

Paying for your care



Many people will at some stage need additional care and support to help them live well.

This booklet explains how we work out how much you are likely to have to contribute towards the cost of your care.

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This booklet was produced in July 2015 and the information in it is based on current national guidance and policies and on Oxfordshire County Council's policies and procedures, including our Contributions policy which you can find at www.oxfordshire.gov.uk

Assessing your needs

Before we can determine how much you will pay for your care, we need to work with you to assess your needs. This involves talking with you, your carer (if you have one), and other people who know about the different aspects of your life, which may include your physical health, your emotional health, how you manage to look after yourself, and your current family and support networks. The needs assessment may be done over the telephone or face to face.

We will of course take your personal wishes into account when deciding what sort of care, advice or information you need.

Eligible care needs

Following your assessment, we will review your care and support needs to determine if you have, what the government calls, eligible needs and are therefore entitled to support from us. We use national eligibility criteria, set by the government, to do this.

If you have eligible needs, we will draw up a care and support plan with you. This will look at what you want to achieve (also known as outcomes) and outline the ways in which you want your needs to be met.

Personal Budgets

If you have eligible needs then you will be entitled to a Personal Budget; this is the sum of money that we believe you need to meet those eligible needs. You may choose to receive this money in the form of a Direct Payment or a managed service (see explanations below).

In some circumstances we may assess that your eligible needs can be met by in other ways, for example by providing you with information and advice or other services.

Direct Payments

Direct Payments are payments that allow you to organise care services yourself (rather than the council organising it for you). They enable you to choose the services that you want to meet your care and support needs and the outcomes set out in your care and support plan.

A Direct Payment gives you more choice, flexibility and control over the care you receive. Some people use the money to buy care from an agency, others directly employ their own staff.

At the moment you cannot use a Direct Payment to pay for a placement in a care home.

Managed Services

You may decide that a Direct Payment is not appropriate for you and opt to receive what we call a 'Managed Service'. This means that the council will arrange for you to receive care from one of its approved organisations who provide care and support (also known as care providers).

Paying towards the cost of your care

Whether you chose to receive a Direct Payment or a Managed Service you will need to undergo a financial assessment to determine how much you will need to contribute towards the cost of your care.

Topping up a Personal Budget

We will always ensure that your Personal Budget is sufficient to meet your eligible needs. However you may choose to receive care that is more expensive than the amount given in your budget. If this is the case, there would need to be a 'top up' of the difference. Who can pay the top up depends on where you are receiving your care.

If you receive your care at home, you or a third party (such as a relative or a charity) can top up your Personal Budget to buy additional support or services above your financial contribution.

If you live in a care home, you can arrange for a third party to pay a 'top up' to cover the cost of a home that is more expensive than the council would usually expect to pay. You may only choose to pay the top up yourself in the following circumstances:

- if you are subject to a 12-week property disregard (see page 12);
- if you have a deferred payment agreement in place with the local authority;
- if you are receiving accommodation provided under S117 for mental health aftercare.

If your top up ceases, we are under no obligation to increase our contribution to cover the difference. This may result, for example in the case of someone living in a care home, in them having to move to other accommodation.

Financial assessment - general information

After your needs assessment, if you have an eligible care need, we will assess your finances to help us determine what you will pay towards the cost of your care; most people have to pay something. We explain the calculations we use later in this document.

Your financial assessment will involve you providing information about your financial situation and it will normally take place via a face to face meeting or, we may ask you to complete a financial circumstances form. The type of financial assessment will depend on whether you receive care in your own home or in a care home.

Depending on the outcome of your financial assessment, we may ask you to contribute a certain amount towards the cost of care. We will aim to complete the financial assessment as quickly as possible so that you understand your assessed contribution (how much you will be expected to contribute).

You do not have to disclose your financial circumstances if you do not wish to. If you do not wish to do this or if you know you will not qualify for financial help, you will have to pay the full amount of your care.

Is your financial assessment correct?

If you think that we have miscalculated your assessment, for example because of something you have forgotten to tell us, you should write to us asking for a review of your assessment, stating why you think it is wrong. Details of Oxfordshire County Council's Financial Assessment Team's address, to whom you should write, are at the end of this booklet.

We will arrange a review of your assessment, make any adjustments that may be required and inform you of the outcome.

When will we begin to charge you?

We will begin charging you your assessed contribution from the first day that you receive chargeable services.

How do we collect your charges for the care you receive?

When we have completed your financial assessment we will inform you about how much and from what date we will expect you to pay towards the cost of your care. We will send you an invoice each month showing your care charges for that period. The invoices will show you alternative methods by which you can pay us but our preferred method is to collect your contributions by Direct Debit. If you want to set up a Direct Debit or discuss other payment methods such as using your debit card please contact Oxfordshire County Council's Income Team on: 01865 797555.

What happens if you don't pay your charges?

We expect you to make a payment to Oxfordshire County Council within 28 days of receiving your invoice. If you fail to pay the amounts on your invoice, we will take recovery action and possibly legal proceedings. If our Legal Services team has to start legal proceedings against you, you may have to pay legal costs in addition to your care charges.

If at any time you have difficulty in making a payment you should contact Oxfordshire County Council's Income Team as soon as possible on: Tel 01865 797555.

Changes to your financial or personal circumstances

Once we have completed your financial assessment, you must inform the Financial Assessment Team (details at the end of this booklet) of any changes in your financial or personal circumstances so that we can ensure that your financial assessment and the charges we ask you to pay for your care are correct.

If you fail to notify us of any changes which affect your financial assessment and charges (e.g. a change to any benefit you may receive), you may be charged at a later date.

How can I make sure I'm receiving all the benefits I'm entitled to?

If you want to make sure you are receiving all the benefits you are entitled to, contact the Department of Work and Pensions (if you are over 60), Job Centre Plus (if you are under 60), Age UK, or the Citizens Advice Bureau, details of these organisations are below.

- The Department of Work & Pensions - 0845 606 0265
- Age UK - 0345 0450 1276
- Job Centre Plus - 0345 604 3719
- Citizens Advice Bureau - 08444 111 444
- We can check your benefits as part of your financial assessment and you can also check your benefits online at **www.gov.uk/benefits-calculators**

Annual Reviews of your assessed contributions

The Department of Work and Pensions normally increases all state benefits in April each year. Many occupational pension schemes also increase payments from April. Therefore, we will reassess your contribution at least annually in April each year to take account of these changes in your financial circumstances and will write to you explaining what we think your new rate should be.

Giving away or transferring money or assets

If you are thinking of giving away or transferring some of your savings or other assets including your property (also known as disposal of assets) for any reason, you should first contact the Financial Assessments Team (01865 797559) to discuss your intentions before you proceed. This is because depending on when and why you disposed of it or want to do so, we may continue to financially assess you as if you still own it.

Compliments, Comments and Complaints Team

If you want to comment on the outcome of the assessment process or any of our services you can do so online at:

www.oxfordshire.gov.uk/adultsocialcarecomplaints

Call: 01865 323589

Email: commentsandcomplaints@oxfordshire.gov.uk

Or write to:

Comments and Complaints Service

Freepost RRYR-XTBE-GBTZ

County Hall

New Road

Oxford

OX1 1ND

How we assess your financial contributions

The sections below explain how we calculate your financial contributions depending on the setting in which you receive your care.

If you are receiving or due to receive care in your own home you should read section one (pages 7-9).

If you are receiving or due to receive care in a care home you should read section two (pages 10-14).

Section one: Paying for care at home

Savings and assets over £23,250

If you have savings and assets over £23,250 then you will be expected to pay for the full cost of your care.

What savings and assets do we include?

By savings and assets we mean bank or building society accounts, ISA's, bonds, shares, investments and other savings and capital. We don't include the property in which you live but may include any additional properties or land that you own.

Arrangement fees

If you have more than **£23,250** in savings and assets and you want us to assist you in arranging care at home, then we will charge you an administration fee depending on the level of our involvement. There are two levels of one-off fees which we may require you to pay.

- **£150** - Where we help you find and arrange the care for you, but you then enter into a private arrangement with the organisation providing you with that care.
- **£500** - Where we help you find and arrange your care at home and also manage the care and support being provided to you, on your behalf.

Independent financial advice

If you have to pay for the full cost of your care or you decide to make your own funding arrangements then you may benefit from independent financial advice.

My Care My Home offers individuals and their families advice about the cost of care and funding options available to them. My Care My Home offers a free advice service via telephone or home visits, aimed at helping people find a suitable care home, or care in sheltered or Extra Care Housing schemes. The full service, some of which is chargeable, is explained in detail on their website www.mycaremyhome.co.uk or you can call their Freephone number on 0800 731 8470, to find out more.

What if I have savings and assets under £23,250?

If you have less than £23,250 then we will complete a financial assessment to determine how much you can afford to contribute towards the cost of your care.

How is the financial assessment completed?

We normally complete the assessment by arranging for an Oxfordshire County Council officer to visit you in your own home to collect the financial information we need. You can find more information on how we calculate your assessed contribution below – we call this a non-residential assessment calculation.

If you would like a friend or relative to be present during the financial assessment, we will try to make a visit when it is convenient for her or him.

If you prefer to complete a financial circumstances form rather than having a visit, we can send the form to you. You will need to complete it and return it to us along with evidence of your financial details.

The non-residential assessment calculation

The following example shows the principles of how we work out your financial assessment.

Savings and assets + income (including tariff income [explanation below]) – standard living costs – disability related costs = your assessed contribution.

Savings and assets

As mentioned above, we take into account most types of savings and assets although not the property in which you live.

What happens if you want to permanently leave or sell your property?

We won't include the property in which you live in our calculations; we may include any other property you own.

This may affect you if, for example, you are considering moving permanently to live with relatives or into Extra Care Housing but do not want to sell the property where you lived previously. Please note that we may take the property value into account in your financial assessment and this is likely to make you liable for the full cost of your care.

Income

We will include almost all benefits and other income such as occupational pensions, annuities and income from property rental. We won't include any payments you receive from employment, Child Tax Credits or Winter Fuel Payments.

Tariff income

If you have capital between £14,250 and £23,250 we will financially assess you as able to contribute £1.00 per week for every £250 or part of that you have above £14,250. This is based on a tariff scale laid down by the Department of Health and is the amount that the Department of Health considers you can afford to pay from your capital rather than an expectation of the interest you may actually receive.

Standard living costs (Minimum Income Guarantee)

There is a built-in allowance for standard living costs within the financial assessment, which is called the Minimum Income Guarantee. It takes into account everyday costs for items such as food, fuel costs, TV licence, satellite subscriptions, water rates and

other costs. This is a fixed amount and is based on the basic Income Support level for your age plus an extra 25%.

Disability Related Expenditure

We will also make allowance for the Disability Related Expenditure you may incur due to your age or disability. This may include items such as additional fuel costs, private domestic help, gardening, laundry, incontinence pads, window cleaning, washing powders, hair washing.

For some categories of Disability Related Expenses we will usually allow a standard amount. If the cost you want to claim is greater than the standard allowance you should keep records and obtain receipts for your payments.

Payment of Disability Related Expenditure to family members

Only in exceptional circumstances, do we allow claims for Disability Related Expenditure relating to payments you make to your family members to assist you.

Waiver Scheme

We will try to make your financial assessment as accurate as possible and understand that there are inevitably cases where although the assessment is technically correct, there may be other circumstances affecting your ability to pay for the care you need.

In exceptional circumstances, we can consider a waiver for some or all of your charges for a specific period. If this applies to you, you can ask us to consider a waiver if you think that we have failed to take into account specific social, psychological or health issues or exceptional circumstances.

You should ask your Social Worker for a Waiver Application Form and return it to him or her when you have completed it explaining why you think a Waiver is appropriate.

As soon as we have reviewed your application, we will let you know in writing if your Waiver request has been successful and of the appeal process you should use if you don't agree with the decision.

How to ensure you are receiving all the benefits you are entitled to

As part of your financial assessment we will also offer to refer you for a Benefits Check. This is to help you ensure that you are claiming and receiving payment of all the state benefits to which you are entitled. Alternatively, if you prefer, you can ask for help directly from the Department of Work and Pensions or one of the independent agencies listed on page 6.

Section two: Paying for a care home

If you are considering going into a care home (residential or nursing home) you should first ask us to assess your care needs (also known as a needs assessment) to ensure that the home is appropriate for you. We will not provide funding or other financial assistance if we do not consider a care home to be the most appropriate type of care for you.

If you have savings and capital over £23,250

If you have savings or capital over £23,250 then you will be expected to pay for the full cost of your care home. By savings and capital we mean bank or building society accounts, ISA's, bonds, shares, investments, additional property and other savings and capital.

What happens if I have to pay the full cost?

If you have savings or assets over £23,250 and are able to arrange your own care, or have given somebody else legal power to represent you, we will expect you to enter into a private arrangement with your chosen residential or nursing home.

What happens when my capital falls below £23,250?

If you believe your capital is likely to fall below £23,250, you should contact us to arrange a full financial assessment, the calculations we use during the financial assessment are outlined below.

If you haven't already received one we will need to complete a needs assessment to ensure that the care home is the most appropriate care for you.

As these processes may take some time we recommend that you first contact us on 0845 050 7666 when your remaining capital has reduced to about £35,000 or is sufficient only to pay for your next three months care home fees.

You should ask Oxfordshire County Council for help before your available capital has fallen below £23,250. This is because we will not normally backdate any funding beyond the date on which you apply to us.

What happens if I have savings and capital under £23,250?

If you have savings and capital under £23,250, we will need to complete a financial assessment.

How is the financial assessment completed?

Your Social Worker or Oxfordshire County Council's Financial Assessment team will give you a Financial Circumstances form to complete. You will need to return this to the Financial Assessment team together with supporting documentation. When all the information has been completed, the team will write to inform you of the outcome.

The residential assessment calculation

The following simple example shows the principles of how we work out your financial assessment.

Savings and assets (including property) + income (including tariff income [see explanation below]) – personal expenses allowance = assessed contribution.

Savings and assets

We take into account most types of savings and assets including the property in which you live and any additional property you own.

Income

We will include almost all benefits and other income such as occupational pensions, annuities and income from property rental. However, we may disregard or partly disregard certain types of income. For example, we disregard the mobility component of Disability Living Allowance and Personal Independence Payments from all assessments.

Tariff income

If you have capital between £14,250 and £23,250 we will financially assess you as able to contribute £1.00 per week for every £250 or part of that you have above £14,250 from that capital. This is based on a tariff scale laid down by the Department of Health. Please note that this tariff is the amount that the Department of Health considers you can afford to pay from your capital rather than an expectation of the interest you may actually receive.

Personal expenses allowance

The personal expenses allowance is an amount set by the Department of Health and is the minimum amount you must be left with if you are in a permanent care home placement. The Department of Health usually increases this amount annually from April.

If you have responsibility for dependants not living in the same care home or who have continuing expenses unrelated to their care home costs we may, exceptionally, be able to increase your personal expenses. Please contact our Financial Assessment team for more information (contact details can be found at the end of this document).

What if I own a property?

If you own your own home, this will be included in your financial assessment. However, the home will not be taken into account if one of the following people also lives in the home, and will continue to live there after you have moved into a care home:

- a husband, wife or civil partner;
- a close relative over the age of 60;
- a dependent child;
- a relative who is disabled or incapacitated.

12 week property disregards

If we take your home into account, we will ignore its value for the first 12 weeks; starting from the date you first became a permanent resident. This is also referred to as a 12 week property disregard. The aim of this is to give you time to decide what you are going to do with your former home. During this period you will still be expected to contribute towards your care from your income and other capital. You will also have to continue to maintain the property and meet any on-going costs that arise.

The Deferred Payments Scheme

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

Effectively, the scheme offers you a loan from Oxfordshire County Council using your home as security. It doesn't work in exactly the same way as a conventional loan – the council doesn't give you a fixed sum of money when you join the scheme, but instead pays an agreed part of your weekly care and support bill for as long as is necessary.

We will arrange payment of the full cost of your care with the care home. You will not need to make payments directly to the care home other than for personal items or services.

We will financially assess your ability to pay a weekly contribution towards your care from your income and other savings. We will invoice you on a monthly basis for this contribution.

The difference between your 'assessed weekly contribution' and the actual cost of your care home is the 'deferred payment'. The deferred payment builds up as a debt, which is repaid when your house is sold. If you decide not to sell your property during your lifetime, the debt must be repaid to the council from your estate after your death.

The Deferred Payment Agreement

If you decide to use the Deferred Payments Scheme, you will have to enter into a legal agreement with the council by signing an agreement document, which we call the Deferred Payment Agreement. The council then places a 'legal charge' on your property to safeguard the loan.

If you wish to find out more about the Deferred Payment Scheme you can contact the Financial Assessment Team on 01865 797558.

Are there any costs involved in a Deferred Payment Agreement?

There is an administration charge of £650 to cover the cost of setting up and maintaining the agreement for as long as is necessary. Other charges such as legal costs and land registry fees may also apply.

The loan will have interest charged on it in the same way a normal loan would be charged on money borrowed from a bank. The council currently charges 2.65%,

following guidance provided by the Department of Health, which is reviewed regularly. This interest will be compounded on a monthly basis.

Benefits and care home fees

Depending on the outcome of the financial assessment, your benefits may be affected. If you are funding your own care, you will still be entitled to your benefits; these can help towards paying fees.

If we are paying for your care home fees, then any benefits you are entitled to or are receiving (including a state pension), or any other private pension, and income sourced will all go towards the cost of care.

What if I choose a home that is more expensive?

You need to choose a home you can continue to afford. Some people select an expensive home and then use up all their savings. If the home you choose costs more than the amount we would usually expect to pay to meet your care and support needs, you will have to find someone who can pay the difference or you may have to move to a less expensive home. You can find more information in the section below.

Top-up fees

You have the option of the council part-funding your place in a more expensive care home, as long as a third party (such as a relative or a charity) agrees to pay the difference. This difference is between what we, as the local authority, would usually expect to pay (based on your care needs) and the extra cost of the care home. This is often referred to as a top-up fee.

We will arrange to make payment to the care home for the full cost and will then invoice the person paying the top up amount.

If you agree a top up fee arrangement, we will confirm this within an agreement which will also include information about what will happen should any fees change, or if fees are not paid.

If the top up fee stops being paid, we may move you to a less expensive care home that falls within your budget. We will ensure that the new home continues to meet your eligible needs. To avoid this disruption, it is important to consider whether you will be able to continue to pay the fees in a more expensive home for as long as is needed.

Other things to note when paying privately for a care home

If you are making your own arrangements with a care home, you should make sure that they provide you with a contract detailing the home's obligations and fees. It is important to be sure what services are included in the fees, what may be charged as 'extras', and how much notice is given if fees are going to be increased.

If you are paying your own fees, make sure you are claiming all the benefits to which you are entitled.

If the home chosen provides nursing care, you will need to have your nursing needs assessed. This is because the NHS funds care provided by a registered nurse for people assessed as having such a need. You can find more information in the section below entitled 'Nursing care costs'.

Independent financial advice

It is important that you obtain independent financial advice to help you make the right decision about funding your care.

My Care My Home offers individuals and their families advice about the cost of care and funding options available to them. They offer a free telephone and face-to-face advice service through home visits aimed at helping people find a suitable care home. The full service, some of which is chargeable, is explained in detail on their website www.mycaremyhome.co.uk or call their Freephone number: 0800 731 8470.

Nursing care costs

Funded Nursing Care

The NHS is responsible for providing free nursing care (delivered by a registered nurse) in a nursing care home. If your needs are being met in a nursing care home, the care home will apply for what is known as Funded Nursing Care. Once it has been confirmed by the NHS that Funded Nursing Care is appropriate for you, it will pay towards the nursing element of your care. This is a standard weekly amount set by the Department of Health which is reviewed each year.

Continuing Healthcare

In some cases, you may be entitled to receive funding from the NHS that will cover the full cost of your care, whether in your own home, or in a care home – this is called NHS Continuing Healthcare funding. Continuing Healthcare funding can be awarded for set periods of time or indefinitely.

You can find more information about health funding on the NHS website www.nhs.uk

Care fees and the Mental Health Act

If you have been detained in hospital for an assessment or treatment under the Mental Health Act, the NHS is responsible for any related aftercare you may need. This can include any care you need in your own home or in a care home.

Useful contacts

If you have questions about your financial assessment, please contact:

Oxfordshire County Council - Financial Assessment Team:

Tel: 01865 797530

Email: financialassessments@oxfordshire.gov.uk

Oxfordshire County Council
Financial Assessments Team
Corporate Finance
PO Box 1479
Oxford OX4 9AL

For questions about Care Services, contact:

Oxfordshire County Council Social and Health Care team

Tel: 0845 0507 666

Email: socialandhealthcare@oxfordshire.gov.uk

Social and Healthcare team
PO Box 780
Oxford
Oxfordshire
OX1 9GX
United Kingdom

Voluntary information and advice agencies

Age UK Oxfordshire

Tel: 01235 849400

Email: admin@ageconcernoxon.org.uk

Oxford Citizens Advice Bureau

Tel: 0870 2200608

Email: oxfordcab@cabnet.org.uk

Community Information Network

Tel: 0345 450 1276

Email: network@ageukoxfordshire.org.uk