savings Credit or have income over a certain level you may also be able to keep up to £5.90 a week more from your income. If you are entitled to this additional disregard we will show it in your assessment.

Certain types of income are not included in your charge, such as the Mobility component of Disability Living Allowance/Personal Independence Payment and the Christmas bonus payment. You may also be able to keep part of any charitable payment or war pension you receive.

Additionally, you may pass 50% of an occupational pension, personal pension or some types of retirement annuity payments to your partner if they remain at home.

However, if you choose not to share this income with your spouse or partner, it will be taken fully into account when assessing your charge.

Careful consideration needs to be given to this option as in some cases, the person remaining at home might be better off not receiving part of your pension. This is because it could affect their entitlement to other benefits which may be worth more to them in the long run.

If you own your own property you may also keep extra money from your income if you have a Deferred Payment Agreement. There is a separate leaflet on Deferred Payments which you should read if you own a property. You can request a paper copy by contacting Call Derbyshire on **01629 533190** or find a copy at www.derbyshire.gov.uk

What if I jointly own property or savings?

The total value of property/savings will usually be divided equally between the relevant legal owners. Where a property is jointly owned your interest in the property will be included in your assessment and it may mean that a professional valuation of your share of the property will have to be obtained.

What happens if both partners move into a care home?

You will be assessed individually and what you pay will depend on the resources you each own. You will also be treated as single people for benefit purposes, even if you are sharing a room. This means you will both need separate claims for benefits such as Pension Credit.

Can I give away property or capital, for instance to relatives or friends?

It is worth remembering that capital under £14,250 is not included in your assessment and you can normally use this money without it affecting your ability to pay your assessed charge. If you have capital between £14,250 and £23,250 you will be required to make a contribution from your savings equal to £1 for every £250 between the two amounts. You can use your savings but you should bear in mind the contribution you will still have to pay from your assessed capital.

We do realise that you may want to spend some of your savings on birthday and Christmas presents etc. and will allow for reasonable expenditure. We also understand that you may want to buy items for your own comfort and enjoyment.

If you do intend to make large purchases or gifts it is worth checking with us first to see how this might affect your charge for care. You should always keep receipts or records of payments in the event of any queries later on. If you make gifts from your capital whilst you are receiving care services then we may treat you as though you still own the capital and charge you accordingly.

If you have, or had, assets over £23,250 and you dispose of capital to put you in a more favourable position to obtain funding from us then financial help may be refused.



The council cannot influence what you do with your money or property but where assets have been disposed of we will weigh up each case individually. We will consider the state of your health at the time of any substantial gift and whether you could reasonably foresee the need for care and support. If we refuse financial help, because we believe you have deprived yourself of an asset which you ought to have been able to rely on, we will write to you and explain our decision.

Will the person who received the gift be liable for my charge?

Yes, they could be if the gift is significant. Any shortfall in charge which results from resources being deliberately disposed of will be pursued and the recipients of any gift could find themselves liable for either all or part of your care costs.

What if the home I choose charges a top up fee?

It is important to realise that those care homes not owned and managed by the council are run as private businesses and they can decide how much they want to charge.

If the home you have chosen charges more than the council would pay to meet your care needs, then you will need to find someone to pay the extra amount. This extra amount is known as either a 'top up' or 'third party payment'.

The person who takes on this responsibility must be sure they can maintain these payments for the duration of your stay in care. If they are unable to keep up payments, then you may be asked to move to a less expensive room or even another home. Under no circumstances should your personal expenses allowance be used towards payment of any top up.

If you own your own property and you are eligible for a Deferred Payment, you can pay your own top up providing there is sufficient equity in your property to cover all fees and you can ask for this part

of your charge to be deferred as well. If you own your own property it is important that you read our leaflet on Deferred Payments.

Whilst we can offer help in negotiating a fee on your behalf, the care home can decide to change the top up from time to time, such as if you decide to move room or when you sell your house and become a self-funding resident.

If you are concerned about any potential future changes in the amount you may have to pay you should discuss this with us at the earliest opportunity.

How will owning my own home affect what I pay?

If you own a property or land, then its value will be treated as a capital asset and if your combined assets are worth more than £23,250, ultimately you will have to meet the full cost of your care.

However, if your home is still occupied by your spouse, partner, dependent child or another relative either aged over 60 or with a disability, then the value of your home won't usually be taken into account whilst they are living there. If they leave, it will affect what you pay, and it is important that you keep us informed of any change in circumstances.

Initially, we will ignore the value of your former home for the first 12 weeks of your permanent care once you approach us for assistance. Anything which you pay during the first 12 weeks of your permanent care will be based on your income and assets, excluding the value of your former home and may include a top up if the home you choose charges one.

There are, however, some exceptions to the 12 week property disregard. The disregard only applies to your main residence in the first 12 weeks of permanent care. This is because it is intended as a period of time during which you can decide whether permanent care is right for you and decide what to do about your property in the long term.

If your property becomes an available asset, perhaps because your spouse is no longer living there, we may take its value into account immediately providing more than 12 weeks have passed since you moved into permanent care. Even though your share of the property may become part of your assessment straight away, if your spouse joins you in residential care, they will be entitled to have their share of the property disregarded from their assessment for the first 12 weeks of their care.

We can also ignore the value of your property if your care is temporary for up to 52 weeks. To help maintain your home we can make limited allowances for specific expenses whilst you are in care on a temporary basis.

Must I sell my house or property straight away?

No, we realise selling your home is a major decision and you will not be expected to decide immediately. During the first 12 weeks of permanent care the value of your home is disregarded from your financial assessment and this will give you some time to consider your options and take independent financial advice if you haven't already done so.

However, as your house represents a substantial capital sum it is important to realise that its value will be taken into account once the initial 12 week period has passed.

As it may be difficult for you to face selling your home when you go into care, there is a scheme known as Deferred Payments that may be helpful to you. If you are eligible for a Deferred Payment then you can delay the sale of your property and the council will accrue a debt against your property until it is either sold, you are able to pay from another source, or from your estate.

More detailed information on the scheme is available in a separate leaflet called Deferred Payments. Wherever possible we will work with you to enable you to access the scheme if you wish to, particularly if you only narrowly fail to meet the eligibility criteria.

If you are eligible for a Deferred Payment, but choose not to accept our offer of a loan and agreement to defer the property sale, then we will ask you for regular updates regarding selling the house and we will issue you with invoices to cover the full cost of care to register our claim for the growing debt.

Whilst the property is marketed, the council will pay the care home the difference between what you can pay from your income and the home's fee, provided it is no more than we would expect to pay to meet your assessed needs. If the home charges more than we will pay for your assessed care, then you will need to find someone to pay this top up for you. You can only pay your own top up if you have a Deferred Payment agreement.

The amount the council pays the home on your behalf must be repaid from the property sale proceeds or from your estate. At the time when your house sells we will take into account the costs of sale and any existing mortgages or debts secured against it so that we only assess on the net proceeds you are entitled to.

If you choose not to take advantage of the Deferred Payment Scheme, there is an expectation you will market your property and release the equity from it to fund your future care needs. If you are eligible for a Deferred Payment but choose not to take it, the local authority is not obliged to provide long term care funding and risk unsecured debt. Please talk to a member of the Financial Assessment and Charging Team to discuss your options.

If your circumstances change and you return permanently to your own home from care, we will revisit your financial assessment and review the inclusion of your property in our calculations.

What if I have a mortgage or debt secured against my property?

When deciding on the net worth of your property we will take into account the market value, less any outstanding mortgage or loan. Existing debts secured against your property can affect our ability to offer a Deferred Payment but please talk to us to see whether we can help in any way.

If you take up the option of a Deferred Payment Agreement then you can also retain a proportion of your income to help you maintain your property and manage ongoing expenses. This is called the Disposable Income Allowance and you could keep back up to £144 per week. You must remember though that any reduction in the amount you pay weekly will result in a larger debt to be settled when your house eventually sells.

What happens if I only own a share of a property?

The amount we will take into account for your share will depend on what basis you own the part share. We will also need to know how long you have owned it and whether you sold or transferred any other share of the property.

If you purchased your property under the Right to Buy scheme with help from family members, then we will look at who contributed what when working out your percentage share of the value.

If there is any disagreement regarding the valuation of your property then an independent valuation will be obtained for inclusion in your financial assessment.

What happens if I own more than one property?

We will take the value of any property, or share of property, that you own into account when working out what you will pay. This applies whether the property is in the United Kingdom or another country, such as a holiday home.

As the value of your property will be treated as capital, this will most likely mean you will have to pay the full cost of your care without any help from the council. Additional properties do not qualify for the 12 week disregard; this only applies to the house you were living in as your main residence immediately prior to moving into care. Deferred Payment agreements are only available against your main residence and not any additional properties.

How do I pay my assessed charge?

If you live permanently in a private sector care home, in most cases you will pay your assessed charge directly to the home. The simplest way to pay is to have your state pension, occupational pension and any other income paid into your bank account. You can then set up a direct debit or standing order from your bank account to the care home.

We will always confirm your contribution in writing and advise you exactly how much to pay the care home. If you need help to set up arrangements with your care home, please let us know. If you would prefer to pay the council, or if you live in one of our

homes on a long term basis, we will collect your contribution from you. We will ask you to pay us by direct debit but if you can't then you can pay by standing order or receive an invoice every 4 weeks.

If you can't manage and have no-one to help deal with your finances, we may be able to receive your state benefits directly to pay your charges. If you get into difficulties with making payments either to the care home or to us, it is important that you tell us as soon as possible so we can try to assist.

Do I need to keep a record of my payments?

Yes, you will need to keep a record of what you have paid and when in the event of any query. Please always ask for receipts if paying at the home by cash or cheque. This will provide you with evidence of payment which you can keep as part of your records.

Do I have to pay if I leave the home overnight?

Yes, you will still pay if your absence is only temporary. You might leave the home temporarily for a break with family or be admitted to hospital. State benefits remain in payment for up to 52 weeks after you go into hospital and as your charge is means-tested, whilst ever your room is being held for your return, you will have to pay.

This applies whether you are responsible for the full cost of your care or not and it is important to bear this in mind if you are ever away from the home. Costs at the home are not reduced during your absence so it is not possible to reduce your charge. In the event you cannot return to the home, then notice to cancel your room will be given and you will not have to contribute from the date the notice period ends.

Does everyone have to pay?

Almost everyone who goes to live in long term care will have to pay something and only a small number of people, such as those described below, don't pay towards their care. If you are receiving care services provided under Section 117 of the Mental Health Act 1988, you will not normally pay for your care. However, if the home of choice charges more than we would expect to pay to meet your needs, then either you or a third party must pay the additional amount. If the Section 117 order is later discharged, then normal charging procedures apply.

The council will not ask for a contribution if the NHS has agreed your assessed needs meet the eligibility criteria for fully funded Continuing Healthcare. Unless the NHS has agreed to take over funding your care from the council, you will have to contribute. If you have Creutzfeldt Jacob Disease (CJD) then you do not need to pay for your care.

If you think you fall into any of the above categories, then you should initially discuss this with your social worker who will be able to offer you additional advice and information including who you may need to contact.



What changes should I report to the council?

Any change in your financial circumstances should be reported as this will affect what you pay towards your care. For example, if you sell your property or if there are increases in weekly pension or significant increases or decreases in your capital, you must let us know.

Changes in your personal circumstances could also affect what you pay, such as when a partner is also admitted into care or passes away. This is particularly important if we have been disregarding your property because your partner or other relative eligible for a disregard was living there.

Initially you should telephone us or notify us in writing of these changes and where appropriate send documentary evidence of the change to Adult Care, Financial Assessment and Charging Team, County Hall, Matlock, Derbyshire, DE4 3AG.

What if I disagree with the amount of my assessment?

The council, like all local authorities, is issued with guidance which sets out how we should calculate your contribution when you go into a care home. This is to make sure everyone is treated fairly and equitably. If you think that we have not applied the rules correctly for your circumstances, you should contact us for an explanation.

If we have used our discretionary powers in your assessment and you disagree with our decision, you can ask for it to be reviewed. In the first instance you should contact the person who writes to you with the decision you disagree with and they will tell you what you need to do to move things forward.

Can I make my own arrangements for care?

Yes, of course. If you can meet the full cost of your placement from your available income and savings, or with help from your family, you are free to make your own arrangements wherever you choose.

It is important to be sure though that you have enough money for your ongoing needs, particularly if the home charges more than we would pay for the type of care you need, and ensure the home can provide the right care for you. You must also keep receipts and records of what you have spent because if you ask for help with fees at a later date we will want to check that you are eligible for financial assistance.

Whatever your financial resources are though, you are entitled to have an assessment of your care needs from Adult Care. If you are thinking of funding your own care it is important that you take independent financial and legal advice. There are some useful contact details at the end of this leaflet.

Would it benefit me to fund my own care?

It may be beneficial for you to consider paying your own fees if you own a property and would ultimately be responsible for the full cost of your care. If you pay your own fees, rather than receive interim help from the council, then you can avoid building up a large debt and interest charges which will have to be paid back when your property sells or from your estate. It may also allow you more choice about when or if you sell.

If you are paid Attendance Allowance, the care component of Disability Living Allowance or a Personal Independence

Payment, the Department of Work and Pensions will continue to pay these benefits whilst you are in care if you are responsible for the full cost.

As moving into a care home represents a change in your circumstances, you should contact the Department for Work and Pensions to see how this will affect the benefits you receive and what you will still be entitled to.

Independent Advice

You can find independent financial advice in numerous ways. Some services provide free advice whilst others will make a charge for their advice.

You can find free information on paying for long term care via the **Money Helper** website and you can also find links to specialist care-fees advisers who will charge for their services via their website: www.moneyhelper.org.uk You can also telephone them on **0800 011 3797**.

Age UK publishes useful factsheets listed below (for the full range of factsheets visit their website www.ageuk.org.uk/publications/home-and-care-publications). You can find more information on their website www.ageuk.org.uk or by calling **0800 678 1602**.

Helpful titles include:

- Age UK Factsheet 10 Paying for permanent residential care
- Age UK Factsheet 29 Finding, choosing and funding a care home
- Age UK Factsheet 38 Property and paying for residential care
- Age UK Factsheet 40 Deprivation of assets in social care

The Citizens Advice Bureau offer advice via their website: www.adviceguide.org.uk/england or their telephone number is **0800 144 8848**.

Paying for Care is a not for profit organisation that helps people access expert information on all matters relating to care. In addition to free information and help you can also access specialist care fees financial advisers offering regulated financial advice through this organisation. Further information can be found on their website: www.payingforcare.org

We also publish a leaflet on seeking independent financial advice which includes questions you may wish to ask of any adviser before deciding whether they are the best person to help you. You can request a paper copy by contacting Call Derbyshire on **01629 533190** or you can view/download or order a paper copy from our website www.derbyshire.gov.uk

You can also find independent financial advisers via Derbyshire County Council's Trusted Trader scheme. Inclusion of advisers on the list of Trusted Traders is not an endorsement of the advice they may provide, and you must ensure that you take adequate advice suitable for your circumstances prior to committing to any legal or financial agreement. You can find a trusted trader at: www.derbyshire.gov.uk/trustedtrader

Useful Contacts

You can find more information regarding paying for care on our website: www.derbyshire.gov.uk/payingforresidentialcare

You can contact Call Derbyshire to make a request for help from your local Adult Care office. Tel: **01629 533190**

Our **Welfare Rights Service** provides information and advice on making claims and benefit entitlements. Call the Welfare Benefits Helpline on **01629 531535** between 11am – 4pm Monday, Tuesday, Thursday or Friday or email welfarebenefits@derbyshire.gov.uk

Alternatively, if you would like to speak to someone regarding finances, the Financial Assessment and Charging Team may be contacted using the numbers below:

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- High Peak and North East Derbyshire areas: **01629 532125**
 - Bolsover and Chesterfield areas: **01629 532445**
 - Amber Valley and Derbyshire Dales areas: **01629 532443**
 - Erewash and South Derbyshire areas: **01629 532140**

We also publish a Care Services Directory which is a guide to choosing a care home and gives some general information about paying for care. You can access an electronic version via our website at www.derbyshire.gov.uk/careinfo or you can ask for a paper copy by ringing Call Derbyshire on **01629 533190**.

Other Organisations

The Pension Service Pension Credit claim line **0800 99 1234**

Attendance Allowance & Disability Living Allowance claims
0800 7310122

Jobcentre Plus **0800 055 6688**

Universal Credit helpline number **0800 328 5644**

The Land Registry – www.landregistry.gov.uk, see your local phone book



Further Information

Derbyshire County Council Adult Social Care department produces a range of information about its services and those provided by other organisations in the community. We provide information leaflets on a range of topic that can be downloaded or ordered from our website at www.derbyshire.gov.uk/careinfo, obtained from our staff, at a local area office or library.

Leaflets available include:

- Guide to Adult Social Care - how we work and what we provide
- Guide to Carers Services - support, advice and information for carers
- Independent financial advice - how and where to find reliable professional advice
- Co-funding leaflet - paying for non-residential care
- Paying for Residential Care - how financial contributions are calculated
- Guide to First Contact - signposting to services and support
- Putting People First - comments, compliments and complaints.

Leaflets are available in standard, large print and Easy Read versions and upon request in other formats such as Braille or an alternate language. We also have videos, including BSL conversions on our YouTube channel at www.youtube.com/derbyshirecc

The Adult Social Care Information Promise – a **FACT** you can rely on.
We promise to provide you with:



- Free** information
- Accurate** information
- Clear** information
- Trustworthy** information.

If you think we have broken our **FACT** promise, please let us know so we can make improvements.