

Help to pay your care home fees

Information and general guidance about how to pay your fees and applying for financial assistance

April 2024



Funding the cost of your care

This booklet explains the funding options for residential care services and aims to answer any questions you may have.

Your residential care home fees are your responsibility. You are liable to pay all of your care costs yourself from the date of your admission, unless you qualify for financial assistance.

To help give you an indication about whether you will be eligible for financial assistance, you can use the Council's online ready reckoner tool by going to:

[www.leeds.gov.uk/
PayingForCareHomes](http://www.leeds.gov.uk/PayingForCareHomes)

You must have a financial assessment to see if you qualify for financial assistance. Please read the examples of financial assessments on page 15 to give you a basic idea of how financial assistance is calculated.

Residential care is living in a residential setting or 'care home' as opposed to living in your own home. If you're unable to live independently even with extra support, you may need to consider residential care.

If you are considering going into residential care and require help

with this you can contact Leeds City Council on: **0113 222 4401 (Monday to Friday, 9am to 5pm)** and ask for a care needs assessment.

Care Home Settings

Residential care can be provided in various types of care home settings such as:

- Residential care only
- Residential care specifically for the elderly and mentally impaired (EMI)
- Nursing care only
- Nursing care (EMI)

Some care homes advertise as: 'Care Homes with Nursing' meaning they will take both residential clients and nursing clients. There are many care homes to choose from. Care homes are run by:

- Private individuals
- Large organisations
- Voluntary groups
- Leeds City Council

Cultural or religious needs

Sometimes care homes can cater specifically for people of particular cultures or religions.

Find out more

For more information about care homes please visit:

www.leedsdirectory.org

How much will it cost to live in residential care?

The cost depends on:

- The care home you choose and how much the care home charges for their services
- Whether or not you qualify for any financial assistance from the Council

Is everyone responsible for paying their own care home fees?

There are some exceptions but in general, everyone in residential care is responsible for paying their own care home fees unless:

- Your placement has been arranged and is provided under Section 117 of the Mental Health Act 1983.
- You are placed temporarily in a care home funded by the NHS.
- Your care home placement is known as “transitional” and will not last for more than 4 weeks. However, this excludes any extra charges over and above the Council’s negotiated rate. See page 19.
- You qualify for full NHS Continuing Health Care Funding.

If your circumstances change your eligibility for Continuing Health Care Funding can be cancelled. If this happens you will be responsible for paying your care home fees from the date the funding is cancelled.

The Care Home You Choose

Private sector care providers can choose how much to charge you for a care home placement as a self-funder.

However, if you are relying on financial assistance to help you pay, the Council will take into account your care needs and negotiate with the care home to agree the overall cost of your placement.

You must pay the amount you have been assessed as being able to afford towards the overall fee negotiated.

Please see page 19 about extra charges if you are thinking about choosing a placement which costs more than the overall fee the Council has agreed.

To work out whether you qualify for any financial assistance, you must have a financial assessment.

Financial assistance is strictly means-tested

Financial Representation

If you have the capacity to deal with your own financial affairs, we will deal with you directly regarding your application for financial assistance.

I have financial capacity but I would prefer someone else to deal with my application for financial assistance.

If you wish to nominate someone else to deal with your application on your behalf, you must give your written consent. To do this both you and the person you nominate must sign a representative nomination form which must be witnessed.

Your social worker will provide you with this form and they can also sign it as a witness.

Your social worker will provide the Financial Assessment Team with a copy of the signed form so that we can legally deal with your nominated representative.

We will not be able to deal with anyone else (including your partner) unless you give your written consent.

It is a good idea to make a Lasting Power of Attorney whilst you still have the capacity to do so. See Page 5

What if I have lost capacity to deal with my financial affairs?

If you are no longer able to deal with your own financial affairs we can deal with someone else on your behalf but only in certain circumstances.

We cannot deal with anyone else unless they have the legal right to deal with your financial affairs.

Evidence of another person's legal right to act on your behalf must be provided before a financial assessment can be started.

Your social worker will verify any necessary documents.

Your social worker will provide the Financial Assessment Team with a copy of the documents so that we can legally deal with another person on your behalf.



Financial Representation

I have lost capacity. What evidence does my social worker need to verify before you can deal with someone else on my behalf?

If you have lost capacity to deal with your financial affairs, your social worker must verify one or more of the following original documents:

- A Lasting Power of Attorney for property and financial affairs
- An Official Deputyship Order
- DWP Appointeeship letter (BF57 form)

Can you deal with my DWP appointee in all cases?

No. If you have income and savings aside from any welfare benefits you get, we will not be able to deal with your DWP appointee. Your DWP appointee will need to apply to the Court of Protection to become your legal deputy so that they have the legal right to deal with all your financial affairs.

How does someone apply to become my legal representative?

There are different application processes depending on which type of legal representation a person applies for.

Appointeeship by the Department for Work & Pensions (DWP)

A person can apply for the right to receive and deal with the benefits of someone who cannot manage their own affairs because they are mentally incapable or severely disabled. The DWP would normally visit to arrange an appointeeship. The DWP confirms appointeeship by issuing a BF57 form. For more information go to:

www.gov.uk/become-appointee-for-someone-claiming-benefits

How long does it take?

The DWP will usually visit you and your representative within around two weeks.

Financial Representation

Lasting Power of Attorney (LPA)

If you **still have capacity** and you have already appointed an attorney, you must explicitly consent to your attorney acting on your behalf.

A Lasting Power of Attorney can be registered as soon as it is drafted, or at a time when you lose capacity. If you lose mental capacity, any existing LPA must be registered with the Office of the Public Guardian (OPG) before it becomes valid.

How do I draw up a Lasting Power of Attorney?

You can draw up a Lasting Power of Attorney agreement at any time, **providing you have the capacity to do so**. You can arrange this yourself by visiting:

<https://www.gov.uk/power-of-attorney>

or you can arrange this through a solicitor.

How long does it take to register and do I have to pay anything?

It can take up to 10 weeks for the LPA to be registered, and there is a registration charge to pay, unless

you qualify for a reduction or exemption.

Can I draw up a Lasting Power of Attorney after I have lost capacity?

No. You must have full mental capacity at the time you draw up a Lasting Power of Attorney. If you have lost capacity you cannot draw up a Lasting Power of Attorney.

I did not draw up a Lasting Power of Attorney before I lost capacity. What other options are there?

If you have no Lasting Power of Attorney in place and a mental capacity assessment deems you as not having capacity, then someone else must make an application for Property and Affairs Deputyship to the Court of Protection.

Can I check to see if I already have a Lasting Power of Attorney?

Yes. You can ask for a search of the Office of the Public Guardian (OPG) registers by going online to: www.gov.uk/government/publications/search-public-guardian-registers

Financial Representation

How to become a Deputy under the Court of Protection

If you have not made arrangements for others to manage your finances, and you lose capacity, then someone must apply for a court order to make decisions for you.

How long does it take?

Deputyship applications may take up to 16 weeks to be dealt with.

How to apply

If someone decides to act for you because you no longer have the capacity to make financial decisions, it is recommended that they seek legal advice. This is so that they fully understand their responsibilities, and that they are able to apply to become a deputy. The court order can be arranged through a solicitor or a person can apply to the court themselves by visiting:

www.gov.uk/become-deputy

Do I have to pay anything to apply for Deputyship?

Yes. Fees are payable to the Office of the Public Guardian by the person receiving the care and support. The fees are for application, supervision and annual report. Other fees are payable depending on circumstances. You are responsible for meeting all charges relating to deputyship that are set by the Court of Protection.

Who can apply to become my deputy?

Family members, friends or solicitors can apply to be your Property & Affairs Deputy.

I have no one to become my deputy What other options are there?

Where there is no one capable, willing or able to manage your financial affairs, the Council may apply for both appointeeship and deputyship and make decisions on your behalf.

The Council makes a charge for providing this service.

Financial Representation

Is the Council always the last option?

Not always. Your social worker may refer your case to *Law Desk Legal* which is a group of solicitors who will be happy to apply to become your deputy.

Don't delay in organising financial representation if you need it.

The longer a person waits to apply for legal representation, the longer the delay in considering an application for financial assistance.

I do not qualify for financial assistance because of the amount of money I have in savings. No-one can access my money until they are appointed as my deputy, yet I still need to pay my care fees. What can be done?

The Court of Protection can grant an urgent interim order or an emergency court order, in certain circumstances, e.g. when someone's life or welfare is at risk and a decision has to be made without delay.



Mental Capacity Act 2005

If the court agrees, the person applying for deputyship will be able to make necessary decisions on your behalf.

The urgent application must be for a specific decision that needs to be made without delay, e.g. to get money from the person's bank account to pay outstanding care home fees.

How do I apply for an urgent interim order?

The person applying to become your deputy can get an urgent interim order if their application has not yet been approved. Details of how to do this are online at:

www.gov.uk/emergency-court-of-protection



Advocacy Support

Am I entitled to an independent advocate to help me with my application for financial assistance?

You may be entitled to an independent advocate under the Care Act 2014 and you meet the conditions.

What are the conditions?

There are two conditions:

- You must have “**substantial difficulty**” in being fully involved with your assessment, care and support planning and review or safeguarding.
- There is no-one else “**appropriate and available to support**” you and represent your wishes.

What does “substantial difficulty” mean?

To qualify you must have substantial difficulty in any one of the following areas:

- Understanding relevant information.
- Retaining information long enough to be able to weigh up options and make decisions (this is also called ‘substantial difficulty in engaging.’)

- Not be able to understand the advantages or disadvantages of options available.
- Communicating your views, wishes and feelings.

What does “appropriate and available to support” mean?

An advocate must be able to support you and be involved in your care and support. They cannot be employed by the Local Authority or paid to support you in another role.

I have an appropriate person to support me already, so do I need an advocate?

Only if there is a disagreement between the Local Authority and your appropriate person and all agree that the involvement of an advocate would benefit you.

How do I get an advocate?

If you meet the two conditions above, the Local Authority must refer you for an independent advocate. In Leeds this means that your social worker will make a referral to Advonet. Advonet will then allocate an advocate to help you.

Further information

More details about Advonet’s services are available online at www.advonet.org.uk or you can telephone them on 0113 244 0606.

Applying for financial assistance

What if I have savings & investments of more than £23,250?

It is unlikely you will qualify for financial assistance. However, when your savings & investments have nearly reduced to £23,250, you should contact the Council on 0113 222 4401 to apply for financial assistance. If you find yourself in this position you must make arrangements with your care home to make payments to them from the date you move into the home.

Reapplying for assistance

When your savings have reduced, do not delay in contacting us as any financial assistance you qualify for will only be backdated to the date you got in touch. You should get in touch **3 months** before your savings and investments fall below £23,250.

You must continue to pay all your care fees yourself until a full financial assessment is completed.

What if I have savings & investments of less than £23,250?

It is likely that you will qualify for financial assistance.

If you are being placed in a care

home because your social worker has decided you have eligible care needs. Your social worker will request a financial assessment on your behalf.

Light-touch financial assessment

Whilst you await the outcome of a full financial assessment, and to ensure you are not charged more than you can afford to pay, the Council will undertake a "light-touch" financial assessment based on the assumption that your only financial resources are basic state benefits.

The amount you must pay varies by age and disability benefit entitlement.

We will write to you to tell you how much you need to pay. (see page 12 for minimum payments.)

Full financial assessment

Following your light touch assessment, you must have a full financial assessment (means-test) based on your true financial circumstances. (see page 11)

The Financial Assessment Team will write to you once they have received your application for financial assistance from your social worker.

The letter will explain everything you need to provide for your application to be considered.

Applying for financial assistance

What information will I need to provide for my full financial assessment?

Examples of evidence required:

Welfare Benefits

- Recent benefit award letters from the DWP or up-to-date bank statements showing details of these payments.

Occupational / Private Pensions

- Letters from works pensions or annuity providers including any draw-down arrangements you may have made to access pension funds early. Evidence of pension payments made by you to your spouse (if applicable.)

Bank statements

- Transactional bank or building society statements or pass books for **all accounts** held covering the period of at least 12 months prior to the date you went into a care home up to the present day.

Investments

- Details of any shares, national savings products, bonds etc.

Property & Land

- Details of any property or land owned or previously owned,

including your main or only home and any other income and investments.

How quickly do I need to provide the financial information needed?

As quickly as possible. You will be asked to provide all your information within a few weeks. If you do not provide the information required, we cannot complete a full financial assessment.

What happens if I do not provide the information?

If we do not receive the information requested, **you will not qualify for financial assistance** and you remain liable to pay all your care home fees yourself.

Where you do not provide the necessary information, we will notify you in writing that you do not qualify and we will also notify your care home.

The Council will send you a bill for any fees paid on your behalf whilst you were waiting for your full financial assessment to be completed.

You must pay your care home directly for any ongoing care fees. We will tell you more about this when we write you.

Applying for financial assistance

What happens if I do not qualify for assistance?

If you **do not qualify** for assistance because your income or capital is too high, we will write to you to let you know. We will also notify your care home.

The Council will send you a bill for any fees paid on your behalf whilst you were waiting for your full financial assessment to be completed.

You must pay your care home directly for any ongoing care fees. We will tell you more about this when we write you.

What happens if I do qualify for assistance?

If you **do qualify for** assistance, we will write to you with a breakdown of how your financial assessment has been calculated. The letter explains how much money you have to pay towards the cost of your care home fees and what you need to do.

After your full financial assessment, if your financial circumstances are different from those used in the "light-touch" assessment (see page 9), the amount you must pay will be revised and backdated accordingly.

What happens after my full financial assessment is completed?

On completion of your full financial assessment, one of the following three outcomes will apply to you:

1. The full financial assessment confirms you have not paid enough towards your care fees

This means the Council has paid your care home too much financial assistance and you will be required to repay the Council the monies owed. A bill will be issued to you.

2. The full financial assessment confirms you have paid too much towards your care fees

In the unlikely event that the Council has not paid enough financial assistance, we will pay your care home any shortfall in assistance owed. This will put you in credit with your care home.

3. The full financial assessment confirms you have paid the right amount towards your care fees

If the amount of financial assistance you qualify for remains the same as the minimum amount you have been paying, you will be required to continue to pay your home the same amount each week.

Paying your care fees

Who do I pay?

You should pay your ongoing care fees directly to your care home unless you live in a Leeds City Council care home, in which case the Council will send you a bill.

Revised and backdated payments

Once a full financial assessment is completed, if your financial circumstances are different from those used in the "light-touch" assessment, the amount you must pay will be revised and backdated accordingly.

How is my financial assistance paid?

Leeds City Council will pay any qualifying financial assistance directly to your care home. Financial assistance will remain in place for the duration of your stay in your care home or until you have a change in your circumstances.

What if my financial circumstances change?

You must report any change in your financial circumstances straightaway as it may affect the level of financial assistance you qualify for. Failure to report a change in circumstances may result in legal proceedings.

Minimum payments under a light touch assessment

The table below shows you how much you will be assessed to pay each week under your "light-touch" financial assessment. The amounts vary according to your age and disability benefit entitlement.

Once your full financial assessment is completed, the amount you must pay may change. (see page 11)

	Per week
State Pension Age and over	£188.00
Aged 25 to State Pension Age	£156.70
Aged under 25	£137.80

How is my financial assistance worked out?

Income

Most income is counted in the financial assessment. In general you must use all of your income to pay for your care home fees minus an amount for personal expenses.

Examples of Income included:

- State Retirement Pension
- Occupational Pension/Private Pension
- Pension Credit
- Income Support
- Employment & Support Allowance (ESA)
- Severe Disablement Allowance
- Armed Forces Independence Payment
- Disability Living Allowance (DLA) Care Component
- Attendance Allowance (AA)
- Personal Independence Payment (PIP) Daily Living Component
- Industrial Injuries Disablement Benefit
- Universal Credit

Examples of Income ignored:

- War Disability Pension
- War Widows Pension
- Earnings
- Working Tax Credit
- Disability Living Allowance Mobility Component
- Personal Independence Payment Mobility Component
- War Widows Supplementary Pension
- Guaranteed Income Payments from the Armed Forces Compensation Scheme
- Armed Forces Independence Payment Mobility

How much am I allowed to keep for personal expenses?

The Government sets this amount each year. From April 2024 the amount is set at £30.15 per week.

If your stay is **temporary**, we may increase this personal expenses allowance in certain circumstances.

If you qualify for extra benefits but you choose not to claim them, we must still include the money you could have claimed in your financial assessment. It is therefore in your own interests to claim your full entitlement to welfare benefits.

How is my financial assistance worked out?

Capital

Savings and investments

If you have savings and investments of £14,250 or less they will be ignored completely.

If you have savings of above £14,250 to £23,250, they will be looked at to work out how much financial assistance you are allowed.

Examples of Capital include:

- Bank / Building society accounts
- Property
- Land
- National Savings Certificates
- Premium Bonds
- Stocks & Shares
- Trust Funds

For every £250 you have between £14,250 and £23,250, £1 will be considered as extra weekly income. This is known as tariff income.

The value of your property

Generally, the value of all property is counted in a financial assessment for a **permanent** residents, however the value of the property you physically lived in as your main and only home immediately prior to going into a care home might not be counted for up to 12 weeks from the date of admission. (See page 16)

All other properties you own, but did not live in as your main and only home immediately prior to moving into a care home.

The value of these properties, is **counted as part of your overall capital assets from admission.**

The properties are not eligible for the 12 weeks property disregard (see page 16), nor a deferred payment agreement (see page 17).

Please note that any personal debt cannot be taken into account in your financial assessment.



Examples of financial assessments

Example A

Michael is a resident in permanent care. He has savings of less than £14,250 and owns no property. Michael has been assessed by a social worker as needing permanent residential care. The Council's negotiated rate for the cost of his care is £694.00 per week.

<u>Weekly Income</u>	
State Pension	£209.67
Private Pension	<u>£ 25.81</u>
Total Income	<u>£235.48</u>

<u>Ignored amount</u>	
Personal Expenses	<u>£ 30.15</u>
Total Ignored amount	<u>£ 30.15</u>

$$(\text{£}235.48 - \text{£}30.15) = * \text{£}205.33$$

Financial Assistance Michael qualifies for **£488.67**

Michael pays *£205.33

Total Care Costs **£694.00**

Example B

Grace is a resident in permanent care. She has savings and investments of £18,436 and owns no property. Grace needs permanent nursing care for the elderly, mentally impaired. The Council's negotiated rate for the cost of her care is £854.00 per week.

Grace has more than £14,250.00 in savings and investments. Each week she must use some of her capital towards funding the cost of her care home fees until her capital falls below £14,250.00.

<u>Weekly Income</u>	
State Pension	£229.64
Private Pension	£ 45.09
Tariff Income from savings	<u>£ 17.00</u>
Total Income	<u>£291.73</u>

<u>Ignored amount</u>	
Personal Expenses	<u>£ 30.15</u>
Total Ignored amount	<u>£ 30.15</u>

$$(\text{£}291.73 - \text{£}30.15) = * \text{£}261.58$$

Financial Assistance Grace qualifies for **£592.42**

Grace pays *£261.58

Total Care Costs **£854.00**

How is my financial assistance worked out?

Is the value of the home I lived in immediately prior to going into a care home taken into account?

If you are **temporarily** in a care home, the value of your own home is ignored. If you are **permanently** in a care home but your partner still lives in the property, your share of the value of the property is ignored. In certain other circumstances the value of the property may be ignored but this depends on individual circumstances which will be considered.

12 Weeks Property Disregard period for permanent residents

If you own the property where you physically lived immediately prior to going into a care home, and you have **less than £23,250** in savings and investments, you are likely to qualify for financial assistance but **only for the first 12 weeks of your permanent placement**. This is because the value of the property you lived in is disregarded for this limited period. **NB: the value of any other property you own is not disregarded.**

However, other than in the circumstances already mentioned, the value of your own home will be

counted after **the first 12 weeks of your permanent placement.**

Making a decision about how you will fund your own care costs if you have a property.

During your first 12 weeks in **permanent care** you must decide how you intend to fund the cost of your care from week 13 onwards. For example, to sell your property, or perhaps to consider a Deferred Payment Agreement—see page 17 for further details.

I have previously been funding all of my own care costs but I now need to apply for financial assistance. Will you count the value of my property?

Yes. In most cases, you are unlikely to qualify for the 12 weeks property disregard period if you later apply for financial assistance because you will already have been in permanent care for more than 12 weeks.

How much will I be liable to pay if I no longer qualify for financial assistance?

Your care home will tell you how much your overall weekly fees will be. You will be liable to pay the rate agreed between you and your care home. Your agreement with the care home will become a private contractual agreement with no involvement from the Council.

Do I have to sell my home to pay for my care?

Not always. If you do not want to sell your home you may be eligible to apply for an interest-bearing loan from the Council to help you pay your care home fees. The loan is called a Deferred Payment Agreement.

How does a Deferred Payment Agreement work?

A Deferred Payment Agreement is a way of deferring most of your care home costs which you then have to repay at a later date.

It is designed to help you if you have been assessed as having to pay the full cost of your residential care, but cannot afford to pay the full weekly charge because most of your capital is tied up in your home.

How does the Council loan me the money?

You must use your home as security. A loan can only be offered if your property is registered with HM Land Registry. You must ensure your property is registered before applying for a loan.

The Council will loan you an agreed amount of your weekly care and support fees whilst ever you have sufficient equity in the value of your home to cover your debt and any related charges.

Do I have to pay any weekly costs if I opt for a Deferred Payment Agreement?

Yes. We will complete a financial assessment to work out how much you must pay each week towards your care home fees from your available weekly income.

Can I rent out my house to help with my care costs?

Yes. You may decide to rent out your home and use the rental income to pay towards the cost of your care home fees. Leeds City Council will loan you the difference between the full cost of your care and the amount you are assessed to pay each week.

How do I keep track of the amount I have borrowed?

You will receive a statement twice a year as at 30 June and as at 31 December advising you how your loan is being calculated and what the outstanding sum on your Deferred Payment Agreement is.

Interest will be applied to your outstanding debt on a daily basis and fees apply.

For more information about deferred payments go to: [www.leeds.gov.uk/Deferred Payments](http://www.leeds.gov.uk/DeferredPayments)

You can also seek your own independent financial advice - see page 20.

Important Legal Information

Please be aware that if you are making an application for financial assistance to help reduce your care home costs, the law requires you to declare your true financial circumstances. **Failure to do so could render you or your representative liable to legal proceedings.**

Deprivation of Assets

The law states that you must not give away money or property or sell it at a below market value in order to secure more financial assistance from the state. If you have done this you will be treated as if you still owned it. The money or property will be treated as “notional capital” and it will affect the amount of assistance you can get. The people you have given the asset to might also become liable to pay your care home fees.

Placing a property in Trust

Trusts are legal devices designed to hold assets on behalf of named beneficiaries. With a trust owning the assets, you might have been advised that those assets will no longer be counted in your application for financial assistance.

However the law states that you must not place your property in trust in order to secure more financial assistance.

If you do this you will not qualify for financial assistance and you will have to pay all your care home fees yourself.

If you have been advised to place your savings or property in trust to protect your investments from being used to pay care home fees, you have been given the wrong advice. The law states that you must not transfer the ownership of assets like a home or savings into a trust to avoid or reduce your care costs.

Financial assistance is strictly means-tested so, if the Council believe you have placed your house (or any of your assets) in trust in the avoidance of paying care fees, we will decide that you have deprived yourself of your own assets to take advantage of state financial assistance and you will not qualify.

The Council will use its powers to investigate thoroughly all applications for financial assistance in accordance with the *Care & Support Statutory Guidance*.

Extra Charges

I have chosen a care home which costs more than the Leeds City Council negotiated rate.

If you are **not relying** on financial assistance to help you pay your care home fees, it is entirely your choice to pay whatever you agree for your care costs. However, if you **are relying** on financial assistance you will only receive assistance up to a maximum of the Council's negotiated rate.

If you **are relying** on financial assistance but decide you want to choose a more expensive care home or choose more expensive accommodation within a particular care home, the extra charges must be met by a third party such as a family member or a friend. These extra charges are often referred to as a "third party top-up."

Apart from during a 12 weeks property disregard period, unless your services are provided free under Section 117 of the Mental Health Act 1983, you are not allowed to pay any extra charges above the Council's negotiated rate yourself.

Any extra charges must be paid directly to the care home by your family or friends.

Why can't I pay the extra charges myself?

If you pay the extra charges out of your own savings, your savings will reduce. If this happens you will become reliant on a higher level of state financial assistance sooner than necessary and this is not allowed.

A family member has said they will pay the extra charges for me. What should they consider?

People often agree to pay top-up fees with the best intentions. However any third party must consider the long term affordability of this option taking into account that the length of your placement is unknown.

What happens if the third party stops paying the top-up fees?

If a third party agrees to pay top-up fees, their contribution will form part of your contract with your care home and they will be asked to sign that contract. If they stop making top-up payments it is highly likely that you will have to move to cheaper, more affordable accommodation.

Independent financial advice

The information provided in this booklet is for guidance only and does not constitute legal or financial advice.

Leeds City Council strongly advises you to take independent financial advice regarding your long term funding options for your care home fees.

Where can I get financial advice?

The Council is not allowed to give financial advice directly, but there are independent organisations and services you can go to for financial advice.

Some organisations are national and some more local to Leeds.

Do I have to pay for financial advice?

It depends. Some organisations offer free advice and others may charge.

Will the Council pay for my financial or legal advice?

No. Leeds City Council will not pay for any costs you have incurred for either financial or legal advice.



Useful Contacts

Society of Later Life Advisors (SOLLA) which aims to meet the needs of people seeking advice about the financial issues in later life by ensuring they can find an accredited adviser local to them. Any financial advice given is chargeable.

www.societyoflaterlifeadvisers.co.uk

Tel: 0333 2020 454

Money Helper which offers free impartial advice to help you manage your money.

www.moneyhelper.org.uk

Tel: 0800 011 3797

Age UK Leeds (Benefits Advice only) which provides services and support to inspire, enable and support older people.

www.ageuk.org.uk/leeds/

Tel: 0113 389 3000

Citizens Advice Leeds which provides free, confidential and impartial advice.

www.citizensadviceleeds.org.uk

Tel: 0808 278 7878

Frequently Asked Questions

What must I do if my financial circumstances change?

You must report any changes straightaway about the money you have coming in, or changes in your savings and investments, or the money you pay out. Any changes may affect the amount of financial assistance you qualify for.

Failure to report a change in circumstances, or deliberately withholding financial information, or any deliberate attempt to claim more assistance than you qualify for is fraud.

If your circumstances change you should telephone Adults & Health on **0113 222 4401** to request a review. An automatic yearly review of your financial assessment will also be carried out to take into account any increase in the State Pension, any increases in any welfare benefits you claim, and any changes to national allowances.

What are care home fees for?

Care home's fees cover all accommodation costs, utility costs, food, social activities and care costs. They also cover staff wages and all the other associated business costs of running a care home.

What help can I get if I make my own arrangements for residential or nursing care?

If you decide to make your own arrangements, without a social work assessment, then we will not be able to help you financially. If you move into a home in this way, you will have to pay all your own care home fees. If you choose a more expensive home than adult social services would normally pay for and your money runs out, you may have to move to a different home if your family cannot pay the additional cost in the future.

How will moving affect my welfare benefits?

If you are paying the full cost of your care home fees you may still get some benefits such as: Disability Living Allowance (care) Personal Independence Payment (daily living) or Attendance Allowance. If you are relying on financial assistance, then these benefits will normally go down or be stopped once you have moved.

Even if you have a partner, once you have moved into a care home **permanently**, you will be treated as a single person for means tested welfare benefits. You should contact the DWP to tell them you have moved because your full entitlement to benefits will be used to work out how much financial assistance you qualify for, whether you claim your benefits or not.

Frequently Asked Questions

How will moving into permanent residential care affect my spouse's benefits?

For welfare benefit purposes, the law treats you and your partner as single people after you have moved into a care home **permanently**. Your partner may therefore qualify for means-tested benefits in their own right after you have moved. Your partner should let the DWP know when you have moved and they will tell them what they need to do to.

What services am I paying for?

Care home fees should cover all the normal things you need. The home should not ask you for any more money, except for extra things such as your own newspaper, chiropody bills or having your hair done. This should come from your personal allowance. (see page 13)

Do I still have to pay if I'm on holiday or in hospital?

Yes. If you go on holiday your place in the home still has to be paid for. If you go into hospital for more than 4 weeks continuously, a social worker has to review the contractual agreement between

you, your care home, Leeds City Council and any third parties to decide if financial assistance should continue.

Do I have to give my financial details?

You don't have to provide any details of your income or savings but if you don't, we cannot assess if you qualify for any financial assistance and you will have to pay the full cost of your care.

How do I pay my care home fees if I live in a Leeds City Council owned care home?

If you live in a residential home owned by Leeds City Council, you will receive a bill every three months.

What is the difference between nursing fees, care fees and third party top up fees?

If you need nursing care the NHS will fund a nursing element to help towards the cost of your overall fees. Care fees are charged in all types of care homes even if there are nursing fees as well. You may qualify for financial assistance to help you pay the care fees element of your costs. Third party top-up fees are extra charges for optional, more expensive accommodation. (see page 19 for more details)

Frequently Asked Questions

I am relying on financial assistance. How will I know what the agreed Leeds City Council negotiated rate is?

The Council will draw up a contract between you, your chosen care home, any third parties (if applicable) and Leeds City Council. The contract will state clearly the agreed rate and the amount each party is agreeing to pay. All parties must sign the contract.

I do not qualify for financial assistance. Do I need to sign a contract with my care home?

Yes. You must sign the contract issued by your care home. The Council will not be involved in this. Even if you have taken out a loan to pay your fees (Deferred Payment Agreement), your contract is with your care home and not with Leeds City Council. Your care home will notify you in writing if they decide to increase their charges.

What happens if I don't pay my care home fees or I stop making payments?

Your care home may take legal action against you to recover the

money you owe. This could result in court proceedings and ultimately eviction. Your credit rating (or your legal representative's) may also be affected.

Is my share of the value of our house still counted in my financial assessment if my spouse still lives there?

No. Your share of the value of your house is disregarded in your financial assessment until such times as your spouse moves house, passes away or the property is sold.

What legislation does the Council use to work out whether I qualify for financial assistance?

When undertaking financial assessments, the Council must act in accordance with:

- *Care Act 2014*
- *Care and Support (Charging and Assessment of Resources) Regulations 2014*
- *Care & Support Statutory Guidance*

You can view all this information online by visiting:

www.gov.uk

www.legislation.gov.uk

How to Appeal

Is there an appeals process I must follow if I disagree with a decision?

Yes. You must follow the process set out below.

What do I do first?

If you disagree with the outcome of your financial assessment you can ask for it to be looked at again by a **different** officer. This is known as a “reconsideration.”

How do I ask for a reconsideration?

You can write to us, you can email us or you can telephone us. Please see the contact details on the next page.

You must tell us why you think the decision is wrong and provide any additional information that you want to be considered.

What happens during a reconsideration?

A senior officer will consider your application for assistance again from the beginning. They will also take into account any additional information you have provided.

The senior officer will tell you whether or not the original decision has changed following a

reconsideration. They will do this by post, phone or email.

I still disagree with the decision. What do I do next?

Following a reconsideration, if you still disagree with the decision, then you can appeal to the Financial Assessment Team Manager by post, phone or email using the contact details on the next page.

What happens during an appeal?

The Financial Assessment Team Manager will review the previous decision made, and check that the law has been applied correctly to your financial assessment.

Once a final decision has been made, you will be notified by post, phone or email.

If I still disagree with the Council's final decision, is there anything else I can do?

Yes. If you are still unhappy with the Council's decision, you can get in touch with the Local Government and Social Care Ombudsman.

Can I go to the Ombudsman straightaway without following the Council's appeals process?

The Ombudsman is unlikely to consider your appeal unless you have followed the Council's appeals process first.

Contact details

What are the Council's contact details?

To ask for a reconsideration or to appeal you may write to the following address:

Adults Operational Services
Community Care Finance
5th Floor East
Leeds City Council
Merrion House
110 Merrion Centre
Leeds
LS2 8BB

Or you can email at:

contacts.ccf@leeds.gov.uk

Or, if you want to talk to us about any aspect of applying for financial assistance to help you pay your care home fees, you can telephone us on:

0113 378 8559
(Monday to Friday 9am to 4.30pm)

Who do I contact if I want to make a complaint rather than an appeal?

If you have a complaint about any other aspect of the financial assessment process, then you may complain to the Adults & Health Complaints Manager.

How do I get in touch with the Complaints Manager?

You can write to the following address:

The Complaints Manager
Leeds City Council
Adults and Health
5th Floor East
Merrion House
110 Merrion Centre
Leeds
LS2 8BB

Or you can email at:

Complaints.socs@leeds.gov.uk

Or you can telephone on:

0113 222 4405

(Mondays, Wednesdays & Fridays
9am to 5pm)

How do I get in touch with the Local Government and Social Care Ombudsman?

You can go to the Ombudsman's website at: www.lgo.org.uk

Or you can telephone them on:

0300 061 0614

Monday to Friday 10am to 1pm,
except Wednesdays 1pm to 4pm)

For More Information go to:

[www.leeds.gov.uk/
PayingForCareHomes](http://www.leeds.gov.uk/PayingForCareHomes)

