

RESIDENTIAL AND NURSING HOME CARE FEES

There may come a time when either you, or a relative, finds it difficult to look after yourselves at home, perhaps as a result of age or as a result of a sudden illness. Whatever the reason, you or your relatives may need care and assistance in order to cope with daily living. Some people may be in a position to stay at home, with help from friends, family or support from Social Services or the NHS. Others may need to move into Residential Care, where meals and personal care will be provided. Some may need "nursing care" as well as personal care and hence may need to move into a Nursing Home, or even a hospital.

This factsheet is intended to provide you with bullet points of information which you may find helpful if there is a prospect of you, or a relative, needing long term care at some point in the future. This factsheet is not intended to be a comprehensive guide and for more detailed help and advice, we suggest you contact any one of our experienced advisers within our Wills and Estate Planning Team.

In Need of Help or Care?

- You have the right to ask Social Services to assess your care needs, irrespective of your financial means. They will advise what package of care will best meet your care needs and they should give you a copy of your Care Plan, setting out details of the help you require.
- It may be that your needs are best served by remaining in your own home, with a package of help such as meals on wheels, and/or assistance with personal care. Or, alternatively, you may be assessed as needing residential or nursing care, in which case, Social Services are obliged to help you choose a suitable Residential/Nursing Home, even if the local authority is not obliged to help with funding.

In Need of Hospital Treatment?

- Before a patient can be discharged from hospital, that patient's Consultant must carry out an assessment of that patient's needs, in consultation with nursing staff and other members of a "multi disciplinary team", including a representative from Social Services and possibly the Department for Work and Pensions. That team must decide whether the patient can be discharged from NHS care, perhaps back home, or to a Residential or Nursing Home.
- Where the team conclude that a patient's "primary need" is for health care, the NHS is under a duty to provide that care, irrespective of a patient's financial means. This is because of the principle that health care is free at the point of delivery in this country.

In Need of Financial Assistance?

- Where health care cannot be classed as the primary need, funding of care will either be totally private or state assisted, depending on that person's financial means and the degree of nursing required.
- Generally, where a person's assessable capital exceeds £23,000, the state will not help with funding once that person's stay in care can be classed as permanent. In England there is a sliding scale of

part-state and part-private contribution, where assessable capital is between £14,000 and £23,000. Different financial limits apply in other parts of the UK.

- Where care is fully funded by the state, all income will be taken away from the resident, who will be left with the pocket money allowance of £21.90 a week.
- In assessing an individual's financial means, it is only the capital and income of the individual in need of care that can be taken into consideration. A local authority has no power to assess the financial resources of the individual's spouse or partner. Nevertheless, a local authority can ask a spouse to make a contribution to the cost of care. If the spouse does not agree, the local authority may consider taking court action against the spouse to pursue the liability.
- In assessing an individual's capital:
 - the value of his or her property, or share in property, will be taken into account, unless it is occupied by a "qualifying relative" (subject to the note below). However, the value of that property will be disregarded for the first twelve weeks of a permanent admission to residential care. The value of a resident's home will be ignored if the stay can be classed as temporary and the resident intends to return and it is still available to him or her (or he/she is attempting to dispose of the property for the purpose of acquiring a more suitable property)
 - personal possessions will generally be disregarded
 - the capital value of any trust property in which the individual has a life interest will be disregarded
- Patients who are self funding may, in certain circumstances, receive a contribution from the NHS to pay for the "registered nurse care" element of their care. Funding is currently at a flat rate of £106.30 per week. The contribution will be paid to the Nursing Home and not to the individual.

Planning for Long Term Care?

Many people will have read with concern, the costs involved in long term care, which can range from approximately £400 per week to £650 per week.

Increasingly, people are considering protecting some of their capital assets by gifting those assets onto the next generation now. Quite often this can include the family home. However, this is an area fraught with potential difficulties. In particular, deliberately depriving yourself of a substantial asset in the full knowledge that you may need to claim state benefits to which you would not otherwise be entitled, is very unlikely to succeed. On the other hand, giving away assets before there is any likelihood that you may need to claim state benefits, is a different issue.

If you are interested in protecting your main assets, we suggest that you seek specialist advice from one of our experienced advisers within our Wills and Estate Planning Team.

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