

Paying for your Care Home

A guide for Bromley residents
and their relatives and friends

2022

This guide will help you understand:

- how Bromley Council works out how much people who need permanent residential or nursing home care have to pay for their care
- what support you can expect from the Council if you need help to move into a care home

This booklet has been produced by Bromley Council to help you understand:

- the national Care and Support Statutory Guidance produced by the Government which governs how care home fees are paid and
- the questions you may have when you, or someone you care for, moves into a care home.

Whether your care home will be funded by Bromley Council or you are able to pay the whole cost of your care home fees, you can have an initial assessment from Adult Social Care to determine what your support needs are and the type of care home that will best meet those needs.

If Bromley Council arranges a place for you in a care home, the Council is legally required to assess your income, savings, investments and other capital to see how much you can afford to contribute towards the cost. This may include the value of any property you own.

You will also find information in this guide about managing your care home fees if you need to sell your home to fund your care as well as your entitlement to financial help if you can no longer pay for your care home yourself.

The regulations covering paying for a care home can be complex. If you want to know more about how the rules may affect your personal situation, please contact **Money Helper** for advice and further sources of information by visiting www.moneyhelper.org.uk or call **0800 138 7777**.

What is covered in this guide?

This document sets out the national guidance that Bromley Council follows to calculate how much people who need permanent residential or nursing home care have to pay for their care and what support you can expect from the Council if you need help to move into a care home.

It provides information for people living in:

- a residential care home or
- a nursing home.

What is a residential care home?

All registered residential care homes will provide meals, accommodation and assistance with personal care. This is a level of support which can no longer be safely provided in an individual's own home.

In a residential home the care and support needed will be provided by staff employed in the care home and any nursing needs that arise will be met by the Community Nursing service.

What is a nursing home?

A nursing home, sometimes called a care home with nursing, will care for people who also have regular nursing needs which require care or treatment by, or under the direct supervision of, a registered nurse.

Some care homes with nursing provide specialised care and support for older people with advanced dementia.

Who receives funding from Bromley Council?

Most people who live in a care or nursing home do not receive funding from Bromley Council. An individual may pay the full amount from their own savings or receive help from family members towards the cost of the care home. Others may have to contribute towards the care home fees. Only those with limited savings or capital will be funded by Bromley Council.

To qualify for financial support from the Council, you must:

- Have been assessed as needing care in a care home **and**
- Have less than £23,250 in savings or capital **and**
- Have a weekly income that is less than the weekly cost of the care home you have chosen **and**

If you **do not** meet the above conditions you will have to pay the full cost of the care home yourself

There are a limited number of people who are in a residential care or nursing home who do not have to pay anything towards the cost of their care home fees

as they are fully funded by the Council, the NHS or another source.

These include people who:

- have been discharged from hospital and are in a care home for up to six weeks for the purpose of assessing to see if they are able to return to their own home within that six weeks or if they need to live permanently in a care home;
- receive Intermediate Care - this is a short stay of up to six weeks in a nursing or residential care home for support to help regain their independence;
- are funded by the NHS under Continuing Healthcare (**see page 29**) for more details;
- are war pensioners and qualify for help from the Veterans Agency under the War Pensions Scheme or
- stay in a care home following a compulsory stay in hospital for mental health treatment under certain sections of the Mental Health Act.

If you are not in one of these groups you may have to pay towards your care or nursing home fees

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If you qualify for funding from Bromley Council

If you have been assessed by Bromley Council as needing to live in a care home or nursing home to meet your care needs, the cost of meeting your care needs is worked out: this is called your personal budget. At this point you will have a financial assessment.

This will work out how much you can afford to pay by asking you about: your weekly income;

- your savings and
- other assets that you own such as your home.

The financial assessment does not include the value of personal property such as furniture, jewellery, paintings or other works of art.

Information you will need to provide in the Financial Assessment

A member of the Finance Team will arrange to meet with you to complete a Financial Assessment Form or you can complete it yourself. The form includes information about your **income** and your **capital**.

Clarification box

Your income includes:

- state and occupational pensions from former employment;
- welfare benefits – such as Employment and Support Allowance, Attendance Allowance, Carer’s Allowance, Disability Living Allowance or Personal Independence Payment and
- any other money you may receive.

Your capital includes:

- your savings including bank, building society or post office accounts, national savings certificates, investment bonds or trusts, stocks and shares;
- money from investments and
- the value of any property or land you may own and any outstanding mortgage on your home. **(see page 10 if you own your own home).**

If you are completing the form yourself, you need to complete, sign and return the form **within 4 weeks**. If you, or your representative, do not provide the evidence by the end of the 4 weeks, it will be assumed that you can afford the full cost and the Finance Team will inform you and the manager of the care home that you will be responsible for paying the full cost towards your care. However, if you or your representative have difficulty completing the form or need more time to confirm all the income and assets have been included and listed correctly, you should let the Council know as they can allow more time for completion of the form.

You have to tell the Council about all your financial assets to prove that you are unable to pay the guide rate for your care. The Council will work out **how much you can afford** to contribute to the cost.

Remember:

- If you have **more than £23,250 in capital** - you will have to pay the full cost of your care.
 - The Council ignores **capital of less than £14,250** when it works out how much you have to pay.
-

Evidence, such as bank statements, National Savings certificates, building society books, details of any investments and share certificates, is needed to prove how much capital you have.

If you have savings in joint accounts with your husband, wife, partner or other family member, it is assumed 50% of the total belongs to you.

If you have **arranged for someone else to have Power of Attorney** to manage your finances, you will need to provide a certified copy of the Enduring or Lasting Power of Attorney with the completed financial assessment form.

If you refuse to co-operate with the financial assessment process or if the Council has reason to believe that the information provided is deliberately misleading, incomplete or incorrect the Council can take legal action in respect of care home fees owed to the Council through the County Court.

At first the Council will work out your weekly charge on the income you get and tariff income from savings and capital over £14,250. (Tariff income is £1 per week for every £250 in capital between £14,250 and £23,250). If you have more than £23,250 in savings apart from the value of your home you will pay the full cost of your care from the date of **permanent admission**.

The date of permanent admission is usually the date of admission to a care home as a long-stay resident or the date when the Council decides to make a temporary stay a permanent move.

If you receive welfare benefits

You still have to pay towards the cost of your care even if you are claiming Employment and Support Allowance, Income Support or Pension Credit.

If you get the mobility component of Disability Living Allowance or Personal Independence Payment, you will keep getting it.

If the Council helps you to pay your care home fees, Attendance Allowance, the care component of Disability Living Allowance and the daily living component of Personal Independence Payment will stop 28 days after your stay in the home is confirmed as permanent. The assessment of your contribution will take account of this.

If you own your own home

Statutory Disregard - the value of your home will be included within your capital unless the following apply:

- The property is your usual home address **and** your stay in the care home is only temporary **or**
- Your husband, wife, civil partner or former partner normally lives in the home **or**
- You have dependent children under 18 years of age living in the home **or**
- A relative who is over the age of 60 or who is incapacitated continues to live in the home

The value of your home can also be excluded under special circumstances. For example, if someone gave up their own home and moved in with you to provide the care you need and they continue to live in the property after you have moved into a care home. This does not apply to people who only moved in recently and every individual case will be looked at on its own merits.

12 week property disregard – if you do not have a statutory disregard, the Council will count the value of your main and only home from the 13th week of your date of permanent admission to a residential care or nursing home when it works out the charges.

The 12 week property disregard will also apply following the end of a statutory disregard because the qualifying relative has died or moved.

The purpose of the 12 week property disregard period is to give you a breathing space to decide whether to sell your home to pay for your long-term care or to apply for a **Deferred Payment Agreement (see page 23)**.

You are eligible for the 12-week property disregard if..

- An assessment of your needs by the Council confirms that you are in need of permanent care **and**
- You do not have enough income or other assets to meet the cost of care **and**
- The Council agrees to take over arrangements for your care **and**
- You apply to the Council within 12 weeks of moving into permanent care

Every individual case will be looked at on its own merits. However, you will not be eligible if...

- Your stay in the care home is only temporary **or**

- You have savings, shares or investments of more than £23,250 (apart from the value of your home) **or**
- Your property is already disregarded because you qualify for the exemptions listed on **page 12**

Every individual case will be looked at on its own merits.

If you sell your home within 12 weeks of admission to permanent care, the disregard ends from the completion of the sale.

If you do not have a large income or a lot of savings apart from the value of your home, you may decide to sell your home in order to pay the fees but you do not have to. You should seek independent financial advice about how you could fund your care home fees. You may want to consider a **Deferred Payment Agreement (see page 26)**. Ask your Care Manager and the Financial Assessment Visiting Officer to tell you more.

If you move to a second care home you will not be granted a second 12-week property disregard.

If you give your money away

If you have given money or assets away which the Council believes could or should be used to pay for your care, it will have to consider whether you have done this to either avoid paying charges or to reduce your charge.

To evade paying charges in this way is called **deprivation**.

It is called deprivation because you have intentionally deprived yourself of money or assets that should be used to pay for your care.

If the Council decides that deprivation has occurred, it could continue to take the amount or value of the property into account in working out your weekly contribution. Alternatively, it has legal powers to recover the value of the gift from whoever has received the property or money.

The amount of money you can keep for yourself

The Care and Support Statutory Guidance states that the Council must allow you to keep a small amount from your weekly income to spend as you wish on personal expenses such as newspapers, toiletries, hairdressing etc.

This is called the **Personal Expenses Allowance** and the Government reviews this amount every year. The weekly amount for 2022/23 is £25.65.

The amount you will have to pay

Your charge is worked out using the **Care and Support Statutory Guidance**.

The Government reviews this every year and makes changes from time to time.

If your income is less than the care home fee, your charge is worked out using the following calculation:

All of your relevant weekly income - The Personal Expenses Allowance
= **Your charge**

You will have to contribute most of your income, including state retirement pension and any benefits you get towards the cost of your care.

However, some types of income are not included in the assessment of your contribution such as:

- the Christmas bonus;
- the mobility component of Disability Living Allowance or Personal Independence Payment;
- some or part of any war pensions and
- some charitable payments.

The Care and Support Statutory Guidance allows the Council to include £1 per week for every £250 of savings you have above £14,250 and under £23,250 when it works out the weekly contribution you will have to pay towards the cost of your care.

This is called **tariff income**.

An example – Steve

Steve is 86 and has savings of £15,000. This is £750 above the £14,250 limit – or 3 x the £250 levels of savings.

So the Council will include £3.00 per week as income when working out Steve's assessed charge.

Paying your contribution

In most cases, you will pay your contribution direct to the care home.

The Council will send you an Individual Service Contract which forms part of the contract between you, the Council and the home. It will show your personal budget, how your contribution has been worked out and will tell you how much to pay. This also applies to any 'top-up' fees that a relative or friend pays for you to live in the home you have chosen (**see page 18**).

The care home should not ask you for any more money unless you have chosen to purchase additional facilities or services such as hairdressing, dry cleaning, aromatherapy etc which are not covered in the Council's contract with the home.

If for any reason you decide you want to move to another care home, the Council must give the home four weeks' notice.

The Council's contract with the care home will include payment for your room for 3 days after death to give your relatives time to make funeral arrangements and to collect your possessions.

Reviewing the charges

Every April the Council reviews the amount you contribute to the cost of your care. The Council will write to you prior to April to ask for details of changes to your income and savings, such as increases in your pension.

You can ask the Council's Financial Assessment Team for a revised assessment of your charges at any time if your circumstances change or if you are having difficulty paying your contribution. Similarly you should tell the Council if you experience major changes in your finances, such as inheriting a property or a large amount of money which will increase the value of your savings to above £14,250.

If you go into hospital

If you are admitted to hospital from your care home, the Council will pay the home to reserve your room for your return for at least six weeks. The care home will continue to collect your contribution towards the weekly fees.

If you are unable to return to the home because your care needs have changed, the Council will give notice to end the contract and it will help you find another home that can provide the level of care you need.

Choosing a care home

If the Council is helping you with the cost of your care home, you have the right to choose any home you like in England and Wales, as long as the Council agrees that it meets the following conditions:

- it is suitable for your care needs;
- there is a place available
- the owner of the home and the Council can agree a contract to ensure that you are properly cared for and
- the cost is not more than the amount specified in your personal budget for accommodation of that type.

If you choose a care home that costs more than the Council will pay, the Central Placements Team may be able to suggest an alternative.

The Council has block contracts with some care home providers in Bromley and Bromley Council funded residents have priority for these contracted places.

If the home you want to move to does not have a vacancy

If the home that you want to move to does not have vacancy, the Council may arrange for a temporary placement in a different care home while you are waiting for a place in your first choice of home.

This is called **temporary care**.

You can change your mind if you decide that you would prefer to stay in the transitional home rather than go on waiting for your first choice.

Alternatively, the Council may arrange for care services in your own home to make sure you receive the care you need while you are waiting for a place.

The amount Bromley Council will pay

The Council has to give priority to those who need help to pay for their care. We will set an estimated personal budget based on best value.

An estimated personal budget is the cost needed to meet your assessed, eligible needs. The guide rates for 2022/23 for Bromley funded care homes located in Bromley are outlined below. This includes any contribution you need to pay following your financial assessment.

- Residential care homes £671.00 per week
- Residential care homes for people with dementia (this is sometimes called Elderly Mentally Infirm) £695.00 per week
- Care homes with nursing £775.00 per week

It is Bromley Council's policy to fund placements in single rooms only to ensure your privacy and dignity, unless there are exceptional circumstances where a shared room is necessary to meet assessed needs.

The Council may also agree to pay more than the guide rate in exceptional cases where an individual's assessed needs can only be met by a particular care home that is more expensive.

If you choose a care home outside the London Borough of Bromley (**see page 20**).

You do not need to pay more than the Council's guide rate in order to find a home that is suitable for your needs, but this may mean that you have a limited choice of homes with vacancies at the rate Bromley Council will pay.

If you make a choice to move into a care home whose charges are more than the Council's guide rates, then you will have to pay more.

If you choose a home that costs more than Bromley Council will fund

Some people want to have a wider choice of care homes so they like to consider homes that cost more than their personal budget.

You can choose to go into a more expensive home if someone else, like a relative or a friend, is willing to pay the extra cost.

This is called a **third party top-up arrangement**.

You should note that the relative or friend must meet the extra cost from their own money. **You cannot use your own money to pay a top-up.**

An example – Ethel

Ethel is 83 and lives in Anerley. She is about to leave hospital after having a fall at home and her increased needs mean that she has to move into a care home.

There are three nursing care homes that can meet her needs, have a vacancy, and accept the Bromley Council rate of £775.00 per week. However, Ethel's family decide that she should move into a different home that charges £825.00 per week.

As the cost of this home is £50.00 a week above the Bromley Council rate, Ethel's family would have to agree to pay the £50.00 difference as a third party top-up.

If you choose a care home where a third party top-up is needed, the person paying the extra costs will be required to have a financial assessment and will also have a separate contract with the Council.

It is very important that both you, and the person who has agreed to pay your weekly top-up, understand that:

- the person will have to keep up the payments or you could be asked to move into a cheaper home
- an increase in your income will not necessarily reduce the need for the third party contribution as your income will be assessed according to the charging regulations in the normal way
- the third party must be prepared to meet the costs of future increases in fees which may not be shared equally between the Council and the third party and
- if the care home provider fails to honour the contract conditions, the Council reserves the right to terminate the contract.

If you do not have any family or friends that are willing or able to help financially with a third party top-up and you want to move to a home that charges more than the Bromley Council rate, you may be able to find charities or benevolent societies to help you meet the extra cost.

Resident top-up - you may only make up the difference yourself if:

- you are subject to a property disregard and the payment is during the disregard period;

- you have a Deferred Payment Agreement and the additional payment has been included with the deferred fees (**see page 23**) or
- you are receiving accommodation provided under S117 for mental health aftercare.

To protect your savings, Government guidance does not allow you to pay an extra amount for your care from your own money because the Council has already assessed you to pay the maximum you can afford.

If you choose a home outside of Bromley

If you choose to move to a care home that is not located in the borough, then you will need to be aware that the amount the Council will fund could be different.

This is shown in the following boxes and example:

The rates for the local authority where the care home is located are:

- **more than the Bromley rates**
- then Bromley Council will pay
- the Bromley rate

- **less than the Bromley rates**
- then Bromley Council will pay
- the relevant rate for that local authority

An example - Anna

Anna is 94, lives in Beckenham and is frail with physical care needs. Her daughter, Susie, wants Anna to move nearer to her home on the south coast.

So Susie finds a care home that can meet Anna's needs which has a vacancy five miles from her home in Worthing.

The weekly local authority rate for care homes for people who are physically frail for the Worthing area – set by West Sussex County Council – is £591.00.

As the local authority rate for Worthing is £80 per week lower than the Bromley rate, Bromley Council would only pay £591.00 per week for that placement.

If you do not qualify for funding from Bromley Council

If you are one of the many people who do not qualify for funding from the Council, you will have to pay the full cost of your care home fees.

This section provides advice and guidance for people who do not qualify for funding from the Council.

It also sets out the process for how people who own their own home, but do not want to sell it, can apply for a long-term loan from the Council.

Organising your care home through Bromley Council

Even if you do not qualify for funding from Bromley Council, you may be able to get help with moving to a care home. You will need to have your needs assessed by Adult Social Care and, if your needs are eligible and you are unable to arrange the move yourself, Bromley Council can help you to find a care home to meet your needs.

Other organisations can also provide assistance with arranging your care home, **see page 34** for those which offer information, advice or guidance.

General advice for who are paying for their care with savings over £23,250

If you have capital or savings of more than £23,250 you will have to pay for any care services you require, but you are still entitled to an assessment of your needs by social services.

It would be sensible to discuss with the home what will happen if your savings have run down below £23,250 and whether you can gain a commitment from the home that they will be willing to accept the local authority funding rates. Otherwise, you may have to move home at a time that you are feeling more vulnerable.

Choosing a care home

If you are choosing a care home for yourself, a relative or friend the Council recommends that you should read the most recent inspection report from the Care Quality Commission (CQC) before visiting a care home.

All inspection reports can be found on the CQC website - www.cqc.org.uk

Using information from the CQC website, or the Council's Your Guide to Independent Living, Support and Care Services for 2022/23 (available from Adult Early Intervention Service on **020 8461 7777** or at www.bromley.gov.uk/independentlivingguide), you should complete the following actions:

- make a shortlist of suitable care homes in your area that fall within your budget;
- request an information pack from the homes on your shortlist;
- request a copy of their contracts and /or terms and conditions;
- make sure they have vacancies or establish how long their waiting list is;
- take into account additional costs that may not be covered in your residential fees, such as hairdressing, chiropody and day trips and
- check how much notice you need to give if you move out and how much notice you will be given if the home is to close.

The cost of care varies from region to region – you could save money by relocating elsewhere in the country or may wish to live closer to relatives.

Help with financial costs

- If you get Attendance Allowance (AA), the care component of the Disability Living Allowance (DLA), or the daily living component Personal Independence Payment (PIP) you should be able to claim this benefit for the first 4 weeks after admission to long-term care. You should contact the Department of Work and Pensions about your entitlement to benefits taking into account your own personal situation.

- If you have entered into a Deferred Payment Agreement with the Council (**see page 26**), which commits you or your estate to repaying the debt you owe to the

Council, the Government will regard you as ultimately self-funding. This entitles you to reclaim AA, DLA or PIP from the 13th week onwards, once the value of your home is included in the assessment of your contribution towards your care costs. Claiming this benefit, which is not means-tested, will allow you to pay a higher weekly contribution towards the cost of your care and will reduce the amount of your deferred debt. This will enable you to keep more equity in your home.

If your money is starting to run out

If you are paying for the full cost of your care home fees in Bromley under a private contract with a home, you may get financial help from the Council when your savings drop below £23,250.

Do not wait until your savings fall below this amount before you ask the Council for help.

It is important that you let the Council know as soon as you think this is likely to happen, so you do not lose out on any help that it can give you.

You should contact the Council at least twelve weeks before you expect your money to drop below £23,250. This is to allow enough time for your needs to be assessed and your case to be considered by the Council before your savings drop below the £23,250 threshold. The Council will arrange for a Care Manager to visit you to assess your needs.

You will only be eligible for financial help from the Council, if it agrees that:

- You need to be cared for in a care home **and**
- The level of care the home is providing is appropriate to your needs

The Council will ask you about your finances so that it can work out how much financial help you need and how much you can contribute.

If you have chosen a care home which costs more than Bromley would normally pay for someone with your care needs, the Council may not be able to support the full fees without some extra top-up contributions from someone else such as a relative.

If you move into a care home outside Bromley, that is privately arranged and funded and then run out of money later, you must contact the Social Services department of the council for the area where you are living. This is because you will be ordinarily resident in their area by then, and they will be responsible for assessing your need for financial help. You can find the contact details for local authorities by visiting www.gov.uk/find-your-local-council

If you own your own home

If the Council assesses that you should pay the full cost of your care because you own your home, you can apply to the Council to pay only part of your contribution.

You can defer the rest as a debt to the council, using your home as security, until:

- you terminate the agreement on leaving the care home or
- you decide to sell the property or your death.

The debt will then need to be repaid to the Council.

This is called **Deferred Payment Agreement**.

A Deferred Payment Agreement is a long-term loan from the Council.

If you are having difficulty selling your home to pay for the full cost of your care, then you can also apply to the Council for a Deferred Payment Agreement.

If you have savings of more than £23,250, excluding the value of your home, you will not be eligible for a deferred payment and you will have to pay the full cost of the home's fees until your savings drop to this level.

then you can also apply to the Council for a Deferred Payment Agreement.

If you have savings of more than £23,250, excluding the value of your home, you will not be eligible for a deferred payment and you will have to pay the full cost of the home's fees until your savings drop to this level.

If your spouse wants to sell your home after you have moved into a care home

The Council will ignore the value of your property all the time your spouse, ie your wife, husband or civil partner, continues to live there.

If they should find the home too big for them, they can move to more suitable accommodation.

If you and your spouse own the home jointly, the Government charging guidance says that when your home is sold, 50% of the proceeds of the sale belong to you and the Council should reassess your charge because you could afford to pay more towards the cost of your care. However, you can give some of your share of the proceeds to your spouse if this is necessary for them to be able to buy a more suitable home such as a flat or a bungalow or other property in a more expensive area.

The new property should also be registered in both names.

The Council would not regard this as “deprivation of assets” (**see page 14**) but half of any money left over after the purchase of the second property would belong to you. The Council would, therefore, review your charges to include your 50% share of the profit from the house sale left after the move.

If the home is registered in your name only, all of the money left over after the purchase of a more suitable property for your spouse would belong to you. The Council would then review your charges to include the additional profit you have received by selling your home.

The new property should also be registered in your name because you would have provided the money to buy it from the proceeds of the sale of the home that you lived in together.

Remember that the Council ignores the first £14,250 of capital savings so the charge for your care would be based on amounts above this level. If your capital increased to more than £23,250, the Council would re-assess your charge and you would pay the full cost of your care until your savings were reduced to below £23,250.

Deferred Payment Agreements

If the Council agrees that you need a long-term care placement, you have savings under £23,250 and you do not want to sell your home to pay for your care, you can apply for a Deferred Payment Agreement.

If you are interested in entering into a Deferred Payment Agreement with the Council, you should seek independent legal and financial advice about whether this is the right route for you to take to pay for your care before you commit yourself to the agreement.

Please note that any Financial Adviser offering investment advice about funding long-term care has to be appropriately qualified and is subject to CF 8 regulation by the Financial Services Authority.

The process for applying for a Deferred Payment Agreement from Bromley Council

1.

You apply to Bromley Council for a Deferred Payment Agreement.

2.

The Council can decide whether it will or will not accept your application. If the Council accepts your application, it will carry out a full financial assessment and calculate whether it can agree to your request.

3.

The Council will consider how much the care home charges will be, how much equity you have in the property and the level of risk to the Council.

4.

If the Council offer you a Deferred Payment Agreement, you will pay a weekly contribution towards the cost of the care home that is based only on your usual income and any savings above £14,250.

5.

This leaves a shortfall in your contribution to meet the care home fees which the Council will pay on your behalf.

6.

The payments that the Council make which relate to the value of your home will build up as a deferred debt to Bromley Council.

7.

The Council will place a legal charge upon your former home at the Land Registry to ensure that the debt is repaid when the agreement ends.

8.

You will receive a copy of the written agreement which the Council will ask you to sign. The Council will not confirm the placement contract with the home until the Deferred Payment Agreement is signed and the charge is secured upon your property.

9.

The Council charges a fee to cover the cost of the property search and placing a charge upon your property at the Land Registry, which is payable in advance. If the property has never been registered at the Land Registry previously, you may have to pay an additional administration charge to cover the cost of registering the property and placing the charge.

10.

Interest will be charged on the deferred debt until the debt has been repaid in full. The interest rate is specified in the most recently published report by the Office of Budget Responsibility plus 0.15%. The interest rate will change every six months on 1 January and 1 July of each year.

11.

The Council will send you a statement at the end of March and September each year showing the amount of deferred care fees and any administration charges or interest that has been added to the debt which is due to be repaid to the Council. The statement will also show the relevant interest rates and the

remaining equity in your property.

13.

The Council allows 90 days after the date of death for your executors to sell the property. Interest will continue to accrue from the date of your death until the debt has been repaid.

14.

The charge on the property is removed once the property is sold and the debt repaid to the Council.

15.

If the property is not sold and the debt repaid within this time, we may consider taking legal action if we believe your executors are not taking active steps to repay the debt.

Administration fees for a Deferred Payment Agreement

The Deferred Payment Agreement scheme is intended to be run on a cost neutral basis.

The Government's guidance permits the Council to make administration charges that reflect the actual costs of providing the deferred payment.

The current fees from April 2022 are:

Administration Fees for a Deferred Payment Agreement from Bromley Council

- Set up charge = £850.48
- Annual charge = £339.52
- Termination charge = £367.53
- Independent valuation = Actual cost

Leaving your home empty

If your home is to remain empty, you will need to make your own arrangements for the security, insurance and maintenance of the property. The Council cannot make any allowance for these costs when it works out what you have to pay towards your care. However, you will be able to retain a proportion of your income as a disposable income allowance (DIA) because you have entered into a Deferred Payment Agreement.

Letting your home

If you choose to let your property, the Council will include the rental income you receive in the assessment of what you can afford to pay for your care. If you let your property through an agent, the Council will take account of the net rental income you receive after the deduction of the agency's management charge.

Reasons for refusal

The Council can choose whether it agrees to a request for a Deferred Payment Agreement. It will not refuse reasonable requests but may not agree to applications where:

- there is already a large mortgage on the property;
- your home is subject to an equity release agreement or
- the deferred debt is likely to be more than your home is worth.

The Council will not offer a Deferred Payment Agreement until a Land Registry search has been completed and it has been confirmed that it can place a charge or restriction upon the property that will protect the Council's interest in repayment of the deferred debt.

If your application is refused, you will receive a written statement of the reasons for the refusal and information about how you can appeal about the decision.

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If your request for deferred payments is refused, you may have to reconsider selling your former home to pay for your care. The Government considers that those people who own property of more than £23,250 in value have sufficient assets to fund their own care without public funding.

Paying Deferred Payments and top-ups yourself

The Government charging guidance allows some people who choose to enter a home which charges more than the local Council's guide rate to make up the difference in cost from their own money.

These are people who have:

- savings of more than £14,250 but less than £23,250 to spend on top-up payments during the first 12 weeks of their stay when the value of their home is ignored and
- agreed to a Deferred Payment Agreement.

If you own enough equity in your home, the top-up payment can be added to the deferred debt to be repaid at the end of the deferred payment agreement period once the property is sold. The amount of the top-up is the difference between the actual fee for the care home and the amount that the Council would normally pay for someone with the same assessed needs as yourself.

It must be possible for you or your estate to pay back all of the deferred contributions including the resident top-ups when your property is sold.

The Council will not enter into Deferred Payment Agreements that involve deferred top-up payments unless it has decided that all the top-up payments can be recovered when the property is eventually sold.

If...

- ...you do not have much equity in your property...**or**
- ...your property is of low market value...**or**
- ...you have chosen a very expensive care home...

The Council will...

- ...refuse a request for a Deferred Payment Agreement **or**
- ...restrict the offer of the Deferred Payment Agreement to the Bromley guide rate for someone with your assessed need

This means that you may have to choose a cheaper home or ask a relative or friend to top-up the cost of the care home fees from their own money.

If you are getting funding from the NHS

NHS Continuing Healthcare is the name given to services which are arranged and funded free of charge by the National Health Service for people outside hospital. It may be provided in your own home or a care home provided you have a certain level of health related care needs.

In your own home this means that the NHS will pay for all your healthcare (such as a community nurse or therapist) and personal care. In a care home, the NHS will also pay your care home fees.

You qualify for full NHS funding if your overall care needs show that your primary need is a health need. This means that your needs cannot be provided by the Council's Adult Social Care because you require nursing or other health services that Adult Social Care cannot provide.

A “primary health need” is assessed by looking at all your care needs against four key indicators:

- nature – the type of condition you have or treatment required;
- complexity – needs or symptoms which interact making them difficult to manage;
- Intensity – one or more needs which are so severe that they require regular clinical interventions and
- unpredictability – unexpected changes in condition that are difficult to manage and present a risk to you or others.

If you are in hospital and are being assessed for placement in a care home with nursing, you will be considered for assessment under the NHS Framework for Continuing Healthcare funding as part of the assessment of your need for longterm care.

Getting help to look after your money

If you need help to manage your money, a trusted friend or relative can act on your behalf through a Lasting Power of Attorney

The Council suggests that you seek advice regarding a Lasting Power of Attorney from a solicitor or the Office of the Public Guardian.

The Government's rules allow people over the age of 18 to choose and appoint someone to make health and welfare and/or financial decisions for them if, in the future, they lack the mental capacity to make these decisions for themselves. The person or people chosen to make these decisions is **called an Attorney** and is appointed by a formal document called a **Lasting Power of Attorney** – or a LPA for short.

There are two types of LPA:

- a personal welfare LPA for decisions about **health and personal welfare** and
- a property and affairs LPA for decisions about **finances and property**

You can place limits on what the attorneys can do. Attorneys must act in the best interests of the donor and follow the Government's guidance.

The Attorney must keep the donor's money separate from their own and be able to provide detailed accounts if asked to do so by the Office of the Public Guardian.

To make a LPA you must be able to understand what it means to appoint an attorney and to be able to choose who you want to act for you and what decisions you want them to make. Before the LPA can be used it must be registered with the Office of the Public Guardian. There is a fee for registration.

For more information on Lasting Power of Attorney, including how to register, visit www.gov.uk/lasting-power-attorney-duties/overview or call **0300 456 0300**.

If you need longer-term help with finances, are suffering from a diagnosed medical condition which affects your mental capacity to make decisions about your property and affairs and there is no-one else able to act for you, Bromley Council can, in certain cases, appoint someone to look after your money.

This person will take on the responsibility for claiming and receiving your benefit payments on your behalf and will ensure that the weekly contribution to your care home fees is paid.

Comments and complaints about care services

If you need to make a formal complaint, you should contact the registered owners of the care home. They have a duty to provide a timely response to any complaints made.

If your complaint is about a breach of regulations, contact the Care Quality Commission on **03000 616161**.

Opening hours are Monday to Friday, 8.30am to 5.30pm.

If Bromley Council has arranged and funded a place for you in a care home you can contact your care manager or Bromley Council's Customer Engagement & Complaints service, visit **www.bromley.gov.uk/complaints**, call **020 8461 7706** or email **complaints@bromley.gov.uk**

If you are unable to resolve your complaint, you can contact the Local Government & Social Care Ombudsman (LGSCO) on **0300 061 0614** for assistance. The LGSCO looks at complaints about Councils and care homes.

The role of the LGSCO is to investigate complaints in a fair and independent way and you will not be charged for any services provided.

In addition to inspecting, regulating and rating care services and dealing with breaches of regulations, the Care Quality Commission is also eager to hear feedback, both good and bad, from people who are using health and social care services. Visit **www.cqc.org.uk/share-your-experience-finder**, call **03000 616161** or email **enquiries@cqc.org.uk**

Reporting abuse

If you have concerns that someone who is receiving services is being abused, you should report this:

- call Bromley Council on **020 8461 7777**, Monday to Friday, 8.30am to 5.30pm;
- complete the online form at **www.bromley.gov.uk/AdultAtRiskReport** or
- for emergencies out of normal business hours, contact the Emergency Duty Social Team on **0300 303 8671**.

Your concerns will be taken seriously, and you will receive prompt attention.

When to involve the police

If the complaint is about a crime, such as assault, racial or sexual harassment, rape or theft, you should also involve the police to prevent someone else from being abused. If immediate action is needed, dial **999**. Alternatively, call your local police by dialling **101**.

Useful sources of information, advice or guidance

If you have any queries about the information in this leaflet or want to know more about how the rules on charges for long-term care affect you or someone you care for, please contact your Care Manager. For information affecting your financial assessment contact the Financial Assessment Team at Bromley Council.

You may find it useful to visit the following websites to find further information, advice or guidance:

Advocacy First

Advocacy First will listen, understand, support and speak out on behalf of people who cannot speak for themselves. Continuing Care Advocacy - offers support to patients in hospital - this service is for people aged 19 and over.

Tel: 020 8460 6712

Web: www.advocacyfirst.org.uk

Advocacy for All

Advocacy for All is a registered charity working in and around South East and South West London and Kent. They provide independent advocacy for people who have substantial difficulty in being fully involved with their assessment, care and support

planning and have no one appropriate and available to support and represent their wishes.

Tel: 0345 310 1812

Email: info@advocacyforall.org.uk

Web: www.advocacyforall.org.uk

Age UK

Age UK provides information and advice for older people. They publish a wide range of guides and factsheets and have a free advice line open 8am-7pm, 365 days a year.

Tel: 0800 678 1602

Web: www.ageuk.org

Age UK Bromley and Greenwich

Age UK Bromley and Greenwich provide preventative services, activities and support that promote opportunities, independence and choice to older people.

Tel: 020 8315 1878

Email: info@ageukbandg.org.uk

Web: www.ageuk.org/bromleyandgreenwich

Bromley Well

Bromley Well is a Single Point of Access to support health, wellbeing and independence funded by the Council and local health services.

It supports people who may be at risk of crisis in their lives but who could, with appropriate help, maintain both their emotional and physical health and wellbeing and remain living independently.

Tel: 0808 278 7898

Email: spa@bromleywell.org.uk

Web: www.bromleywell.org.uk

Care Quality Commission (CQC)

Inspectors and regulators of all care and health services.

Tel: 03000 61 61 61

Email: enquiries@cqc.org.uk

Web: www.cqc.org.uk

Citizens Advice Bromley

The Citizens Advice service offers practical, up-to-date information and advice on a wide range of topics, including; debt, benefits, housing, legal, discrimination, employment, immigration, consumer and other problems.

Tel: 0808 278 7898

Web: www.bromleycab.org.uk

Department of Work and Pensions

If you are in receipt of benefits you will need to inform the relevant agency if you move into a residential care or nursing home. Information about who to contact for which benefit can be found on the DWP website in the Changes of circumstances section.

Web: www.gov.uk/browse/benefits

Elderly Accommodation Counsel and First Stop Advice

Information, advice and guidance on any aspect of care, support or housing for older people.

Tel: 0800 377 7070

Email: info@firststopadvice.org.uk

Web: www.eac.org.uk

Money Helper

A free and impartial money advice service which was set up by the Government to provide advice and guides to help improve your finances, and tools and calculators to help you keep track and plan ahead.

Tel: 0800 138 7777

Web: www.moneyhelper.org.uk

PayingForCare

A national information and advice service to help individuals make more informed decisions about the arrangements and funding for their long-term care. The site is equally useful for Powers of Attorney and family members and friends.

Web: www.payingforcare.org

Society of Later Life Advisers (SOLLA)

SOLLA helps people and their families in finding trusted accredited financial advisers who understand financial needs in later life including funding care home fees.

Tel: 0333 2020 454

Web: www.societyoflaterlifeadvisers.co.uk/find-an-adviser