

Kent County Council Adult Social Care and Health
Charging for Residential Care
April 2024

This booklet contains information about how Kent County Council (KCC) works out charges for care provided in residential and nursing homes. We will explain KCC's residential and nursing home charging rules and also tell you about the help available, including financial help.

There are lots of complex rules regarding residential care charges, and although this booklet covers the key information, it doesn't contain all of the rules. Detailed guidance on the application of these regulations is laid out in the Care Act 2014 and Care and Support (Charging and Assessment of Resources) Regulations 2014.

This booklet is available in alternative formats and can be explained in other languages. Please call:

Telephone: 03000 41 61 61

Text relay: 18001 03000 41 61 61

For more copies of this booklet please email:

socialservicesleaflets@kent.gov.uk

Part 1: Going into a care home

STEP 1: Care needs assessment

Do you need residential care?

If you are considering moving into a care home and think you may need help with the cost of this, we first need to decide that you are eligible for our support. To do this, we will complete a care needs assessment over the telephone or face to face. This will be free of charge.

A care needs assessment is an opportunity for you to tell us about your situation and discuss your care and support needs with us. This will help us to decide if you really do need to go into a residential care or nursing home or if there are other kinds of support available to help you stay in your own home.

If we agree that you need residential or nursing care, we will carry out a financial assessment to find out what you can afford to pay towards the cost of your care.

We will tell you how much we are able to pay for the type of home that will meet your needs.

Even if you think you will have to fully fund your stay in a care home it is still advisable to contact us and, if appropriate, arrange for a care needs assessment.

This will help you to decide if there are any alternatives to going into a care home and if your funds later reduce below the upper capital limit, whether you are entitled to financial support from KCC.

Following your care needs assessment your social care contact will ask you to read and sign a letter which tells you we will undertake a financial assessment to tell you how much you will pay towards the cost of your care if we provide you with assistance for the cost of your care. The charge for the care that you receive is effective from the date that your care and support plan is agreed by us.

STEP 2: Financial assessment

What happens?

Once we have agreed that you need residential or nursing care, we will work out how much you can pay towards the cost of it. We do this by carrying out a financial assessment which is means tested.

A financial assessment looks at your capital and your weekly income to see how much you can afford to pay towards the cost of your residential or nursing care.

- Your capital includes most savings and investments, and the value of any property or land you may own or partly own, including in other countries.*
- Your income includes most pensions and benefits and any other money you may have coming in and an assumed level of income from any savings and investments (see Step 3).

*In some circumstances the value of your home can be disregarded - see page 6.

The financial assessment is carried out by one of our Financial Assessment Officers and may take place in your home or over the telephone.

If we already hold your financial information from a previous financial assessment or where your income and capital has already been verified by the Department for Work and Pensions (DWP), we can complete the financial assessment without needing to contact you or your representative.

Your Financial Assessment Officer will also tell you about the kinds of benefits you are able to claim. You will need to claim all of these benefits and our Financial Assessment Officers may be able to help you to do this. When we work out your contribution, we will assume you have this income and take it into account.

Some of the benefits that you may receive are affected when you move into a care home. The DWP will need to know if you are in residential care (whether temporary or permanent).

It is your responsibility to tell The DWP about any change in your circumstances including hospital admissions.

After we have completed your financial assessment, we will write to you to give you information about what you need to pay.

STEP 3: Financial assessment

How much do you need to pay?

First, we will look at your finances to see how much capital (savings, investments etc.) you have.

If you have over £23,250 in capital or you choose not to disclose your financial information you will not qualify for any financial assistance and you will need to pay the full cost of your residential or nursing care directly to your chosen provider.

If you have less than £23,250 in capital, then we will look at your weekly income to see how much you need to pay towards the cost of your residential or nursing care.

In addition to your weekly income, if you have capital between £14,250 and £23,250, we will apply a tariff income. This assumes that for every £250 of capital or part thereof you are able to afford an additional £1 per week towards the cost of your care. This will be added to your weekly income when assessing your weekly charge.

For example, if you have £17,000 in capital , this means that:

Your capital £17,000 minus Capital Limit £14,250 = £2,750

$£2,750 \div £250 = 11$. This means that we will add £11 to your weekly income based on your capital. We will add up all the income that we are allowed to take into account.

There will always be a small part of your income which you can keep for your personal use. This called your Personal Expenses Allowance and is currently £30.15 per week. In addition, both temporary and permanent residents may, in exceptional circumstances, be allowed extra allowances to cover certain housing and other costs.

Online financial estimator

Estimate how much you may need to pay towards your care using the Kent County Council financial estimator tool.

If you enter full and accurate information, we will estimate your maximum ability to pay amount. It does not replace a financial assessment and we will not save any of the information you enter. When we complete your financial assessment; we will ask for this information again.

www.kent.gov.uk/careandsupport - search 'financial estimator'.

Part 2: Is the value of your own home included?

We will not include the value of your main or only home when we look at your capital if:

- your stay in residential care is temporary (where it is felt you will eventually return home i.e. following a hospital stay)
- your stay in residential care is a period of respite (planned agreed period of time i.e. to give a carer a break).

It is occupied by:

- Your spouse or partner (including same sex partners)
- Your estranged/divorced partner if s/he is a lone parent with a dependent child
- A relative who is aged over 60
- A relative who is aged under 60 and considered disabled
- Your child who is under the age of 18.

For the first 12 weeks of a permanent stay in residential care funded through us the value of your main or only home will be disregarded. During this period, you will still need to pay towards the cost of your residential care based on your other capital and income (excluding the value of your home).

This 12-week property disregard only applies whilst the property remains unsold. After the first 12 weeks we will include the value of your home when we work out your capital.

Please see Part 6 for further information on funding beyond the 12 week property disregard period.

We do have discretion to disregard the value of your home in exceptional circumstances. Your social care contact or Finance Assessment Officer will be able to discuss this with you. You will not be entitled to a 12-week property disregard if you have been paying the care home yourself for longer than 12 weeks prior to asking for

assistance with your funding from us or if you have been living elsewhere prior to moving into residential care.

Please note the value of any second or more properties will be included in the financial assessment at the outset.

Part 3: What if you own your home with someone else?

Once your stay in a residential or nursing home becomes permanent, we will work out your share of the value of your home and add this amount to any other capital you may have.

For example:

You jointly own your home with your adult son who doesn't live there. The total value of the house is £200,000 and you own 60% of the property. We will work out that your 60% share is worth £120,000 minus 10% (this is the standard deduction for the expense of sale). This means that you are assessed as having £108,000.

If you do not agree with the figure that we arrive at by this method, you do have the right to ask us to arrange for a specialist valuer to value your share of the property. We will arrange this and then use the figure provided to us by the specialist valuer.

Part 4: Paying the care home

We will pay the care home directly for the cost of the services that directly meet your needs.

You will be sent a Kentcare Invoice every four weeks for the amount we have worked out that you need to pay towards your care.

Your first invoice could be for longer than four weeks as there could be a delay in getting your details entered onto the invoice system or working out how much you can pay towards the costs. You will be expected to pay for your support when you receive the invoice.

If another person or organisation is contributing to the cost of your care, we will also collect any money from them. We call this money a top-up fee.

The residential or nursing home should not ask you for any money, except for additional services that you have chosen to purchase. For example, hairdressing or chiropody.

Please ask your social care contact to explain this to you before you or anyone else pays money directly to the home.

Part 5: Who can give you advice about care home fees?

We have listed below some organisations that can give you advice about care home fees, money management, budgeting and information on benefits.

It's always a good idea to take independent financial advice when paying for a care home yourself so that you can make all the right decisions and don't risk running out of money.

Money Helper

Money advice service set up by government. You can find information on choosing the right care services, paying for care, finding a financial adviser, work, pensions and retirement, budgeting, benefits, insurance, debt and borrowing, homes and mortgages.

www.moneyhelper.org.uk

Age UK

Age UK is the new name for Age Concern and Help the Aged who have merged organisations.

www.ageuk.org.uk

Independent Age

Independent Age gives advice and information to older people, their relatives and carers across the UK.

Telephone: 0800 319 6789

www.independentage.org

Society of Later Life Advisors

The organisations aim is to ensure that consumers are better informed about the financial issues of later life and can find a fully accredited adviser quickly and easily.

www.societyoflaterlifeadvisers.co.uk

Telephone 0333 2020 454

Part 6: What help is available if you can't access your capital? (If it is tied up in your former home)

In some cases, you could have more than £23,250 in capital but you may not be able to currently access this money (if you haven't managed to sell your home). If this applies to you, we have a Deferred Payment scheme that may be able to help you.

This scheme involves us temporarily paying some of your residential or nursing home fees. We will pay the residential or nursing home the amount we have agreed with them. We will then collect from you a weekly contribution, based on our assessment of what you can afford. The balance will accrue as a debt and be paid when your former home is sold or when the agreement ends. To secure the debt we will place a legal charge on your property (similar to a mortgage).

Please do not assume you will qualify for this scheme until we have confirmed this.

The cost of the residential or nursing home must be agreed by us and eligibility for the scheme will be based on various factors, including the cost of your care and the amount of equity in your property.

The Deferred Payment scheme is available to people who do not want to sell their home as well as those who cannot sell it quickly enough to release the money to pay for their residential or nursing home care fees.

To be considered for the Deferred Payment Scheme:

- You must have less than £23,250 in capital (such as savings and investments apart from your former home)
- You must have a legal or beneficial interest in a property which is your main or only home
- We must be able to place a legal charge on your former home in order to secure the debt (in very exceptional cases we may consider other forms of security)
- The cost of the care home has been agreed by us
- The person applying for a Deferred Payment must have Legal Authority to do so if the resident lacks mental capacity.

If you meet the criteria above, we may be able to set up a Deferred Payment agreement with you. During this agreement you may need to pay a contribution towards the cost of your care from your weekly income, and any other assets.

If you would like more information, please speak with your Financial Assessment Officer or social care contact who will give you an information pack. If we agree to you receiving a Deferred Payment you should get independent financial advice before the arrangements are finalised.

There is a Deferred Payment fact sheet on www.kent.gov.uk

Part 7: What happens if you have health needs?

Residential care partly funded by the National Health Service (NHS)

If your assessment shows that you need nursing home care the NHS will pay for the cost of the care needed from a registered nurse. Your nursing home is entitled to receive a payment from the NHS for the costs of your registered nursing care element.

Residential care fully funded by the NHS

If your main need is a health need the NHS will provide for all of your needs. This will include accommodation, if this is part of your needs.

If this is the case, you should be eligible for free care outside of hospital that is arranged and funded by the NHS. This is called NHS Continuing Healthcare. Sometimes, the NHS will pay for this care in settings other than a care home.

Please ask your social care contact to explain this more fully.

Part 8: Your questions answered

Can I give away money or capital assets?

If you give away money or capital assets to avoid paying care fees this is seen as 'Deprivation of Assets' and will mean the assessment of how much you can afford to pay will still include the value of the assets that have been given away.

We will discuss the circumstances, reasons given and timing around the giving away of the money or capital assets with you, and decide if you could have reasonably foreseen your need for care and support at the time you gave away the money or capital assets and was it done for the sole or main purpose to reduce the amount you are charged towards your care or to be eligible for support from us sooner than expected.

In some circumstances, we can legally ask the person who was given the money or capital assets to pay some or all of your care home costs.

What if my savings fall below £23,250 and I am already in a care home?

You may be able to get financial help from us. It is important that you let us know as soon as you think this is likely to happen so you do not lose out on any financial help that we are able to give.

We will carry out a care needs assessment with you to see if your needs are best met in a care or nursing home. If we think they are, discussions will take place with your care home to see if they are willing to accept the price we would normally expect to pay to meet your relevant level of need.

If your care home will not accept the price, and your preference is to remain in the same care home, we may not be able to support the full fees without the contributions of someone else to pay the additional cost, for example a friend or relative. If there is no one else willing to pay the additional cost, we will normally arrange for you to move to an alternative care home that is not so expensive.

We will pick up the funding from the date you contacted us (assuming it has been verified your capital was below £23,250 at this point) or the date you capital falls below £23,250 (if this was after the date you contacted us).

Can I choose to go into a more expensive home?

You have a right to choose a care home or nursing care home between different providers and locations as long as the accommodation is suitable to meet your needs; the accommodation is available; and the provider is willing to enter into a contract with us at the rate sufficient to meet your needs.

You can choose to go into a more expensive home, provided someone else, or in certain circumstances yourself, is willing and able to meet the additional cost.

The only situations you may pay the additional cost yourself are when you are either subject to a 12-week property disregard; a Deferred Payment or provided with accommodation under Section 117 of the Mental Health Act 1983. These are called a first party top ups.

In other circumstances, someone else, like a relative, friend or charity, must be willing to pay the additional cost. This is called a third party top up.

The person paying the additional costs will have a separate third party top up contract with us. The person agreeing to pay the top up will be asked to undertake a financial assessment to evidence their ability to meet the required payments. These payments will need to be made all the time you are in the home and must still be made even if you go into hospital. If they stop paying you could be asked to move into a different home.

Who can help me look after my money?

If you need help to manage your money a third party can act on your behalf. This person will become responsible for claiming and receiving your income on your behalf and using this income to pay us the weekly contribution towards your fees.

You may wish to nominate a person to act on your behalf to liaise with KCC Financial Assessment Officers. If you do, we will ask you for details about the nominated person.

If you do not have someone who can help you then we may be able to appoint someone to look after your money. You may want to consider seeking advice regarding Power of Attorney. A solicitor or the Office of the Public Guardian (a government department) will be able to advise you.

You can contact the Office of the Public Guardian on 0300 456 0300 or through their website: www.publicguardian.gov.uk

What happens if I am temporarily absent from the home?

If you are temporarily absent from the home for any reason (for example you are admitted to hospital or go on holiday) the fees will continue to be paid to the home and therefore you will continue to be charged.

What if I am only staying in a care home temporarily?

If you are only staying in a care home temporarily, you will also be allowed an extra £10 per week (£5 if one of a couple) if you are responsible for the upkeep of your home.

What if I have a change in financial circumstances?

You must report any change in financial circumstances as soon as possible to the Financial Assessment and Income Unit (contact details opposite) as it may affect the level of financial assistance you qualify for.

What if I do not agree with the outcome of the assessment or the services offered?

If you disagree with the results of your care needs assessment or financial assessment you should first speak to the person who completed the assessments.

If this does not resolve the problem you can challenge the decision by using our complaints procedure.

Our leaflet 'Have your say - comments, complaints and compliments' describes how to do this. For a copy, please call 03000 410 410 or go to our website www.kent.gov.uk

Who can I speak to if I have a question about the financial assessment?

If you have any questions about the financial assessment please speak to Financial Assessment and Income Unit on the telephone number below.

03000 41 64 64

Financial Assessment and Income Unit

St Peter's House

Dane Valley Road

Broadstairs

CT10 3FD

How to get in touch with us

If you would like more information on any of the topics covered in this booklet, or you would like to have your needs assessed or report abuse, you can contact us in the following ways:

- 03000 41 61 61 (if you live in Kent)
- 01634 33 44 66 (if you live in Medway)
- Kent and Medway out of hours service: 03000 41 91 91
- Text relay service: 18001 03000 41 61 61

A text relay service is available for deaf, hard of hearing and speech impaired customers and is available 24 hours a day, 7 days a week.

- www.kent.gov.uk/careandsupport
- social.services@kent.gov.uk
- Visit your local gateway (www.kent.gov.uk/gateways)

Kent Connect to Support

Find information, advice and guidance on adult social care in Kent. With sections on support in the home and community, caring for someone, health and well-being, housing, getting out and about, money and legal as well as a community directory of services in your area.

- <https://kent.connecttosupport.org>

For more copies of this guide please email:

- socialservicesleaflets@kent.gov.uk