

Paying for Residential Care

April 2010



Hampshire
County Council

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Calls to 0845 numbers are free on some BT call plans but will cost between 4p (local rate) and 6p (national rate) per minute for BT customers not on a plan. Calls made using other service providers or mobiles may cost more. Alternatively call 01329 225 390 – standard and local rates may apply to this number.



I. Introduction - What this booklet is about

Paying for Residential Care tells you...

- What information, advice and help Adult Services can give.
- What happens if you have to pay the full cost of care yourself.
- Where you can get independent advice (chapter 2).
- Who qualifies for financial help from Adult Services and what is taken into account in a financial assessment (chapter 4).
- How paying for residential care works for a short stay (chapter 6).
- It also includes a section written specifically for the families and friends of people who are moving into a care home (chapter 8).

The amounts given in this booklet about capital limits and the personal expenses allowance relate to the financial year from April 2009. Check with Adult Services for current rates from April 2010.

Paying for residential care and the law

This booklet summarises the information available about paying for residential care, and is not intended to be a full statement of the relevant law. If you are in any doubt about your position or what you should do for the best you should get independent advice (see chapter 9). If you need further information that is not covered in this booklet you can talk to your Adult Services Care Manager or contact the Residential Assessments Team on 01962 845556.

Advice and help from Adult Services

Moving into a care home permanently is a big step, and carries with it major financial implications. You do not need to come to Adult Services if you decide that you want to move into residential care, but you and your family might find it helpful to talk your situation through with a member of our staff. You are entitled to an assessment of your needs, to help you decide what type of residential home you need, or if you want to explore all the options for support. See page 9 for more information.

Adult Services can help you decide whether residential care is the best option for you. There might be an alternative that would suit you better - for example, moving into sheltered housing, or having extra day-to-day help in your own home. For more information on the different options that may be available to you, see *The Guide to Residential Care*. For a free copy, phone 0845 603 5630.

If it is agreed that residential or nursing home care is the best solution for you, the next step is to decide how you will pay the fees for your care. Adult Services can give some financial help to people whose income, capital and savings are below a certain level, but most other people have to meet the full cost of their care themselves. The rules for deciding who qualifies for financial help from Adult Services and how much they get are laid down by central government, and are the same all over the country.

If Adult Services pays towards the cost of your care, staff will also help you choose and move into a home, drawing up a contract with the home on your behalf. However, Adult Services will only pay a contribution towards the cost of the care. You will be expected to pay an amount towards the care depending on your financial circumstances. If the financial assessment we undertake shows that you are not eligible for any funding help from Adult Services, or if you choose not to provide information about your financial circumstances, you will have to pay the full cost of the care yourself. If you are arranging your own care, Adult Services can give you information and advice about moving into a care home.

Paying for residential care: the basic facts

Most people have to pay a contribution towards the cost of living in a care home, and the amount they pay depends on their financial circumstances. Even someone getting the maximum amount of financial help possible from Adult Services still has to contribute towards the cost of their care.

People who do not contribute to the cost of their care at all are those who have intermediate care for six weeks, those who are subject to an aftercare order under the Mental Health Act, or those who have continuing NHS health care.

Intermediate care is a short stay (up to six weeks) in a care home to help rehabilitate someone after they have been discharged from hospital, or to prevent them going into hospital at all.

Continuing NHS health care is care in a nursing home arranged, provided and completely paid for by the NHS.

Nursing home care paid for by the Health Service ('continuing NHS health care')

If you are in hospital and your consultant decides that when you leave you will need continuing specialist medical and/or nursing care that cannot be provided at home, the Primary Care Trust may pay for this in a nursing home. In these circumstances you may have a choice about which nursing home you move into, but the choice will be limited to homes that can provide the kind of care your consultant says you need.

Financial help from Adult Services

Adult Services can help some people with their care home fees, and to qualify someone must have less than the upper capital threshold in savings and/or capital, and/or a regular income that is less than the price Adult Services would pay for the care they need (see chapter 4). However, Adult Services can only contribute to someone's fees for care if their Adult Services care manager assesses that they need residential care, rather than care to help them stay in their own home.

Anyone asking Adult Services for help with their fees must supply full details of their financial circumstances.

Help from charities

There are some charities that either provide subsidised residential care themselves, or can help with the fees for care. Often these groups are concerned with particular occupational groups (for example, nurses and ex-service men or women). See chapter 9 for more information.

Moving into, or away from, Hampshire

People meeting the cost of their care themselves

If you are paying for your care yourself you can move into any care home that you choose/can afford either in Hampshire or anywhere else in the country (for example, you might want to move elsewhere to be nearer to members of your family).

People needing financial help from Adult Services

Only people who normally live in Hampshire can apply for financial help from Hampshire Adult Services. Anyone who wants to move into a care home in Hampshire from another part of the country and needs financial help with the fees from Adult Services should start by contacting the Adult Services Department where they normally live.

Anyone who wants to move from Hampshire to a home in another part of England and Wales and needs financial help with the fees from Adult Services should contact the Hampshire Adult Services office nearest to where they normally live. See page 30 for contact details.

Doing it yourself

People do not have to contact Adult Services at all if they want to move into a residential or nursing home - anyone who can afford the full cost of care can make their own arrangements with the home they choose. But they can, if they wish, ask Adult Services for information and advice about residential care and for help in arranging their care. Anyone who needs help and support can ask for an assessment of their needs under the NHS & Community Care Act 1990, regardless of their financial circumstances. An assessment can help people to explore all the options available to support them, and may help some people to avoid moving into residential care when they could be supported to remain in their own home, or to move to more suitable accommodation where they can be supported.

For more information, see the leaflet "Who can get help from Adult Services" available by calling 0845 603 5630, or from our website at

www.hants.gov.uk/adult-services/as-publications





2. Meeting the full cost of your residential care yourself

If you are meeting the full cost of residential care yourself we suggest that you take independent financial advice to help you decide what would be the best way for you to do this (see chapter 9).

If you don't qualify for continuing NHS health care, or for financial help from a charity or from Adults Services (see chapter 1) you will have to meet the full cost of your care home fees yourself.

The information in this chapter is for people whose main capital asset is their home, and who need to release this money in some way in order to meet the cost of their care. It tells you:

- How the government's 'free nursing care' works
- Who qualifies for the '12 week property disregard'
- Who can use the deferred payments scheme

- What happens when you can no longer afford to pay for your care
- What you should bear in mind when you are arranging your care.

Nursing care funded by the NHS

If you are assessed by your doctor or consultant as needing nursing care when you move into a care home, you will have to move into a care home with nursing (a nursing home). A nurse makes a further assessment to confirm that you have needs which must be met by a Qualified Nurse. This is called NHS funded Nursing Care and is paid at a single rate. The standard rate from 1 April 2010 is £108.70 a week.

The Primary Care Trust will pay this directly to the home, to cover the costs of the care you need to have provided or supervised by a Qualified Nurse.

You still have to pay for the rest of your care home costs, which include your personal care, which is, for example, help with everyday activities such as washing and dressing, and your accommodation and food.

How much does residential care cost?

The cost of care varies greatly depending on what it is, and/or the facilities that the home offers. Care homes with nursing usually cost more than those without, and in any home a single room with an ensuite bathroom will cost more than a twin room and a bathroom shared with other people.

The amount you pay should cover your accommodation, food and care from staff. You may, however, be asked to pay separately for such things as newspapers, outings, or for services such as hairdressing, chiropody or dry cleaning.

People who need the capital invested in their home to help pay for care

What this means for you

If you have:

- Income, savings and capital that amount to more than the upper capital threshold (see Chapter 4 for details) without taking into account the value of your home;

or

- You have property other than the home you live in;

then you would be expected to pay for your care from these resources rather than using the money invested in your home.

However, if your income, savings and capital only amount to more than the upper capital threshold if the value of your home is taken into account, then you would be expected to consider selling your home to pay for your care. However, no-one can insist that you do so.

Don't forget that there are some circumstances when the value of your home is not taken into account at all in assessing your finances – see Chapter 4 for details.

The '12 week property disregard'

If you might have to sell your home to pay for care, we will give you a breathing space of 12 weeks from the time you move permanently into a care home to decide what you are going to do. You may have been self-funding in a home for a while because your capital was above the current threshold. When your capital reduces you may be eligible for the 12 week property disregard if you still own your property. You will still have to pay towards your care during this period, but Adult Services may contribute towards the cost of your care during this period depending on what other capital, savings or income you have. After 12 weeks you will be expected to pay the full cost of your care as the value of your property will now be included in the financial assessment. However, if you sell your property during the 12 week period, the disregard will end at that point, and you will start paying the full cost of your care from the date the property is sold.

To qualify for the 12 week property disregard:

- Your capital and savings, apart from the value of the property, must be below the current upper capital limit (See chapter 4).
- Your regular income must also be less than the amount that Adult Services have agreed they would pay towards your care.

If you own or part own property that you are not living in prior to going into care then you are unlikely to qualify for the 12 week property disregard. If the property you own is not in Hampshire, you will not qualify for the 12 week property disregard from Hampshire County Council unless you have previously paid the full cost of your care and your capital is now below the threshold. If you are not eligible for this funding from Hampshire County Council you should contact the Local Authority where your property is to see if you would be eligible for any help from them.

For further information about the 12 week property disregard, talk to your Care Manager or contact the Residential Assessments Team on 01962 845556.

Meeting the cost of your care

Selling your home

You may decide that you will sell your home straightaway to pay for your care. If you decide to do this, you should talk to your care manager about paying for your care while the sale of your house or flat is going through.

Deciding not to sell your home

You may decide to raise the money you need in other ways, such as renting out your house or flat to produce more income, taking out a loan, taking out an annuity, or asking members of your family if they could contribute to the cost of your care - or a combination of these.

Everyone's circumstances are different, and we suggest that you and your family take independent financial advice to discuss the options that are open to you, and to help you decide which solution would be the most effective for you (see chapter 9).

The County Council's 'deferred payments scheme'

The County Council's deferred payment scheme offers you an interest-free loan from the County Council using your home as security. It is not a conventional loan that provides you with money upfront. Instead, the County Council pays an agreed part of your weekly bill for care for as long as is necessary. You pay that part of your weekly charge that you are assessed as being able to afford from your income and capital, and the County Council pays that part of your weekly charge that you can't afford because you have capital tied up in your home. The part the Council pays is your 'deferred payment'.

The deferred payments build up as a debt, which is cleared when your house is sold, which can be sooner or later as you wish.

If you use the deferred payments scheme you can claim Attendance Allowance (or Disability Living Allowance) to give you extra income to contribute towards the weekly cost of your care.

You will only be eligible for the Deferred Payments Scheme if your capital (apart from the value of your property) is below the current threshold (see Chapter 4) and your income is less than the cost of

your care. There may be other reasons why you are not eligible for the Deferred Payments Scheme. You can get full details and an application form from your local Adult Services office (Deferred Payments Scheme/SAS13 leaflet).

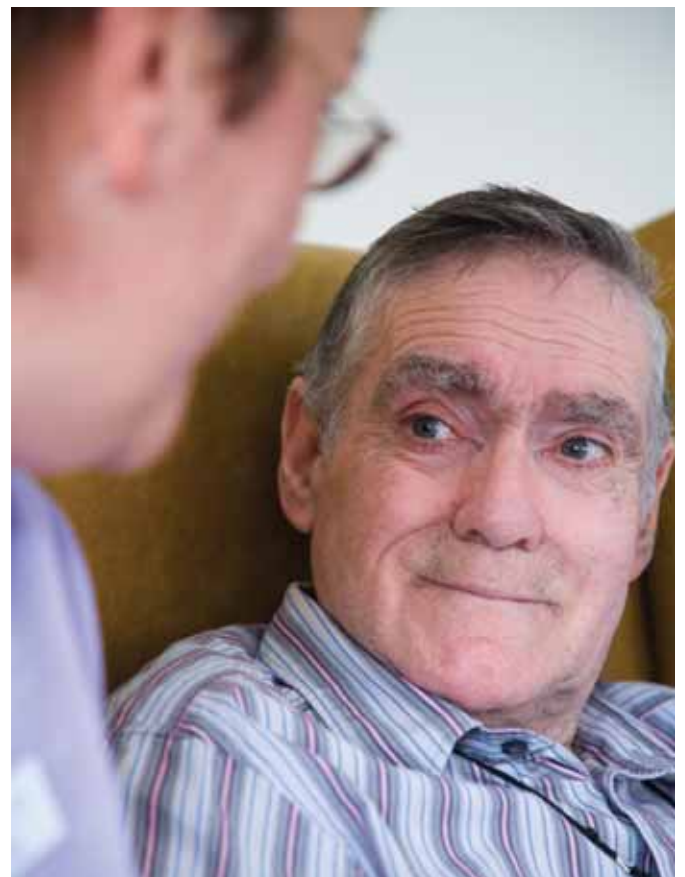
What happens if my resources run out?

Diminishing capital

If you are paying the full cost of your care and your capital falls below the upper capital threshold and your income is less than the price Adult Services would pay for the care you need, you should contact Adult Services.

We would need to assess what care you need as well as carrying out a financial assessment. If you had been paying more than the Adult Services rate for your room we would not be able to maintain this for you.

It is best to contact your nearest Adult Services office to discuss your financial situation as your resources approach the upper capital threshold, rather than wait until they fall below as it can take some time to sort out.



Making arrangements to move into a residential or nursing home

Most people who are meeting the full cost of their residential care themselves, make their own arrangements for moving into a home, often with help from family and friends.

You will need to find a home that you like and that can provide the kind of care you need. You will also need to negotiate a price for your care and to agree what your fee covers, how you will pay it, and when prices will be reviewed/increased. You should also discuss and agree notice periods on both sides and what, for example, happens to your room if you have to go into hospital. All care homes (under the Care Standards Act 2000) should give you a contract that gives these details, and their terms and conditions (or house rules) covering such things as the best times for guests to visit, whether you can keep a pet, who holds the key to your room, what electrical appliances you can have etc.

If you decide that you want to go into a care home run by Hampshire County Council, you should note that fees for care are not negotiable.

Help and advice

The Guide to Residential Care, published annually by Hampshire Adult Services, gives a list of registered care homes in Hampshire, Portsmouth and Southampton. It also includes detailed information about choosing a home to suit you, and a comprehensive list of questions to ask when you are visiting a home. The Guide is available free from your nearest Adult Services office or by phoning 0845 603 5630.

If you wish to have help from Adult Services to make arrangements for your care, this will involve having an assessment of your needs, as this is required by the NHS & Community Care Act 1990. An assessment could be beneficial in ensuring that you have the opportunity to explore all the options for your care and that you are paying for services which are appropriate to your needs.

Also if you choose to make arrangements to move into a care home without an assessment, should you require funding support in the future, it is possible that Adult Services would not be able to provide help with funding if the care you have arranged is not appropriate to meet your needs. For example if you have chosen to move into a care home but do not need residential care and could be supported to stay in your own home, or you have chosen to move into a care home with nursing but do not need any help from a Qualified Nurse.



3. Residential care arranged by Adult Services

What this chapter is about

This chapter tells you when Adult Services can make arrangements to find a place in a care home for you, and describes the contract Adult Services agrees with a care home on your behalf. It also explains what happens if you want a room in a home that costs more than Adult Services can afford.

When can Adult Services arrange care for you?

If we are contributing to the cost of your care we help you find a place in a home you choose and we agree terms with the home owner for you.

Normally we do not do this for people who are paying the full cost of their residential care themselves, but we can if you do not have close family or friends who could help you. However, if we arrange residential care for you, it may not in some circumstances be to your financial advantage,

and we suggest that you take independent advice to make sure that what you do is in your best interest (see chapter 9).

Care arranged in homes run privately or by voluntary organisations when care is funded by Adult Services

Adult Services contract with independent homes

Most independently-run homes in Hampshire have a contract with Adult Services that includes the price they will be paid for a room in their home (the 'Adult Services rate' – See chapter 4), and other terms, such as an agreed notice period on both sides, and what happens when a resident has to go into hospital at any time. These terms automatically apply to anyone whose care is arranged by Adult Services.

If you want to move into a home elsewhere in England or Wales, we can arrange this, if the home you choose agrees to accept the Hampshire Adult Services contract conditions for your care. We will pay the local rate if they insist on it, and we also will pay the local rate if it is lower.

Paying extra: top ups

If you choose a home that charges more than the Adult Services rate, or you want a room that is more expensive (for example, because it has an en suite toilet) it is possible to pay a top up to the home to cover the extra cost.

There are government rules about who can pay this top up, and in most circumstances you are not allowed to pay it yourself.

- It can be paid on your behalf by your family or friends where they are willing to pay this and able to afford it. It is possible to have payments from several different people to make up the amount needed.
- It can be paid on your behalf by a charity (see chapter 9 for organisations that may be able to help).

If someone agrees to pay a top-up for your care, they must continue to pay this during the time you are in the care home. Adult Services cannot pay this amount for you and if it is not paid it may mean you will have to move to a home that does accept the Adult Services rate.

However, under certain circumstances, you may pay it yourself.

You can pay it yourself...

- during the period of your '12 week property disregard' (for more information about the disregard see Chapter 2). Any top up must be paid from capital/income that we are not taking into account in your financial assessment - for more details, please contact the Residential Assessments Team on 01962 845556.
- If you are using the County Council's deferred payments scheme and we have agreed to add the top-up to the deferred debt (see Chapter 2 for information about the scheme: full details are given in the SAS13 application form)

A personal contract

When we arrange residential care for you we draw up a personal contract with the home you move into (often referred to as the 'arrangement' to distinguish it from the overall contract that it is part of).

This personal contract includes details about:

- you, the home you are moving to, and the date you move in;
- the Adult Services office that is funding your care;
- the amount we will pay for your room, and what it covers;
- any top up payments.

When the contract is agreed it is signed by everyone who is affected by it, including:

- you or your representative (for example, a member of your family, or your solicitor);
- the home owner or manager;
- a member of staff representing Hampshire Adult Services;
- anyone who acts on your behalf when dealing with any state benefits that you receive (your 'appointee for benefits' who ensures that any state benefits that contribute to the cost of your care are paid regularly to the home owner);
- anyone who has agreed to pay a top up for you.

Everyone who is involved with the contract should have a copy of it so that they have time to read it thoroughly before they sign it.

A home's terms and conditions

You should not sign any separate contract with the home without talking to your care manager. However, you should be given a copy of the home's terms and conditions, which may cover, for example, such things as the best times for guests to visit, whether you can keep a pet, who holds the key to your room, what electrical appliances you can have etc.

This copy of the home's terms and conditions is not your contract. Because Adult Services is contributing to the cost of your care, the actual contract is between Hampshire County Council and the home you are moving into.

Your contribution

You should make sure that you are clear about the details of how your contribution to the cost of your care is being paid, and that everyone involved knows what is happening and has agreed how and when it will be done. For example, payment might be made on the first day of every month, by a standing order from your bank account. If necessary talk to your care manager about it, and get everything written down.

Price rises

The Hampshire Adult Services rate and the rates of state benefits are normally reviewed annually and any changes are effective from April. You should let the Residential Assessments Officer dealing with your financial assessment know when your finances change. They will tell you if there is any change to the contribution you are asked to make to the cost of your accommodation. If someone is paying a top up for you, he or she should agree with the home owner when and how that payment will be reviewed.

Paying for your care

Whenever possible you should pay your contribution to the cost of your care directly to the owner or manager of the home you have moved into where everyone involved agrees to this. However in some cases payments can be made directly to the County Council (either as a standing order or as payment of a monthly invoice). If you want more information you should speak to your care manager. If you fail to make your agreed payments for your care then legal action may be taken to reclaim the money owing.

There are many different ways you can make your payment direct to the County Council including by post, by Girobank Transfer, by Bank Giro Credit, by Post Office™ Transcash, by Debt or Credit Card or by standing order. The invoice you receive will give you more details on this but if you want more information you should speak to your care manager or the FAB visiting officer:

There may be a delay in sending your first invoice for your care charges. This is while we sort out what you have to pay for your care. Remember not to spend your money (except your personal expense allowance - see page 16) until you have received notification of your charge from the

Residential Assessments Team. We may ask you to pay a standard amount for your care until we have been able to work out your actual charge but an adjusted invoice will be sent once you have received notification of your charge.

Care arranged in homes run by the county council when care is funded by Adult Services

If we arrange care for you in a home that is run by the County Council we ask you to sign an agreement that sets out the terms and conditions that apply to your stay in the home.

This agreement includes details about:

- when your stay will start;
- what your fee covers;
- what happens if you need more care than the home can offer;
- what happens if you need to go into hospital.

Your care manager will discuss your stay in detail with you.

Care arranged when there is no funding from Adult Services

If we arrange care for you because there is no one else who can help you, although we are not contributing to the cost of your care, we will base your contract with the home on the contract described on page 9.





4. Financial help from Adult Services

This chapter tells you...

- Who qualifies for financial help from Adult Services;
- What is taken into account in the Adult Services financial assessment;
- What the Adult Services contribution to the cost of care is based on, and how a resident's contribution is worked out.

Qualifying for financial help from Adult Services

The rules for deciding who qualifies for financial help towards care home fees from Adult Services, and how much they get, are laid down by central government in its Charging for Residential Accommodation Guide (CRAG), which is regularly revised and sent to all local authorities. To qualify for any help towards the cost of your care, including the Deferred Payments Scheme, you must have savings

and/or capital below the current threshold of £23,250 and/or your income must be less than the amount Adult Services agree to pay for your care.

There are three other factors that affect whether you qualify for financial help from us:

- You must normally live in Hampshire;
- We must agree that you need residential care rather than care to help you go on living in your own home;
- You must give us full details of your finances.

Your contribution towards your care, and Adult Service's contribution

Your contribution

Your contribution towards the cost of your care includes any state pensions or benefits that you are entitled to, any occupational pension or any other income that you receive, and an amount based on any savings and/or capital that you have over the lower threshold. The current lower threshold is £14,250.

All pensions and benefits will still be paid directly to you after you have moved into a residential or nursing home, and you will have to make arrangements for the money to be paid regularly to the owner of the home you move into, or to Hampshire County Council. See chapter 3

The financial assessment

We ask you to fill in a form (the SAS4) giving us details of your financial circumstances, which includes your income, savings and capital, and any property that you own or part-own. The form is straightforward, and has notes that explain exactly what is needed.

What usually happens is that your care manager asks someone from our specialist Financial Assessments and Benefits team (the FAB team) to visit you and fill in the form with you. They can answer your questions, and can also help with any benefits you or anyone else in your household may be eligible for. You can ask a member of your family or a friend to be there when the FAB officer visits.

However, if you prefer, you can complete the form yourself, or ask a member of your family or a friend to help you, and send it to us. If you do fill in the form and send it to us, you must send in copies of all documents confirming the details given on the form.

It is important that the information you give us is true and accurate to the best of your knowledge. It is an offence to give information which you know to be false in order to avoid liability for the cost of your care.

When we have received all the information we need about your finances and the care that Adult

Services have agreed to, the County Treasurer's Department will send you a letter within ten working days telling you how much you will have to contribute weekly to the cost of your care.

If there is a delay in your providing us with all the information we need - for example, if you are waiting to hear from the Department for Work and Pensions - we will give you an estimate of your charge and will tell you what the actual charge is when you supply us with the final details.

The details of the financial assessment for short stays in a care home are slightly different – see chapter 6.

Examples of income that we take into account

- State pensions and most benefits
- We expect you to claim any state benefits that you are entitled to, particularly any pensions and/or Income Support/Pension Credit, so that they can be paid to the home as part of your fees.
- Occupational or private pensions
- Regular income from annuities or certain trust funds
- Any earnings (after income tax, national insurance contributions, and half of any sum paid into a pension scheme have been deducted)
- Certain types of regular income, such as income from an insurance policy or from an income bond

Examples of Savings and capital that we take into account include

- Money in bank, building society or national savings accounts
- Cash over £250
- Stocks and shares
- Premium bonds
- National savings certificates and bonds
- TESSAs, PEPs, ISAs etc
- Certain types of other capital, such as capital held abroad

The value of anything that is jointly held (for example, bank or building society accounts) will be split equally between you and the other holder(s).

Property that is taken into account

What is counted as 'property?'

'Property' means any building, accommodation or land that you own or part-own. For most people this is their home, but it also includes, for example, houses or commercial property that are rented out, mobile homes or houseboats, houses that are lived in by someone else, and land that is held separately.

If you own property other than the home you live in, you are extremely unlikely to be eligible for financial help from Adult Services.

Your share in property

If you own property jointly with someone else, we only take into account the value of your share.

Maintaining your home while you are in residential care

If you have to pay bills to maintain your home while you are in residential care this may make a difference to what you pay for your care.

When the value of your home is not taken into account

There are two situations when the value of your home isn't taken into account in our calculations:

- when a relative continues to live in your home;
- if you qualify for the '12 week property disregard'.

If you own any other property, however, the value of this will be taken into account in all cases from the outset.

The circumstances when the value of your home is not taken into account are explained in the following paragraphs.

When a relative continues to live in your home

If your home is the only property you own (or part-own) and it is the permanent home of a relative who comes into one of the categories given below, its value will not be taken into account. However, its value will only be ignored for as long as your relative continues to live there.

The relative living in your home must be:

- your husband, wife or partner or
- over 60 or
- under 16 and directly dependent on you or
- claiming or able to claim any disability benefits.

We may also ignore the value of your home while someone who has been looking after you for a long time continues to live there, even if they don't fit the categories given above (see also chapter 8). If you think this may apply to you, talk to the person who is carrying out your financial assessment.

The '12 week property disregard'

See Chapter 2 for details on the 12 week property disregard

Examples of financial assessment for residential care charges

Example 1 – permanent or temporary stay

£		
Weekly Income		
State Retirement Pension	89.75	
Occupational Pension	38.33	
Total weekly income	128.08	
Capital		
Bank Account	862.50	Client is assessed to pay the full cost charge because they have capital over the current capital limit of £23,250.
Building Society	25629.33	
Shares	6292.78	
Total Capital	32784.61	

Example 2 – temporary care

£		Amount included in assessed charge
Weekly Income		
Incapacity Benefit	106.40	106.40
Disability Living Allowance Care	71.40	0
Disability Living Allowance Mobility	49.85	0
Total weekly income	227.65	106.40
Capital		
Bank Account	5362.80	Tariff income on capital above £14,250 5.00
Building Society	10000.00	
Total Capital	15362.80	
		Total income included 111.40
Less		
Personal Expense Allowance		22.30
		Total weekly charge 89.10

Example 3 – permanent care

£		Amount included in assessed charge
Weekly Income		
State Retirement Pension	95.90	95.90
Occupational Pension	23.09	23.09
Guarantee Credit	13.61	13.61
Savings Credit	12.36	12.36
Total weekly income	144.96	144.96
Capital		
Bank Account	689.55	
Less		
Personal Expense Allowance		22.30
Savings Credit Disregard		5.75
		Total weekly charge 116.91

Please note: the examples above are intended as examples only, and do not represent an exhaustive list of income, capital or allowances.

Money for your day-to-day expenses after moving into residential care

When we work out what your contribution to the cost of your care will be, we automatically ensure that you keep a small sum each week for your day-to-day expenses (your 'personal expenses allowance'). This amount is decided annually by the government and is currently £22.30 a week.

In some circumstances we can allow you extra money, either because you get certain benefits (for example, a war widow's pension) or because of the government's rules about Savings Credit. In some circumstances we may be able to vary your personal expense allowance for other reasons, such as you are passing half of your occupational pension, private pension or retirement annuity to your spouse. It may be that you are considered "less dependent" and need more money to live independently. If you feel this may apply to you speak to your Adult Services Care Manager.

As we do not take into account any savings or capital you have up to the lower capital threshold you can keep anything you have up to that amount.

Re-assessments

You will have an annual financial re-assessment. We look at all aspects of your finances, and will want to know of any changes in your financial circumstances, so that we can make adjustments to the amount that you pay.

As state benefits normally change in April any changes in your contribution will be effective from April each year.

Changes in your financial circumstances

You should let the County Council know every year if there are any changes in your financial circumstances after your assessment has been carried out. If we have not taken the value of your home into account for any reason, you must let us know if circumstances change (for example, if the person continuing to live in your home dies or moves into residential care).

To let us know about any changes please contact the:

Financial Assessments Officer
County Treasurer's Department
The Castle, Winchester SO23 8UB
Tel 01962 845556

The Adult Services contribution

We can only pay a part of your fees, which means that you are expected to pay a certain amount from your income and/or savings. For people with little income or savings the amount that they pay will be relatively small.

The 'Adult Services rate'

The costs of different kinds of care vary, and we pay set rates to home owners for each: the 'Adult Services rate' for the care you need.

The amount we pay towards your fees is the difference between your contribution (as worked out from your financial assessment) and the Adult Services rate for the care you need.

As with hotels, the cost of the rooms themselves in homes can vary - for example, a room with an en-suite bathroom will be more expensive than one without. Because we help a large number of people with the cost of their care, our rate cannot cover the cost of the more expensive rooms in homes. However it is possible to pay extra to the home you choose if the cost of the room you want is more than the Adult Services rate covers. There are government rules about who can pay this top up – please see Chapter 3 for details. It is important to be clear when choosing a home if the rate they are charging for the room you want is more than the Adult Services rate and, if so, how much the additional top up will be and who can pay this. Your Adult Services Care Manager will be able to help with this.

Frequently asked questions

What happens if my husband or wife depends on my income?

We must take most of your income into account when we work out your weekly charge, but we can make sure that a husband or wife who is staying at home has enough money to meet reasonable living expenses.

If you are married and have an occupational or private pension we can ignore half of it if you are giving it to your husband or wife. However, your husband or wife may not want to have money from your pension if this affects their claim for Income Support/Pension Credit.

If your husband or wife has financial difficulties it is possible in special circumstances to make a reduction in the charge for your residential care. Speak to your Adult Services care manager for more information.

Do other members of my family have to contribute to the cost of my care?

Your charge will be based on your financial resources only and we will not include the resources of anyone else in the household or other members of your family.

However, although other members of your family are not obliged to contribute towards the cost of your care, many families are prepared to do so. They can agree to pay a 'top up' to the Adult Services rate so that you can have, for example, a better room. If members of your family decide to do this they must keep to their agreement as Adult Services cannot pay this amount for you. For more information about top ups see chapter 3.

What happens if I give away money or property before or after I am financially assessed?

If you give away property or money to someone else or spend money on expensive possessions, holidays or gifts before we start helping with the cost of your care we can still take account of this property or money when we calculate your charge if we think that you were trying to avoid contributing to the cost of your care.

In certain circumstances anyone you give property or money to may be liable themselves for some or all of the costs of your residential care, depending on the value of the asset you gave them. This would happen if you transferred an asset in order to avoid charges for your care and/or you gave away or sold an asset for less than its true value.

Once we have financially assessed your contribution towards your care, if you give away any money that should be used to pay for your care, we can still

include this money in your financial assessment if we felt it was done in order to reduce the cost of the care.

Managing finances and mental capacity

The Mental Capacity Act 2005 came fully into force in October 2007.

The Act sets out to;

- Ensure that people who are able to make decisions for themselves are supported to do so, and
- Provide a legal framework for acting and making decisions on behalf of individuals who lack the mental capacity to make particular decisions for themselves.

For more information about the Mental Capacity Act go to www.publicguardian.gov.uk or www.hants.gov.uk/adult-services/mental-capacity-act

The MCA gives us **5 Statutory Principles** to follow when supporting individuals to make decisions;

- Every adult has the right to make his or her own decisions and must be assumed to have capacity to make them unless it is proved otherwise;
- A person must be given all practicable help before anyone treats them as not being able to make their own decisions;
- Just because an individual makes what might be seen as an unwise decision, they should not be treated as lacking capacity to make that decision;
- Anything done or any decision made on behalf of a person who lacks capacity must be done in their best interests;
- Anything done for or on behalf of a person who lacks capacity should be the least restrictive of their basic rights and freedoms.

A standard way to assess a person's capacity to make a specific decision and it gives us guidance on how to make a **Best Interest Decision** on behalf of someone who is unable to decide something for themselves.

Details of all of this can be found in the MCA Code of Practice:

www.publicguardian.gov.uk/mca/code-of-practice

Managing finances for someone who lacks capacity

If someone has been assessed as lacking capacity to manage their own finances or make decisions about their money, the MCA 2005 says the following;

Best Interest Decisions can only be used to 'purchase necessary goods and services' on behalf of someone who lacks capacity. This means that a relative or carer can legally make a best interest decision to buy items or pay for services needed to maintain the person's quality of life, such as buying clothes and groceries or paying for chiropodists or hairdressers.

The MCA does not give relatives or carers access to a person's income or assets.

Managing an individual's financial and property affairs, including accessing money in a person's bank or building society account or selling their property requires a formal authority to do so. There are a number of options.

- **EPA** – Enduring Power of Attorney. Created before October 2007, an EPA allows someone to grant authority to make decisions about their financial and property affairs to one or more attorneys whom they nominate. The EPA should be registered with the Office of the Public Guardian when the donor loses capacity. EPAs are still valid, but new ones cannot be created after October 2007, they have been superseded by;
- **LPA** – Lasting Power of Attorney. The MCA 2005 allows individuals to appoint others to make decisions on their behalf. There are 2 categories of LPA; Property and Finance, or Health and Welfare and the areas of decision making that an attorney has been granted will be stated on the document.

LPAs must be registered **before** they can be used.

The donor must complete the LPA application whilst they have the capacity to nominate someone to make decisions for them.

- **Court Appointed Deputy** – If a person already lacks capacity to make a decision, then the Court of Protection can appoint a deputy to make certain decisions on their behalf. The deputy could be an individual such as a family member, or a trust or a post holder such as the Director of Social Services.

Deputies can be appointed to manage an individual's finances. This arrangement replaces the system of 'Receiverships' and most Receivers have become Deputies.

- **Appointees** – If a person only has state benefits, then the person who wants to manage the benefits for them can apply to the DWP to become their Appointee. The Appointee can only manage the benefits money and may open a bank account to do this. If they wish to manage any other monies, capital or access other accounts, they will need to be an EPA, LPA or a Deputy.

Anyone who is seeking to manage the affairs of someone who lacks capacity to manage for themselves should have the proper formal authority to do so – LPA / EPA / Court Appointed Deputy / Appointee – to ensure that decisions they make or actions they carry out are legally protected from liability.

Relatives or others acting on behalf of a person who lacks capacity, without formal authority will be placing themselves in a vulnerable position.

Information about how to apply to the Office of the Public Guardian to establish an LPA, register an EPA, or to apply to become a Court Appointed Deputy, can be found on the Office of the Public Guardian Website.

Information about becoming an Appointee may be gained from the Department of Work and pensions.

Managing finances for someone who has capacity

An unregistered Enduring Power of Attorney may be used to give authority to manage the financial affairs of someone who still has capacity. If the donor loses capacity, then the EPA should be registered with the Office of the Public Guardian.

A Lasting Power of Attorney, which has been registered with the Office of the Public Guardian can be used to give authority to manage the financial affairs of someone who still has capacity and the donor can state when it should become effective.

Where a person has the mental capacity to manage their own financial affairs, they can choose to be supported with this. Unless they have a Power of Attorney in force they will remain responsible for making financial decisions and should still sign any agreements or contracts that are entered into on their behalf.

An Enduring or Lasting Power of Attorney may sign agreements or contracts on behalf of the donor.

Further information

Further information can be found at:

- www.hants.gov.uk/adult-services/mental-capacity-act
- or from the Office of the Public Guardian at: www.publicguardian.gov.uk
- or from the British Banker's Association at: www.bba.org.uk



5. Example of funding for residential care

Based on a private home with nursing care

Please note that the amounts used below are examples only and may not reflect actual amounts in your case.

	Amount per week	
Client contribution	£120	see note 1
Adult Services contribution	£330	
Adult Services funding level	£450	see note 2
Nursing fee	£100	see note 3
Top-up	£25	see note 4
Total weekly cost	£575	

Notes

1. The client contribution is the amount you are assessed to pay towards your care each week. See Chapter 4 for examples of how this is calculated. The amount you have to pay will depend on your financial circumstances. It is calculated on income and capital and allows a weekly personal allowance set by the government each year. There may also be additional amounts we can allow you to keep each week which, again, will depend on your circumstances.

We will write to you once we have received all relevant information to be able to confirm your charge. You will usually be asked to pay this amount direct to the home. However, in some circumstances payments can be made directly to the County Council (eg by standing order).

2. This is the amount Adult Services have agreed should be paid to meet your care needs. Adult Services will pay the difference between this and your assessed contribution. The home will usually collect the client contribution from you and invoice Adult Services for the difference each month.
3. This amount is only paid for clients who have been assessed as needing nursing care. It is paid direct to the home by the NHS. If you are not assessed as needing nursing care this will not apply to you.
4. The top up is the additional amount the home may charge because you have chosen a home that charges more than Adult Services would usually pay for your care needs or because you want a room that is more expensive.

There are government rules about who can pay this top up. You cannot pay this yourself unless you are on the 12 week property disregard or the Deferred Payments Scheme and we have agreed this.

The top up can be paid on your behalf by your family or friend or it can be paid directly by a charity. See Chapter 3 for more information on top-ups.





6. Short stays in residential care

What is a 'short stay'?

A short stay in a care home is one when the stay is arranged for a fixed length of time. For example, someone might spend a fortnight in a care home while the relative who normally looks after them has a holiday, or after an illness or an operation. The length of a short stay can vary from a few days to several weeks.

How is the cost of short stays worked out?

You can either have a financial assessment to see whether you qualify for help from Adult Services, or you can decide to pay the full cost of the care yourself.

If you have more than the upper capital threshold (currently £23,250) in savings and capital, and/or an income of more than the price Adult Services would pay for the care you need you will not qualify for financial help towards the cost from Adult Services.

People paying for their care themselves

If you are paying the full cost of your stay, you will continue to receive any Attendance Allowance or Disability Living Allowance that you are eligible for, and these benefits can be used to pay towards the cost of your care. You should pay the home owner for your care, even if it was arranged through Adult Services.

People qualifying for financial help from Adult Services

What we take into account when we work out your contribution to the cost of your short stay in residential care is the same as for permanent stays (see details in chapter 4), except that the rules about property and about Attendance Allowance and Disability Living Allowance are different.

If you own (or part-own) the property you live in, its value will not be taken into account. However, if you own (or part-own) any other property its value will be taken into account in your financial assessment.

If you are getting Attendance Allowance or Disability Living Allowance you will continue to receive the allowance for the first 28 days of your stay (less any time spent in hospital before going into residential care), and it will not be counted as part of your income.

At the end of your stay you are billed for your contribution to the cost of your care, and you should pay this to Adult Services, not the home owner.





7. State benefits and residential care

Department for Work & Pensions (DWP)

You can get detailed information about benefits from the Department for Work & Pensions.

Addresses of local branches are given in your Phone Book. You can also get information from the DWP website: www.dwp.gov.uk

Attendance Allowance (AA) or Disability Living Allowance (DLA)

If you are getting financial help from Adult Services, your entitlement to Attendance Allowance (AA) or the care component of Disability Living Allowance (DLA) normally stops 28 days after you move into residential care. The 28 days includes any time spent in hospital before you move into residential care. Any mobility component of DLA will continue to be

paid. You must tell the Department for Work & Pensions that you have moved into residential care.

- 2 If you are paying the full cost of your residential care, you will be able to continue to receive AA or DLA.
- 3 If you are using the deferred payments scheme (see page 7 for more information) you will be able to claim AA or the care component of DLA.

Income Support/Pension Credit

You should claim Income Support/Pension Credit if you are entitled to it, so that you can use it to pay towards the cost of your care. The benefit will be paid to you, and you must arrange for the money to be paid to the owner of the home you are living in.

People already getting Income Support/Pension Credit

- If you are going into a care home for a short stay, you need to let the Department for Work & Pensions know.
- If you are moving permanently into a care home you need to contact the Department for Work & Pensions and complete a form to let them know about your change of circumstances.

People who do not currently get Income Support/Pension Credit

- If you are going into a care home for a short stay you are unlikely to be eligible for Income Support/Pension Credit - check with the Department for Work & Pensions.
- If you are moving permanently into a care home you may find that you or your wife, husband or partner may now be eligible for benefit. You can either contact the Department for Work & Pensions, or ask Adult Services for more information during your financial assessment.

People selling their home to pay for their care

- You may be able to claim Income Support/Pension Credit while you are selling your home, to help you pay your care home fees until you have sold your home.





8. Information for families and friends

Throughout this booklet we have addressed the information to the person who is going into residential care, but we appreciate that in many cases it will be a carer who will be making the arrangements and providing information about finances.

What this chapter is about

Many people look after a member of their family or a friend on a regular basis and give them a great deal of care. But there may come a point when a carer realises that they can no longer manage to go on caring at home, and that the person they look after may need to go into a care home. This chapter answers some of the questions that carers may have, particularly about the funding of residential care and how it may affect them.

What happens when I can no longer look after my relative or friend at home?

It may be very difficult for you to come to the decision that you can no longer continue to care for your relative or friend at home and you may wonder whether permanent residential care is the only answer. You can contact your local Adult Services office to ask for an assessment of what care is needed and to discuss how best it can be provided (addresses are given on page 30).

If it is agreed that the person you are looking after should go into residential care you will undoubtedly have questions about how it will be paid for and what this will mean for you. Most of your questions should be answered in this booklet, but you can also contact Adult Services or one of the independent organisations given in chapter 9 for more detailed information.

Who pays for residential care?

Details of who qualifies for financial help from Adult Services with care home fees, and the financial assessment that is carried out are given in chapter 3 & 4.

When we carry out a financial assessment we only take into account the income, savings and/or capital of the person going into residential care. Your income and any savings or capital that you hold in your own name are not taken into account. If you have any accounts that you hold jointly with the person you look after, we do not count your share. For example, if you have a joint building society account we ignore half of the savings in it.

However, sometimes family and friends decide to pay towards the care so that the client can live in more expensive accommodation than Adult Services would usually pay for the care. This is known as a top-up. See Chapter 3 for more details about who can pay a top-up.

If you depend on the income of the person going into residential care, this may be taken into account in the financial assessment (see details in chapter 4).

Will I have to sell our home to pay for care?

The answer is no in these situations:

1. if you own or jointly own the house or flat that you and the person you look after live in;
2. if the person who is going into residential care owns the house or flat you both live in and you are going to continue to live in it, and you are their husband, wife or partner or a relative who is:
 - over 60
 - under 16 and directly dependent on them or
 - claiming or able to claim any disability benefits.

However, if the person who is going into residential care owns (or you jointly own) property other than the home you live in, it would be expected that you would sell as much as was necessary to cover the costs of care. Further details are given in chapter 4.

Other circumstances

We may also ignore the value of the house you both live in if you have been living in the same house for a long time in order to look after your relative or friend. This might apply if, for example, you have stayed on in the family home to look after a parent, or you have given up your own home in order to look after a friend or relative.

For information about organisations that can offer advice about your situation and circumstances see chapter 9.

Did you know that...

If you provide a great deal of care for a member of your family or a friend, you are entitled to ask Adult Services for an assessment of the help you need to be able to go on caring for the person you look after. Adult Services can also provide services for the person you look after. For more details contact Adult Services (See chapter 9 for details).





9. Further information and useful contacts

Independent financial advice

The importance of getting independent financial advice

Moving into a care home is a big step, and carries with it major financial implications. Adult Services staff can give you general information about paying for care, but, particularly if you are paying the full cost of care yourself, you might like to take independent advice about what would be best in your situation.

Financial advisers

We cannot recommend individual financial advisers, but you should make sure that any adviser you choose has specialist knowledge about paying for long-term residential care. Some solicitors can provide this - but you should make sure that they are qualified to give you advice on this subject.

Financial Services Authority (FSA)

The FSA is the independent watchdog set up by the government to regulate financial services and protect your rights. It cannot give a list of advisers, but can tell you whether any particular firm is regulated. Free publications include the FSA Guide to Financial Advice, which gives information about what you can expect from a financial adviser, and the right kind of questions to ask.

You can obtain a list of Independent Financial Advisors local to you by contacting IFA Promotions (IFAP)

www.unbiased.co.uk

FSA consumer helpline: 0300 500 5000

website: www.fsa.gov.uk/consumer

General information and advice

Adult Services Department publications:

The Guide to Better Care and Support contains information about organisations and services that can provide help/care for people living at home, including a detailed list of local care at home providers.

The Guide to Residential Care contains a detailed list of residential and nursing care homes in Hampshire, Portsmouth and Southampton; information and advice about choosing a care home, including a checklist of questions and things to look out for when visiting a care home.

Both publications are available to view and download from our website:

www.hants.gov.uk/adult-services/as-publications or by phoning 0845 603 5630.

Age Concern

Age Concern provide a wealth of information and advice on subjects such as your money, health and care, including a range of factsheets and books. Visit their website for more details:

www.ageconcern.org.uk or contact: 0800 00 99 66

Age Concern Hampshire

1 St Cross Road, Winchester SO23 9JA

Tel 01962 868545

Helpline 0800 328 7154 Mon-Fri 10am-3pm

www.ageconcernhampshire.org.uk/

Counsel and Care

Twyman House, 16 Bonny Street
London NW1 9PG

Tel 0207 241 8555 Mon-Fri 9am-5pm

Helpline 0845 300 7585 Mon - Fri, 10am-4pm, except Wednesdays: 10am-1pm.

They also produce factsheets on care homes and fees

24 hour orderline: 020 7241 8522

More information is available at:

www.counselandcare.org.uk

CARERS UK

20 Great Dover Street

London

SE1 4LX

T: 020 7378 4999

F: 020 7378 9781

info@carersuk.org

www.carersuk.org

Relatives & Residents Association

24 The Ivories

6-18 Northampton Street

London N21 2HY

Tel 020 7359 8136

The Relatives & Residents Association can advise and support people who are helping someone move into residential care. You can order leaflets and books on the subject from them.

Citizens Advice Bureaux

For your local branch see in the Phone Book under Citizens Advice Bureaux or see

www.citizensadvice.org.uk Staff can give general and individual advice, including advice about benefits.

Financial help from charities

You may be able to get information about organisations that might be able to help from

- your local Citizens Advice Bureau
- Counsel and Care
- Association of Charity Officers

The Association of Charity Officers offers information and advice about occupational benevolent funds, works to raise public awareness about them and encourages co-operation between them.

Tel 01707 651777 or visit their website:

www.aco.uk.net

Hampshire County Council Adult Services addresses

Contacting Adult Services

If you are living at home, you should contact your nearest Adult Services office. You can phone, call in person, or write. If it is difficult to get to an office, you can ask for someone to visit you at home.

If you are in hospital you should ask the ward nurse to contact Adult Services for you well before you are due to be discharged.

Phone Hantsdirect on: 0845 603 5630

Textphone: 0845 603 5625

For information and advice when our offices are closed, phone 0845 600 4555

Calls to 0845 numbers are free on some BT call plans but will cost between 4p (local rate) and 6p (national rate) per minute for BT customers not on a plan. Calls made using other service providers or mobiles may cost more. Alternatively call 01329 225 390 – standard and local rates may apply to this number.

Adult Services offices are open Mon-Thurs 8.30am-5pm, Fri 8.30am-4.30pm

Aldershot

Old Town Hall
Grosvenor Road
Aldershot GU11 3DP

Alton

Park House
High Street
Alton GU34 1EN

Andover

Chantry House
Chantry Way
Andover SP10 1LW

Basingstoke

Sun Alliance House
37/41 Wote Street
Basingstoke RG21 7LU

Eastleigh

Russell House
26/28 Romsey Road
Eastleigh SO50 9AN

Fareham

Fareham Reach Unit 180
166 Fareham Road
Gosport
Hampshire
PO13 0FH

Gosport

133 Stoke Road
Gosport PO12 1SD

Havant

Town End House
PO Box 61, East Street
Havant PO9 1UB

Hythe

West Shore House
West Street, Hythe
Southampton
SO45 6AA

Lymington

Avenue Road
Lymington SO41 9YB

Petersfield

Tilbrook House
2/4 Grenehurst Way
Petersfield GU31 4AZ

Romsey

Former Magistrates Court
Church Street
Romsey SO51 8AQ

Winchester

Capital House
48-52 Andover Road
Winchester SO23 7BH

Hampshire County Council Treasurer's Department

Financial Assessments Officer
County Treasurer's Department
The Castle, Winchester
SO23 8UB
tel 01962 845556

Complaints

Adult Services

If you have a concern with any aspect of the service you receive you can speak to your care manager or to someone else at your local office, who will try to put things right.

The Complaints and Customer Care Team can offer advice of what you should do if you want to make a complaint.

Care homes

First step

If speaking to the manager does not resolve the problem, you should contact the Adult Services Complaints and Customer Care Team for information and help.

Tel: 0845 603 5630

Or write to the complaints team at:

Freepost SO2077
Complaints and Customer Care Team
Adult Services Department
Winchester
SO23 8BR

You may also wish to contact the Care Quality Commission (formerly known as the Commission for Social Care Inspection) which is responsible for the registration and inspection of all care homes in Hampshire, for information and help:

The Care Quality Commission (CQC)
Finsbury Tower
103-105 Bunhill Row
London
EC1Y 8TG

Telephone: 03000 61 61 61

Email: enquiries@cqc.org.uk

Website: www.cqc.org.uk

Equality

Whenever you have dealings with Adult Services you will not get less favourable treatment than others because of your gender, disability, age, ethnic or national origin, religious creed, marital status, or sexuality.

Glossary

Care home – This is the overall term for any home that offers residents 24 hours-a-day care. All care homes offer residents help with personal care, such as bathing and dressing, and some also provide nursing care from qualified nurses (these latter are 'care homes with nursing' or 'nursing homes').

Residential care – This describes the care provided by all care homes. Its opposite is care in your own home, or domiciliary care.





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