



**East Dunbartonshire Council**

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# **Financial Assistance with Care Home Charges 2016/17**



# Financial assistance with care home charges

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## Part 1 Introduction

This booklet aims to provide detailed information on how you can meet the cost of living in a care home, and what happens to your money.

You may be living in your own home, with relatives, or be in hospital waiting for a place in a care home. Social work should always be involved to ensure that all options have been explored. In most cases, social work will have carried out an assessment, and the type of care needed - residential or nursing will have been decided.

Your social worker will explain that you may apply for financial help from East Dunbartonshire Council towards the cost of your care.

If you wish to apply they will ask for a financial assessment to be carried out. Normally this is completed before you enter care. However, in emergency situations there may be a delay.

There are two types of financial assistance available to help towards your care costs. How much you are entitled to depends on how much capital you have.

If you have savings of over £26,250 you may only qualify for Free Personal and/or Nursing Care Payments.

If your savings are less than £26,250 you may qualify for both Free Personal or Nursing Care plus additional financial assistance.

## Part 2 Who pays the cost of living in a care home?

### Free Personal and Nursing Care

Free personal and nursing care payments were introduced on 1st July 2002. Payments for free personal and nursing care are made regardless of your income and capital.

In order to qualify for payment, you must be at least 18 and have been assessed by social work as requiring either residential or nursing care.

#### Free Personal Care:

£171 each week (only available if aged 65 or over)

#### Free Nursing Care:

£78 each week (no age limit)

#### Eligibility for free personal and nursing care is as follows:

Aged 65 or over in nursing care –

free personal and nursing care, £171 +  
£78 = £249 weekly.

Aged 65 or over in residential care –

free personal care only, £171 weekly.

Under 65 in nursing care –

free nursing care only, £78 weekly

Under 65 in residential care –

no entitlement to free personal and  
nursing care

#### How is it paid?

East Dunbartonshire Council makes payment directly to the care home on your behalf. If you qualify for extra financial help with your care home charges, East Dunbartonshire will make the payment together with social work contributions to the home.

If you are paying your care home charges from your own income and capital you must make a separate application for free personal and nursing care, (copy of specimen application form in Appendix i). This application form is also contained within the financial assessment form.

#### Does anything affect the payments?

If you are admitted to hospital from a care home, payment of free personal and nursing care will stop after 14 days.

**How much will I have to pay?**

You do not need to have a financial assessment if you do not wish to. If you choose not to be financially assessed, you will be responsible for meeting the full balance of the care home charge after the payment of free personal and/or nursing care is made by East Dunbartonshire Council.

The amount you will be asked to contribute towards your accommodation in a care home is based on your income and savings. The income and savings rules are decided by the government and are explained in the Charging for Residential Accommodation Guidance (CRAG).

A financial assessment should be carried out for both temporary and permanent stays in a care home. An admission is temporary when there is uncertainty that permanent admission is required.

An admission is permanent if the intention is for the resident to remain in residential care.

A financial assessment should be carried out to establish how much social work will pay towards your accommodation costs, leaving you with the balance to pay.

If your weekly income, after the deduction of a personal allowance, plus your free personal and/or nursing care payments is greater than the weekly charge made by the home, you must pay the whole cost eg You have income of £450 each week after deductions. The nursing home charges £624.54 per week. East Dunbartonshire Council has paid the £249 free personal and nursing care, you have enough income to meet the balance of £375.54.

If your savings are over £26,250 you must also pay the whole cost, after payment of free personal and/or nursing care, until your savings fall below £26,250. (If you pay the whole cost of the home you are self-funding and should read Part 4)

East Dunbartonshire Council presently have a standard charge for respite and no financial assessment is required.

**Present Respite Charges for 2016/17**

Age 18-24	£64.35 per week
25+	£79.55 per week
60+	£129.80 per week

**The financial assessment**

When the decision is made that you will be going into a care home, your social worker will ask for a financial assessment to be carried out (unless respite).

The cost of going into a care home can be high. For example the current weekly approved cost for nursing care is £624.54 for people over 60 years (it can be more if you are under 60), or if additional charges are approved.

After the payment of free personal and nursing care (£249) is deducted, the balance left to pay is £375.54 per week. If your income is below this, and your capital is less than £26,250 you may qualify for extra help. The financial assessment will determine how much additional financial assistance you qualify for.

The social worker will issue you with a financial assessment form. They will verify your income and capital, confirm your home commitments and establish whether you are a tenant or a home owner.

Any welfare benefits advice you require will be given, plus advice and assistance to claim any additional benefit entitlement identified.

Only the person going into care is financially assessed. The contribution you are asked to pay is based on your income and capital alone. If you have a spouse/partner your social worker will normally enquire about their income. The reason for this is to make sure that they have enough money while you are in a care home. Depending on whether you will go into a care home for short or long term care, we can either disregard some of your income, or make sure any additional benefit entitlement is claimed for your partner.

**How is my income worked out?**

Most of your income is taken into account as being available to meet the cost of the care home. This includes most social security payments and any other pensions you receive.

The following income is disregarded:

£10 weekly from Armed Forces Compensation Payments, War Disablement, War Widow's and War Widowers' Pensions.

The War Widows' Special Payment is disregarded in full.

Attendance Allowance (AA) and Disability Living Allowance (DLA) care component are disregarded for temporary residents.

DLA mobility component is disregarded in full.

**For temporary residents only**

For the period you are in a care home social work will also disregard from your income any amounts you are liable to pay for rent, council tax, buildings and contents insurance, mortgage payments

including any insurance payments, plus small fixed amounts to cover fuel and telephone standing charges. Where you have joint liability for these expenses, for example with your husband or wife, only your share of the amounts due will be disregarded.

### **For temporary and permanent residents**

The law says that you must be allowed to retain an amount for personal expenses and the amount allowed each year is laid down in the National Assistance Regulations.

The current personal expenses allowance for 2016/17 is £25.80 per week.

An additional disregard in respect of pension savings credit per week may also be made. Maximum of £6.15 per week for single residents and £9.25 for couples.

### **Couples**

#### **Temporary residents**

Only the income and capital of the person going into a care home are taken into account. However, if you have a partner who only has a small income, social work can sometimes disregard a further amount from your income to ensure that your partner is left with a basic minimum amount. (currently £155.60 per week). Your partner would be asked to provide details of their income and capital so that the exact amount to be disregarded can be calculated.

#### **Permanent residents**

If you have an occupational or private pension, social work can disregard up to 50% where you choose to give it to your partner. This may not always benefit your partner, depending on their own income, as it can affect their entitlement to other social security benefits. It is always best to ask the social worker to check this for you.

#### **How are my savings worked out?**

Savings or capital includes money held in bank or building society accounts; Post Office accounts, cash, investment bonds, ISA's, shares, premium bonds and property.

#### **Whose capital counts?**

Only capital owned by the person going into care counts. If you have any joint capital for example a

joint bank account or investment with your spouse or partner then you are treated as owning half of the capital or investment. If you have a joint account with someone who is not your husband, wife or partner we may need to see further evidence regarding ownership of the capital.

### **What are capital limits?**

The upper limit above which additional financial assistance is not available is £26,250. The lower limit below which capital is ignored is £16,250.

Any capital you have between the lower and upper capital limits is treated as producing an assumed income called a "tariff income". These capital limits apply whether you are a temporary or permanent resident in a care home.

### **What is a tariff income?**

If you have capital between £16,250 and £26,250, a tariff income of £1 for every £250 (or part £250) between the upper and lower limits is assumed. The tariff income is added to your normal weekly income for your financial assessment.

e.g for £18,780 capital you would be assessed as having a tariff income of £11.00 per week. The first £16,250 is ignored. This leaves a balance of £2,530.00. £2,530.00 divided by 250 = 10.12 which is rounded up to produce a weekly tariff income figure of £11.00. Therefore it is assumed you have £11.00 per week income from your capital.

### **Couples moving into a care home**

If you and your partner need to go into a care home, you may each be entitled to financial assistance from social work in your own right. Your entitlement to free personal and/or nursing care payments will be assessed individually. Any additional financial assistance towards your accommodation costs will be assessed separately, based on your own income and savings (including your share of any joint savings). If you sell your house, the proceeds from the sale will be assessed equally between you both, if jointly owned.

The Department of Works and Pensions will treat you as two separate customers, and assess your income and capital separately, even if you are sharing the same room.

The value of your home may be counted as capital for financial assessment purposes.

Social work ignore the value of the house you normally reside in if you are only temporarily in care eg respite or for a temporary period.

We also ignore the value of the house you normally reside in indefinitely if it is occupied by any of the following people: Your husband, wife, civil or unmarried partner, a relative who is over 60 years of age, a relative who is incapacitated, a relative under 16 years of age, whom you are liable to maintain, a divorced or estranged partner who is a single parent with a dependent child.

(A relative is defined as: parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse, civil or unmarried partner of any of these).

### Will I have to sell my house?

(The information above is about your normal home. If you own any other property its value will be counted as capital).

### Property disregard

Once you become a permanent resident the care home becomes your normal residence. If the value of your home is not disregarded in any of the circumstances above, and you enter care on a permanent basis, then the value of your home is fully disregarded for a **maximum period of 12 weeks**. If your stay in a care home is initially expected to be temporary and then becomes permanent the value of your home is disregarded during the temporary period and then for a further 12 weeks from the date you become a permanent resident. After this disregard period has expired, you are treated as having capital to the value of your home, minus any debt secured on it, minus a further 10% or actual selling costs.

The value of any property is then added to the value of any actual capital which you hold. If the total assessed capital is in excess of £26,250 you will qualify for your free personal and nursing care entitlement which East Dunbartonshire Council will pay direct to the care home on your behalf. You will not qualify for any additional financial assistance until your assessed capital has reduced to £26,250.

### Deferred payments

If, after the property disregard period has expired, you do not wish to sell your home immediately and your assessed capital, including the value of your home, is less than £16,250, and you cannot meet the full cost of the care home from your income, and you are prepared to grant a standard security against the property.

You may apply to East Dunbartonshire Council to defer payment.

Entitlement to a deferred payment is at the discretion of East Dunbartonshire Council. When considering an application to defer payment, all the facts and circumstances are taken into account, for example, factors such as the resident's age and health, the length of deferred payment applied for, the value of the property and whether there are any other debts secured on the property. Funds available to the Council for deferred payment must also be taken into account. The deferred payment is interest free. Once a deferred payment has been approved, and the 12 week property disregard period has expired, East Dunbartonshire Council will continue to pay the assessed contribution on your behalf. This will accrue as a debt to East Dunbartonshire Council.

NB Free personal and nursing care payments do not count as part of the deferred payment agreement and are not recovered. (see example (a))

If you wish to discuss whether you qualify or to apply for a deferred payment please contact the Finance Section on 0300 123 4510.

If approved this means that Social Work will provide additional financial assistance to pay for your care which you must agree to repay at a later date, either when the house is sold or from your estate. You will still be expected to contribute an assessed amount from your income towards your care home charges, and any income you receive from renting out your house is taken into account in the financial assessment. A deferred payment agreement is a legally binding contract and needs to be signed by you and the Council.

### Examples:

- (a) Your weekly nursing home charge is £624.54. East Dunbartonshire Council will pay the first £249 as free personal and nursing care payment which leaves a balance of £375.54 to pay for accommodation costs. You would normally have to pay this whole balance from your own income and capital. Your deferred payment is calculated as follows:

#### Weekly Income

	£160.40	State and Work Pension
Less	£ 25.80	Personal Allowance
Less	£ 6.15	Savings Credit -
		Allowance
=	<u>£128.45</u>	

£375.54 cost of care less £128.45 available income equals £247.09 deferred payment.

- (b) Where rental income is being received from renting out your house is taken in to account in the financial assessment:

Weekly Income

	£160.40	State and Work Pension
Plus	<u>£ 69.23</u>	Rental Income
=	<u>£229.63</u>	
Less	£ 25.80	Personal Allowance
Less	£ 6.15	Savings Credit Allowance
=	<u>£197.68</u>	Available Income

£375.54 cost of care less £197.68 available income equals £177.86 deferred payment.

- (c) Your weekly residential home charge is £537.79 East Dunbartonshire Council pay the first £171.00 as free personal care payment which leaves a balance of £366.79 to pay for accommodation costs. Your deferred payment is calculated as follows:

Weekly Income

	£160.40	State Pension
Plus	<u>£ 69.23</u>	Rental Income
=	<u>£229.63</u>	
Less	£ 25.80	Personal Allowance
Less	£ 6.15	Savings Credit Allowance
=	<u>£197.68</u>	Available Income

£366.79 cost of care less £198.58 available income equals £168.21 deferred payment.

You will be asked to produce proof of title to the property and proof of any debts secured on the property. If you are acting on behalf of a resident you will be asked to provide proof that you have authority to act on their behalf. The deferred payment debt will be secured on the property. You will need to engage a solicitor to advise you on the agreement and standard security (this will incur a cost).

### Can I transfer title to my house?

For permanent residents it is part of the financial assessment process to determine if you own or have ever owned the house you live or recently lived in. If you previously owned the house but no longer do so, we are required to look at the circumstances surrounding the change of ownership. We have a duty to determine whether an individual has given away or transferred title to a capital asset in order to avoid paying for their care costs. The common term for this is "Deprivation of Capital", and it can apply to any type of savings or capital including property. We have to look at each of these cases very carefully,

and will normally seek legal opinion, even if the transfer took place several years ago. (see part 5 on "Deprivation of Capital").

### Can I choose a more expensive home?

Social Work will normally pay a standard amount (the approved rate) when people move into a care home. The amount depends on whether you will receive respite care, residential, or nursing care. The approved rates are normally increased each year. If you wish to move to a more expensive home, you or someone else - "a third party" - can make up the difference between the approved rate and the actual charge. This is called an "additional charge". If you are going to receive additional help from relatives to pay an "additional charge", you must make sure that the arrangement is realistic and will last. The care home will normally ask you or the "third party" to sign a separate contract for the "additional charge". If there are difficulties in meeting the "additional charge" payments, social work cannot take responsibility for payment, and your place or room may be at risk.

### Can I choose a home outside East Dunbartonshire?

If you normally reside in East Dunbartonshire you may be considering a move to a care home in another part of the UK, perhaps to be closer to your family. In this situation, any entitlement to free personal and nursing care and any additional financial assistance with your accommodation costs will be paid by East Dunbartonshire.



## Part 3 What Happens to my Benefits?

### Retirement Pension and Incapacity Benefit

Retirement Pension and Incapacity Benefit are usually paid at the full rate when you are living in a care home. However if you were in hospital for more than 52 weeks before you moved into care, your Retirement Pension or Incapacity Benefit may have been reduced. You should notify the local Department for Work and Pensions when you are discharged from hospital, so your pension or benefit can be increased back to the normal amount.

### Attendance Allowance (AA)

If you receive financial help from social work with your accommodation costs in care, payment of Attendance Allowance will stop after 28 days. You may lose it sooner if you were in hospital or respite, before moving to a care home. You should notify the Department for Works and Pensions office that issued your payments of Attendance Allowance, when you are admitted to and discharged from hospital.

### Disability Living Allowance (DLA) Care –

The care component of DLA is treated in the same way as AA.

**Mobility** - You will continue to receive the mobility component of DLA when you move into a care home. If you were in hospital for more than 28 days before moving into a care home, your mobility component may have stopped. You should notify the Department for Works and Pensions office that issued your payments of DLA when you are discharged from hospital so that they can start paying you the benefit again.

### Carers Allowance

Entitlement or underlying entitlement to Carers Allowance stops at the same time as the AA or DLA care component stops. Any entitlement to the carers premium as part of Income Support or Savings Credit or Housing Benefit or Council Tax Benefit, will continue for an additional 8 weeks and then stop.

### Income Support

If you are under 60 you may be entitled to Income Support when you stay in a residential care or nursing home. If you already receive Income support, you should notify the office that issues

your payment. If you do not receive Income Support, you should check whether you would be entitled to while you stay in a residential or nursing home. The social worker will normally advise you of this when they carry out the assessment for additional financial assistance from the Council.

### Savings Credit

If you are over 60 you may be entitled to Savings Credit when you stay in a residential care or nursing home. If you already receive Savings Credit, you should notify the office that issues your payment. If you do not receive Savings Credit, you should check whether you would be entitled to it while you stay in a residential or nursing home. The social worker will advise you about this when they carry out the assessment.

### Housing Benefit

You can continue to qualify for Housing Benefit during any temporary period in a care home, (although you should always remember to notify East Dunbartonshire Council Revenues Service of any changes to your income as this may affect your entitlement). You cannot receive Housing Benefit once you become a permanent resident in a care home.

If you are a single tenant and you are going into permanent care, you or your representative should discuss the best time to give up your tenancy either with your care manager/social worker, or with medical staff if you are in hospital waiting to go into a care home.

### Council Tax Benefit

You can continue to qualify for Council Tax Benefit during any temporary periods in a care home, (although you should always remember to notify East Dunbartonshire Council Revenues Service of any changes to your income as this may affect your entitlement).

### Council Tax Exemption

If you go into a care home long term, or are in hospital waiting for a place in a care home, your home in the community may be exempt from Council Tax. An exemption is where a property is not liable for any council tax payments. This includes water and sewerage rates which you would normally have to pay even when you qualify for full council tax benefits.



Your home may be exempt from council tax if it was previously your normal residence and it is unoccupied (whether furnished or not) because you are:

resident in a hospital, a care home or a hostel where personal care is provided or resident elsewhere for the purpose of receiving or providing personal care due to old age, disablement, illness, past or present mental disorder.

You should contact East Dunbartonshire Council Revenues Service to make an application.

### **Couples Benefits**

When one of a couple goes into a care home on a permanent basis, your benefit entitlements are based on you being two single people. This can sometimes mean complicated adjustments to your benefits, including notifying different benefit offices of your changes of circumstances, and making fresh claims. The social worker will give any advice or assistance you may need.

### **Appointees for Social Security Benefits**

People living in a residential care or nursing home may need someone to help manage their financial affairs. If they suffer from a mental incapacity they may need someone to help ensure they get all the benefits they are entitled to.

If you are 18 or over and have regular contact with someone unable to deal with their own benefits, you may be able to become an appointee. An appointee is a person authorised by the Secretary of State to act on a person's behalf in relation to their benefits.

If you wish to apply, simply contact the Dept for Work and Pensions (DWP) and explain that you wish to be the persons appointee. The DWP will normally meet with you and the person you wish to act for. Following this you will be notified if your application has been successful or not. If you are turned down there is no right of appeal but you can ask for the decision to be reconsidered.

### **Appointee's responsibilities**

- claiming benefits or pension on the persons behalf and completing all relevant application forms.
- ensuring that the person's benefits or pensions are used for their intended purpose.
- ensuring that the benefits or pension are used to the best advantage of the person.

- reporting any changes in the person's circumstances, which may affect payment, to the DWP.

- making payments due on behalf of the person, including paying residential/nursing home fees.

- ensuring that the person receives their personal allowance.

If you fail to fulfil these responsibilities East Dunbartonshire Council reserves the right to request that the Dept for Works and Pensions cancel your appointeeship.

### **Who manages my money?**

Some people living in a residential or nursing home may need someone to help manage their financial affairs.

You or your representative will continue to receive your income as usual. However, if no one is willing or able to be your appointee, East Dunbartonshire Council may be able to become your appointee for any social security benefits in payment which will then be paid directly to us on your behalf. We still have to issue an account for this part of your income.

Becoming an appointee, only allows the representative to deal with benefit income. If the resident has other income or bank accounts for example, separate authorisation is needed to allow the representative to access these funds.

Where the resident does not have a mental incapacity they may be able to agree to the representative having a "third party mandate" which is arranged through the bank and allows the representative to access their account to set up standing orders, or withdraw and deposit money on their behalf.

Alternatively, they may grant a power of attorney, which can allow the representative greater authority to deal with their finances.

### **Adults with incapacity (AWI)**

Someone may need help to manage their financial affairs because they suffer from incapacity or are unable to communicate their wishes. They are known as "adults with incapacity". They may have granted a power of attorney before becoming incapacitated, in which case their attorney can now manage their finances. However if they have not previously granted Power of Attorney they may no longer be able to do so. This can be a very complicated situation and you may need to seek legal advice.

The Office of the Public Guardian can authorise an individual to access funds, on behalf of an adult with incapacity.

Applications should be made to the Office of the Public Guardian who can authorise payments from accounts for a time-limited period. The Office of the Public Guardian will also be able to carry out checks on authorised individuals and investigate complaints about suspected abuse of funds against them.

If no one else is willing or able to apply for access to funds, East Dunbartonshire Council may make the application and manage certain financial transactions on behalf of a resident.

The Office of the Public Guardian  
Hadrian House  
Callander Business Park  
FALKIRK  
FK1 1XR  
Tel: 01324 678300

#### **How is the care home paid?**

##### **Local Authority residential care home**

You will pay your accommodation fees directly to East Dunbartonshire Council.

East Dunbartonshire Council will issue an account to you on a 4-weekly basis for the amount due.

##### **Independent sector care home**

You will pay your contribution towards your accommodation costs directly to the care home.

You should make arrangements with the home to pay your contribution directly to them. You, or your representative, should contact the home to find out the most suitable way of making payment, for example, directly from your bank. We will contact you and the home to let you know the breakdown of contributions and from what date you will be liable to pay.

If a third party eg a relative, has agreed to meet an "additional charge" (see page 8), they must pay the contribution directly to the home.

##### **Absences from the care home**

If you are a permanent resident in a care home, and you are temporarily absent, for example you have been admitted to hospital, you will continue to be liable to pay your contribution to the care home until your placement in the care home is terminated.

## **Part 4 What happens if my savings are high?**

If you are assessed as having savings of over £26,250 you may only qualify for Free Personal and/or Nursing Care Payments (see Part 2), and you will be liable to pay the balance of the care charges. This can take effect from either the day you enter a care home or from a later date, where for example, your property is disregarded due to the 12 week rule.

Where your capital is verified at the financial assessment, it may be possible to advise you of approximately how long it will be before you may qualify for additional financial assistance. This may be appropriate where your capital is not substantially above the limit or it is likely to reduce fairly quickly (see example below). East Dunbartonshire Council's Community Care Finance Section will be able to provide you with an estimated date of when your savings may fall below the threshold.

**Please note that East Dunbartonshire Council cannot backdate additional funding.**

##### **Care home charges**

When you are meeting the balance of your care home fees yourself, the amount you pay will depend on the type of care home.

You should always ask the home what the fees will be. Some homes have different charges for residents who are meeting the cost of care themselves.

If you are paying a higher rate excluding additional charges, once your savings fall below the capital threshold of £26,250 the care home, under the terms of the national care home contract, will reduce your rate to the council's approved rate, excluding any additional charges.

##### **Should I split joint savings?**

If your share of jointly held savings is over £26,250 you are entering a care home on a permanent basis and your partner is remaining at home, it may be worth separating your savings depending on their type. This is because we assess jointly held capital as being equally owned.

For example, you and your spouse have joint savings of £57,000 - we assess your half share as £28,500 which is £2,250 above the capital limit to qualify for additional financial assistance. If you then use £3,250 of your capital paying for your care, unless you have separated your savings you still may not qualify for additional financial assistance.

1) Savings not separated - £57,000  
Less     £ 3,250  
=           £53,750

We assess your half share as £26,875 which is still £625.00 above the limit to qualify for assistance.

2) Savings separated -     £28,500  
Less     £ 3,250  
=           £25,250

Your capital has reduced to £25,250 and you are eligible to apply for additional financial assistance.

This example illustrates that if you do not separate your savings, you may use some of your partner's share of your savings to pay for your care before qualifying for additional financial assistance. It may not be easy to separate joint savings, depending upon the type of investment. We recommend you seek independent advice.

### **What can I spend my money on?**

When you live permanently in a care home, your greatest expenditure will be your care home fees. You may wish to provide items for your room, e.g. furniture, carpets, television, telephone etc. If you do have this type of expenditure it is advisable to keep receipts for any future financial assessment. You may also have additional regular expenditure e.g. clothing, toiletries, sweets, drinks, trips, hairdressing etc. When you are self-funding, you do not need permission from social work to spend your savings. However, when you come to apply for additional financial assistance we need to establish that your savings have reduced at a reasonable rate.

It is estimated that approximately £2,500 per year is a reasonable amount to meet any ordinarily additional requirements you may have.

### **Can I give my savings away?**

If you give gifts of money this may be considered as "deprivation". There is no specified amount which you are allowed to give away. If your total additional expenditure (after payment of care home fees), is above £2,500 we will ask what the money was spent on. The question of deprivation may have to be considered. Each case is considered carefully on its merits, including the amounts, reasons and frequency of any gifts given.

### **What do I do when my savings reduce?**

Once your capital has reduced to £26,250 you can apply to East Dunbartonshire Council for additional assistance. You should contact the

social work community care finance section when your capital is approaching £26,250 and a financial reassessment will establish whether your capital has reduced at a reasonable rate. We will need verification of your original savings when you entered care as well as your current capital balance. You should maintain a record of your capital, income and expenditure, for example details of proceeds from any house sale, copies of bank statements and any bills or debts which may fall to be paid from the capital.

**Please note that we cannot backdate additional financial support.**

## Part 5 Deprivation of capital

This section provides a summary of the rules in deprivation of capital and how it may affect a financial assessment for help with paying for the cost of residential or nursing home care.

**NOTE This is a matter of considerable legal complexity. People affected by these rules are encouraged to seek their own legal advice.**

### What does deprivation of capital mean?

If you disposed of capital (e.g. a house) to avoid it being included in the financial assessment, this will be considered deprivation.

### Why do we ask about your past capital or assets?

The law states that the council have a duty to consider deprivation of capital where an application for financial assistance is received. East Dunbartonshire Council is legally obliged to consider capital or assets held for a period before admission to a residential or nursing home. East Dunbartonshire Council presently consider assets back to 1993, as this is the date the legislation came into force.

### Why does this affect my request for financial assistance?

If it is decided that deprivation has occurred, we may reduce or refuse financial assistance towards the cost of the residential or nursing home.

### What if I previously owned a house?

If your name was on the title deed at any time, we are required to look into why your name has been removed from the title deed.

All information received is then considered in consultation with our legal services department.

### What if someone else paid for the house?

If someone else put up the original purchase price to pay for the property, then East Dunbartonshire Council would require to see written evidence of this. If evidenced, this amount would be deducted from the value of the property in the financial assessment process.

### If deprivation is deemed to have occurred, how is the value of the house assessed?

If the deprivation involves a house, we will establish its value on the open market. We will

then disregard 10% of the value, and the balance will be deemed to be notional capital.

### What is notional capital?

Notional Capital is capital you are treated as having even though you no longer have the actual capital asset.

### How does capital affect financial assistance?

We cannot offer financial assistance, over and above free personal and nursing care, if you have capital of over £26,250. (Including notional capital).

### Will I be able to get financial assistance in the future?

Given the necessary information, we will be able to estimate how long it will take for your assessed capital to fall to £26,250. This calculation is based on the difference between your assessed capital and £26,250 divided between your income (less a personal allowance) and the cost of accommodation.

#### Example

Assessed capital	£31,000
less	<u>£26,250</u>
Excess capital	<u>£ 4,750</u>

Weekly Income £350  
(for an example of calculation of weekly income see page 3)

Weekly Care Home Cost	£750
Less (free personal + nursing care payment)	
	<u>£249</u>
=	<u>£501</u>
Less (income)	<u>£350</u>
=	<u>£151</u>

£4,750 divided by £151 = 31.4569

In this example you would have to pay the full costs for 32 weeks.

Financial assistance will be considered from when your capital is assessed to have fallen to £26,250. At that time we will reassess your application ignoring the first £16,250 of assessed capital, but a weekly tariff income will be calculated on the balance between £16,250 and £26,250.

### **Can I challenge the decision on deprivation?**

You or a person acting on your behalf may disagree with the decision that you have deprived yourself of capital in order to get or increase financial assistance with the cost of residential or nursing home care.

Where a complaint is about a decision relating to deprivation of capital, the social work complaints process will also apply.

A Stage 1 complaint should be raised in the first instance to the Social Work Finance Team.

Stage 2 is then dealt with by senior managers within Legal Services and Social Work Finance,

with the provision for an appeal to be considered by the Head of Social Work. (complainant should be issued with a summary booklet at this stage).

If the complainant is still not satisfied, the case may then be referred to a Complaints Review Panel (CRP). The complainant needs to request a CRP.

They should have been provided with a complaints summary booklet at Stage 2 of the complaints process which provides them with all the information they need to follow a complaints procedure through to CRP.

## APPLICATION FOR PERSONALCARE FUNDING

Please complete Part 1 or Part 2

<b>1. I wish to apply for Free Personal Care and/or Nursing Care Funding from East Dunbartonshire Council when resources have been identified and available.</b>	
Name:	Date of Birth:
National Insurance Number:	
Address of Care Home:	
Signed:	Date:
<b>2. I do not wish to apply for Free Personal and/or Nursing Care Funding.</b>	
Name:	Date of Birth:
Address of Care Home:	
Signed:	Date:
<i>Note: I do not wish to provide my financial details at this stage and have been advised of the implications of this.</i>	
Signed:	Date:

This authority is under a duty to protect the public funds it administers, and to this end will use the information you have provided on this form that the prevention and detection of fraud. It will also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see the East Dunbartonshire Council NFI website (<http://www.eastdunbarton.gov.uk>) or contact Shared Services, Southbank Marina, 6 Strathkelvin Place, Kirkintilloch, G66 1XT.



## Contact List

### Social Work Offices

Southbank House  
Strathkelvin Place  
Kirkintilloch  
G66 1XQ  
Tel: 0300 123 4510  
Website: [www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

### Kirkintilloch Health & Care Centre

10 Saramago Street  
Kirkintilloch  
G66 3BF  
Tel: 0141 232 8200  
Website: [www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

### Advocacy Services

#### Ceartas Advocacy

Suites 5-7 McGregor House  
10 Donaldson Crescent  
Kirkintilloch  
Glasgow  
G66 1XF  
Tel: 0141 775 0433  
Fax: 0141 776 1369  
Email: [info@ceartas.org.uk](mailto:info@ceartas.org.uk)

### East Dunbartonshire Association for Mental Health (EDAMH)

24 Crossveggate  
Milngavie  
G62 6RA  
Tel: 0141 955 3040  
Fax: 0141 955 3041  
Email: [info@edamh.org.uk](mailto:info@edamh.org.uk)

### Dept of Works and Pensions

The Pension Service  
PO BOX 19013  
MOTHERWELL  
ML1 3YW  
Tel: 0845 6060265

### The Care Commission

1 Smithhills Street  
PAISLEY  
PA1 1EB  
Tel: 0141 843 4230  
Email: [enquiries@carecommission.com](mailto:enquiries@carecommission.com)

### East Dunbartonshires Citizens Advice Bureau

11 Alexandra Street  
Kirkintilloch  
G66 1HB  
Tel: 0141 775 3220  
Fax: 0141 775 3221  
Email:  
[bureau@eastdunbartoncab.casonline.org.uk](mailto:bureau@eastdunbartoncab.casonline.org.uk)

### Carers Link East Dunbartonshire

Milngavie Enterprise Centre  
Ellangowan Road  
Milngavie  
GLASGOW  
G62 8PH  
Tel: 0800 975 2131 or 0141 955 2131  
Email: [enquiry@carerslink.org.uk](mailto:enquiry@carerslink.org.uk)  
Website: [www.carerslink.org.uk](http://www.carerslink.org.uk)