Independent Age

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Patient Information Forum

Factsheet
Paying care home fees

Paying for a place in a care home is expensive, and working out whether you can get any help to pay for it can be complicated.

This factsheet explains how the system works, whether you're paying for your own place or you qualify for financial help from your local council.

Call free on **0800 319 6789**
Visit **independentage.org**

Last review date: April 2022 Next review date: April 2023

About Independent Age

At Independent Age, we want more people in the UK to live a happy, connected and purposeful later life. That's why we support people aged over 65 to get involved in things they enjoy. We also campaign and give advice on the issues that matter most: health and care, money and housing.

For information or advice – we can arrange a free, impartial chat with an adviser – call us on freephone **0800 319 6789** (Monday to Friday, 8.30am to 6.30pm) or email us at **advice@independentage.org**.

You can also support this work by volunteering with us, joining our campaigns to improve life for older people experiencing hardship, donating to us or remembering us in your will.

For more information, visit **independentage.org** or call us on **0800 319 6789**.

In this factsheet, you'll find reference to our other free publications. You can order them by calling **0800 319 6789** or by visiting **independentage.org/publications**.

Contents

1. Terms you might encounter

Assets

Items you own that have value and that you could use to pay debts.

Capital

Wealth in the form of money or items that have a financial value, such as savings, investments and property (buildings and land). These things are sometimes called ‘capital assets’.

Eligibility

In the context of social care, your entitlement to receive services based on whether you meet the qualifying criteria.

Income

Money received, especially on a regular basis, such as pensions and benefits.

Means testing

Looking at your finances to work out whether you qualify for financial help from the government or local council. Social care is usually means-tested.

Mental capacity

The ability to make and communicate your own decisions at the time they need to be made. You might lose mental capacity because of an illness such as dementia, or if you were unconscious, for example. It’s possible to have mental capacity at some times and not at others, and for some types of decisions and not others.

Self-funder

A person who is paying for all their own care themselves (self-funding), rather than getting financial help from the local council.

2. Assessing whether a care home is the right option

If you're finding it harder to manage at home and you're considering moving to a care home, start by asking your local council for a free care needs assessment. The assessment is a chance to explain to a social care professional how you're managing at home and understand what care and support needs you might have. They should consider what you want as well as what you need when making their assessment.

If the assessor suggests that a care home is your best option, they must also say which type of care home can meet your needs. For example, a:

- residential care home – which offers personal care, including help with washing, eating and drinking, going to the toilet and taking medication
- nursing home – which offers personal care, but also has qualified nurses on duty at all times
- care home with specialist care – which offers care for particular illnesses or support needs, for example, dementia or a physical disability.

If you qualify for help from the council, they must create a care and support plan explaining how your needs will be met and what it will cost. You should be given a copy of the care and support plan.

For more information about the care needs assessment, read our factsheet **First steps in getting help with your care needs**. Our online care needs assessment tool can support you through the process (**independentage.org/care-needs-assessment**).

Finding a care home

Find out about care homes in your local area by contacting the Elderly Accommodation Counsel (**housingcare.org**, **0800 377 7070**) or the Care Quality Commission (**cqc.org.uk**, **03000 616161**). Both organisations can give detailed information about registered care homes. The Care Quality Commission regulates and inspects all care homes in England, and you can see their latest inspection reports and ratings on their website.

You can also search for care homes on **caresourcer.com** or the online NHS Care Services Directory (**nhs.uk/service-search**).

Read our guide **How to find the right care home** for more information.

3. Paying for a care home if you need nursing care

Most people will be expected to pay something towards the cost of their care. However, in certain circumstances the NHS may have to contribute towards your fees or occasionally pay them in full. This is usually if you mainly need healthcare rather than social care. Depending on your needs, you might be able to get:

NHS Continuing Healthcare

This is a package of care arranged and funded by the NHS. It's for people who have a much higher level of health and care needs than social services can be expected to provide support for. Continuing Healthcare is not means-tested. If you qualify, you won't have to pay anything towards the care you're assessed as needing. For more information, see our factsheet **Continuing Healthcare: should the NHS be paying for your care?**

NHS-funded nursing care

If you don't qualify for NHS Continuing Healthcare but you're assessed as needing a place in a nursing home, you might be able to get some of your nursing care paid for by the NHS. If you qualify, you'll receive £209.19 a week from the NHS towards the nursing care you receive in the care home. This is usually paid directly to the home. If you're paying for your own care, the nursing care contribution will be deducted from the total fee.

If it looks like you may be able to get NHS Continuing Healthcare, your Clinical Commissioning Group must assess you for this before assessing you for NHS-funded nursing care.

4. Assessing your finances

If you don't qualify for NHS Continuing Healthcare, the local council will give you a financial assessment (sometimes called a means test). This works out how much you'll have to pay towards your care home fees. The financial assessment is separate from the care needs assessment.

The financial assessment looks at:

- your income, including certain benefits
- the value of your home if you own it (this isn't always counted – see **chapter 7**)
- any other capital, including savings and investments.

Most people will have to use all their income to help pay for their care home fees, apart from a few exceptions and a small amount known as a Personal Expenses Allowance. The chapters that follow have more information about how your income, savings and capital are considered in a financial assessment.

Does my partner have to pay towards my care home fees?

No – only your individual finances should be assessed. The council mustn't include the income or savings of your spouse, civil partner or partner in your financial assessment. They may need information about assets you own jointly, but this should only be to work out how much you own so they can disregard your partner's share.

In some circumstances, your partner may wish to pay a top-up fee for you from their own assets – see **chapter 11**.

Light-touch assessments

Sometimes, the council may treat you as if you've had a full financial assessment already, without actually carrying one out. This is called a light-touch assessment. It may be used if:

- you have significant financial resources and don't wish to undergo a full financial assessment for personal reasons
- the council is charging a small amount for a service and you are clearly able to pay for it
- you're receiving means-tested benefits that demonstrate you wouldn't be able to contribute towards the cost of care.

You may still need to provide the council with some evidence of your financial situation.

You can still ask for a full financial assessment to be carried out if you'd prefer that to a light-touch assessment. The council must tell you if they've carried out a light-touch assessment and make it clear you can ask for a full financial assessment if you want one.

5. How your income is considered in the financial assessment

The financial assessment will look at your income. Many people will have to contribute all their income (minus a Personal Expenses Allowance – see **page 12**) towards their fees.

However, some types of income are not included in the assessment. For example, the assessment must not take into account:

- certain benefits, including the mobility component of Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Armed Forces Independence Payment
- half of any private pension if:
  - you're giving it to your husband, wife or civil partner who is remaining at home and isn't already legally entitled to it
- the Savings Pension Credit disregard of up to £5.90 a week if you're single or £8.85 for couples
- the Christmas Bonus paid to people who receive certain benefits
- earnings from employment.

The ways different kinds of income are treated are complicated. If you think the council hasn't carried out your assessment correctly, you may need advice. Call our Helpline on **0800 319 6789** to arrange to speak to an adviser.

To do

Depending on your circumstances, you may want to get specialist financial advice. Contact the Society of Later Life Advisers (**societyoflaterlifeadvisers.co.uk**, **0333 2020 454**) or Unbiased (**unbiased.co.uk**, **0800 023 6868**) to find an independent financial adviser.

What will happen to my disability benefits?

You'll continue to get Attendance Allowance, DLA care component or PIP daily living component if one of the following applies:

- your care home fees aren't being paid by your local council, the NHS, or other public funds
- the council is giving you a loan to pay the care home fees while you sell your home (see **chapter 7**)
- you have a deferred payment agreement with the council (see **chapter 7**).

Otherwise, if the council is paying towards your care home fees, your disability benefits will stop after you have been in the care home for 28 days. Tell the DWP as soon as you go into the care home, so they can end your benefits at the right time.

They will also stop after 28 days if the council is applying the 12-week disregard to your property (see **chapter 7**). If you're paying the full cost of your fees after the 12-week disregard period ends, you will need to ask the DWP to restart your benefit again. You may be entitled to some money in arrears.

You can usually continue getting the mobility component of your benefit whilst in a care home. However, if you're in a nursing home, the rules about what happens with the mobility component of PIP or DLA or Armed Forces Independence Payment are complicated, so you should contact the office that pays your benefit to check.

Good to know

If your income (apart from any disregarded income) is higher than the care home fees, you will have to pay all the fees yourself. See **chapter 12** for more information.

To do

You may be entitled to claim Pension Credit if the council is paying towards your fees. Contact the Pension Service to find out (**0800 99 1234**, **gov.uk/pension-credit**). If you're claiming Pension Credit, this will count as part of your income in the financial assessment. For more information, read our guide **Pension Credit**.

The Personal Expenses Allowance

After they've assessed your income, the council must make sure you're left with a Personal Expenses Allowance of at least £25.65 per week, which you can spend as you wish. The council can use its discretion to allow you to keep more than this amount. For example, you may have to pay ground rent for a house that you're trying to sell, or you may wish to help your partner at home with expenses such as repairs to the house. If you want to ask the council to let you keep a higher amount, explain to them what you need the money for.

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6. How your capital is considered in the financial assessment

The financial assessment will look at your capital as well as your income. Most of your capital is included in the assessment – for example:

- savings held in bank and building society accounts
- savings in specialist investment accounts, such as premium bonds or national savings certificates
- stocks and shares
- any property you own (including your home, other buildings and land). There are exceptions to this – see **chapter 7**.

If you own capital with someone else, the council will usually treat you as having equal shares. If this is incorrect, you will need to tell the council and provide evidence supporting your case.

You may want to split any joint accounts, as this will make handling your affairs much easier.

Good to know

Property is the exception to the council's assumption that you hold equal shares. If you jointly own any property, working out your interest in the property may not be straightforward. See **chapter 8** and our factsheet **Care home fees and your property** for more information.

The council completely ignores some capital, including:

- personal possessions, as long as you didn't deliberately buy them to try to avoid paying for your care – see **chapter 9**
- life insurance policies.

Some of the rules about what capital is disregarded are complicated. If you think the council hasn't carried out your financial assessment correctly, you may need advice. Call our Helpline on **0800 319 6789** to arrange to speak to an adviser.

How your capital is assessed

There are upper and lower capital limits in the financial assessment. If you have more than the upper limit, you'll have to pay for all your care. The council must ignore any capital you have below the lower limit when they assess your capital. If you have between the two amounts, the rules are a bit more complicated.

Remember

If your income is higher than the care home fees, you may have to pay all the fees yourself.

- The lower capital limit is £14,250. You won't need to use any capital below this amount to pay for your care. However, you probably will have to make a contribution from your income.
- The upper capital limit is £23,250. If you have more capital than this, you will have to pay for all the care you receive, unless you qualify for any free services – see **chapter 12** for more information.
- If you have capital between £14,250 and £23,250, 'tariff income' is calculated. This is income that the council assumes your capital gives you. A tariff income of £1 is counted as income for every £250 (or part of £250) of capital you have. You will probably have to make a contribution from your income.

For example: Tommy has agreed to move into a care home recommended by the council that costs £500 a week. His eligible income is £300 a week and he has savings of £4000. He will have to contribute all £300 (minus his Personal Expenses Allowance) towards the fees. The council will pay the remaining fees. Tommy's savings are too low for him to need to use them towards his care home fees.

7. How the value of your home is considered in the financial assessment

This chapter applies if you're moving into a care home permanently. For more information about temporary stays and respite care, see **chapter 14**.

The value of your home won't be considered in the financial assessment if any of the following people still live there:

- your spouse, civil partner or partner
- your child who is under 18
- a close relative who is aged 60 or over
- a close relative who is incapacitated. A person may be treated as incapacitated if they are:
  - receiving Attendance Allowance, DLA, PIP, Incapacity Benefit, Severe Disablement Allowance, Armed Forces Independent Payments, Constant Attendance Allowance or a similar benefit, or
  - not receiving one of these benefits but would satisfy the incapacity criteria for one of them.

This is known as a mandatory disregard of the value of your property, meaning you have a right for the value of your property to be ignored if you meet the criteria.

Sometimes, the council may choose to ignore the value of your home in other circumstances – for example, if someone gave up their own home to live with and care for you. However, if the carer moved out or your home was sold, the council would then consider its value in the assessment. They may allow a 12-week property disregard in this case (see **page 16**). This is just one example and the council's decision will depend on each individual case.

If your home is considered in the financial assessment, you have several options. These are explained next.

Time to decide: the 12-week property disregard

If you have less than £23,250 in savings and not enough income to pay your assessed care home fees, the council will pay towards your care home fees for 12 weeks after you move into the care home permanently or until your home is sold, whichever is sooner. This is to give you time to sell your home, or arrange a deferred payment agreement (see **page 17**).

During this time, you will pay the council or care home any contribution from your income and savings that you have been assessed as having to pay. If you haven't managed to sell your home after 12 weeks, its value will then count as part of your capital.

If your capital was over £23,250 but it falls below this level during the first 12 weeks after your move to a care home, ask the council about the 12-week property disregard.

If you want to sell: a council loan while your property is being sold

While your property is being sold, the council can loan you money to pay your care home fees. This is sometimes called interim funding or a bridging loan. This short-term financial help will stop once your property sells. You will usually have to sign a deferred payment agreement (see **page 17**). You will have to repay the council the money it has loaned you, and it can charge interest and administration fees.

To do

If your council refuses to help you financially while your house is being sold, contact us to arrange to speak to an adviser (**0800 319 6789**). The council may have wrongly refused you help.

Delaying the sale of your property: deferred payment agreements

If you don't want to sell your property while you're living in the care home, you can ask the council for a deferred payment agreement (DPA). This means the council pays some or all of your care costs, and claims the money back later once your property is sold or after your death. You can also use a deferred payment agreement as a short-term bridging loan, if you have not yet managed to sell your home or to give you more flexibility in deciding when to sell your home.

In some circumstances, the council must enter into a deferred payment agreement with you if you want one. In other circumstances, they can decide whether or not to do this.

The council can charge interest on deferred payments to cover its costs. You will also have to pay an administration fee for the council to manage the deferred payment. You could choose to have both of these charges included as part of the loan, if the council thinks your property is worth enough to allow this.

You can cancel a deferred payment agreement, but it's likely you will then have to start paying the full care home fee and you'll have to repay the amount already loaned to you.

You can read more about deferred payment agreements, including the eligibility criteria and how to set one up, in our factsheet **Care home fees and your property**. Call our Helpline to arrange to speak to an adviser if the council is refusing to enter into a deferred payment agreement and you're unhappy about this (**0800 319 6789**).

Renting out your property

If you rent out your property to tenants, the council can still take its value into account in the financial assessment. You may be assessed as needing to pay all your own care costs. You will then need to make sure that the rent you charge, when added to the rest of your income, covers the full cost of the care home fees. If not, you may wish to consider a deferred payment agreement.

Ask the council for more information if you're thinking about renting out your property.

8. What happens if you jointly own a property

Your share of a jointly owned property will be taken into account in the financial assessment unless it's being disregarded.

The amount the council takes into account is called your beneficial interest. Your beneficial interest is the proportion you'd be entitled to receive if the property were sold. If you legally own a property but haven't contributed any money towards the purchase, improvement or maintenance of the property, then the council may accept that you don't have any beneficial interest (or share) in it. If they conclude you wouldn't be entitled to receive any of the value of the property if it were sold, it must not be included in the financial assessment.

Valuing your beneficial interest in a jointly owned property

Valuing your beneficial interest isn't simply a question of finding out how much the property as a whole would sell for and then working out what your share of this would be. The council must work out how much someone would pay to buy your interest in the property so that they became the joint owner in your place with the other owners. This is likely to be less than what you would receive if the property as a whole were sold.

Our factsheet **Care home fees and your property** explains more about how the council should value your interest in the property when working out what you need to pay towards your care home fees.

9. Giving away belongings to avoid paying for care

Deprivation of capital is when you give away your assets or spend your money with the purpose of making your capital low enough that the council has to contribute to your care home fees. The council can treat you as if you still own this capital and include it in their financial assessment. This is called notional capital. Alternatively, the council can make the person you gave your capital to pay the equivalent value towards your fees.

The same rules apply if you have deprived yourself of income, for example, by giving away the right to an occupational pension.

The council must look at why and when you gave away your savings, property or income. For example, if you gave your grandchildren some money years before you knew you might need care, it may be unreasonable for the council to assume you did this to avoid paying care home fees. However, if you signed your property over to your son when you were unwell and it looked likely you would need residential care, the council might decide that you did this to avoid having to pay care home fees. They must give their reasons if they do decide this.

Some of the ways in which you may be considered to have deliberately deprived yourself of capital include:

- giving away money
- transferring the ownership of your property
- spending your money on something extravagant, particularly where this is out of character.

For more information, see our factsheet **Can I protect my assets if I need care?**

10. Moving to a care home as a couple

If you and your partner both move into a care home, your council will assess your finances separately.

If you each have less than £23,250 in capital or savings, the council will pay towards your care home fees, providing your individual incomes are below the level of the care home fees. If you have joint savings, these should be split in half for the financial assessment, unless you have evidence they're not owned in equal shares.

Claiming Guarantee Pension Credit

If you move into the same care home as your spouse, civil partner or partner and have separate rooms, you will be treated as an individual with separate finances when you claim Guarantee Pension Credit. Most people should be assessed as separate individuals (not as a couple) even if they share the same room. You should both put in new claims to make sure you're both receiving the right amount.

Read our factsheet **Pension Credit** to find out more. Call our Helpline on **0800 319 6789** to arrange to speak to an adviser if you're unsure how this affects you.

11. Choice of care home and paying top-up fees

If you're entitled to some financial help from the council, they must tell you how much they say it will cost to meet your needs. The total amount the council allocates to meet your care needs is called your personal budget. This includes the amount the council will be contributing as well as the amount you may have to pay. It must be enough to meet your assessed needs and should consider local factors such as the market rate for care in your area.

The council must offer you a place in at least one care home that:

- meets your assessed care needs
- doesn't cost more than your personal budget
- has a place available
- is prepared to enter into a contract with the council and accept their terms and conditions.

You have a right to choose a care home as long as it meets all the conditions above and is the type of accommodation specified in your care and support plan, for example, a nursing home. This also applies if you want to choose a care home in a different council area – see **chapter 16**.

Good to know

If the council disagrees with your choice of care home and refuses to arrange or pay towards your place there, they must give you written reasons. They must consider what you prefer if it's reasonable. You may want to consider making a complaint if you disagree with their reasons – see **chapter 17**.

If there is no suitable care home place available within your personal budget, the council must increase your personal budget (and their contribution to it), at least until a suitable cheaper home can be found.

However, you may prefer a more expensive home, even though a cheaper home that can meet your assessed needs is available. You can move there as long as someone else – a relative, friend or charity – will pay the extra cost. This is known as a top-up fee. It's important that any top-up arrangements you make can continue for as long as you're in the care home, as you may have to move to a cheaper home if the person paying the top-up fee can't afford to pay it anymore.

Paying your own top-up fees

You can only pay your own top-up fees in the following situations:

- during the initial 12-week property disregard that the council must apply
- if you have a deferred payment agreement with the council
- if your accommodation is being provided under the Mental Health Act in certain circumstances
- if you receive NHS Continuing Healthcare – see **chapter 3**.

Remember, if the council is paying towards your care, you'll already be contributing most of your income towards your care, so you may not be able to afford this. For more information about top-ups, see our factsheet **Paying care home top-up fees**.

12. Paying your own fees

If you have capital of over £23,250 or an income greater than the care home fees, you'll usually have to pay all your own care home fees However, you're still entitled to a care needs assessment from your council. It's useful to have one because it works out exactly what your care needs are, which could help you to find a suitable home.

You'll also get an idea of the costs involved, so you can make sure you're not moving somewhere too expensive. If your money falls to a level where you qualify for financial help from the council in the future, you may have to move if you're living somewhere that costs more than the council will pay.

Arranging your care

You can arrange your care home place without involving the council if you wish.

You can also ask the council to arrange your care, even if they won't be paying towards it. They don't always have to agree to do this and it works in different ways depending on your situation.

- If you're self-funding and need care in a care home, you can ask the council to arrange your care home place. The council can choose whether to help you or not. If they agree to help you, they can't charge an arrangement fee.
- If you lack mental capacity to make arrangements for your care (see **page 4**) and there's no one who is able or who has permission to do this for you, the council must help and they must not charge an arrangement fee. This applies whether you're getting financial help from the council, or you're paying all your own care home fees.

When your capital starts to fall

If your capital falls below £23,250, you may qualify for financial help from the council. Contact them around three months before you think your capital will drop below this level. They will need to carry out a care needs assessment and it may take a while to arrange everything. The council can only provide financial help from the date they start funding your care home placement, so they won't reimburse you if you've already had to spend your capital down to below £23,250.

If you have moved to a care home in a new area while paying your own fees, but your capital is reaching a level where you will need help from the council, you must apply to the new council for the area you're living in.

Moving to a less expensive care home

If you can no longer afford to pay your care home fees and your capital has fallen to a level where the council is paying, you may have to move to a cheaper care home that the council will agree to fund.

You should start by having a care needs assessment (or reassessment) from the council to look at your care needs. Our factsheet **First steps in getting help with your care needs** has more information about assessments. The council must show that the new care home will meet your assessed eligible needs.

They should also carry out an assessment to consider how a move would affect your physical, social or mental wellbeing. The professionals involved in this assessment will depend on your needs. For example, if you have been diagnosed with dementia, your psychiatrist may be involved. The opinion of these professionals should be considered in the decision-making process.

If the council agrees that you should stay in your original care home, they must increase your personal budget to cover the higher care home fees.

To do

If you have to move but feel the proposed new care home can't meet your needs, you may want to challenge the council's decision (see **chapter 17**).

Getting advice to plan for care home fees

The system for funding care home placements is complex, so you may want to get more information and guidance. You can find a specialist financial adviser through the Society of Later Life Advisers (**0333 2020 454**, **societyoflaterlifeadvisers.co.uk**) or Unbiased (**0800 023 6868**, **unbiased.co.uk**). There is likely to be a charge for financial advice.

13. Making a contract with a care home

If the council is contributing to your care home fees, they're responsible for making sure that the full cost is paid to the care home. They should agree a contract with the care home saying how much the fees are and what sort of care you should receive.

To do

Always ask to see the contract between the council and the care home to make sure it includes any special requirements that were given in your care plan.

The care home's fees should cover all of your care needs, but check if you have to pay any extra charges for things such as outings, hairdressing and leisure activities.

If you're paying for your own place

If you're paying your own fees, you'll need to sign a written contract with the care home that sets out the agreed terms and conditions.

Remember

Don't sign a contract until you're sure you understand it and you're happy with it.

If you're unhappy with any part of the contract, contact your local Citizens Advice (**0800 144 8848**, **citizensadvice.org.uk**).

Your contract should include information about:

- whether your stay is permanent, temporary or a trial stay
- your room
- the care and services, including arrangements for meals, drinks and laundry

- the fees or charges and how they're calculated
- whether extra charges are made for any services
- the care home's rights and obligations
- your rights and obligations
- when deposits are and are not refundable
- how the care home will meet any special requirements, such as your dietary or religious needs
- how any changes to your care needs will be managed
- how your money and valuables will be kept safe, and who is responsible for insuring them
- what liability insurance the care home has
- whether you'll be charged if you're away from the care home temporarily
- the notice period you'll have to give or could be given to move out
- how to make a complaint.

Some key points to check in a contract

- Who has to pay the fees and how often are they charged?
- How much notice do you have to give if you want to leave?
- How much notice must the care home give you if they want you to leave?
- How long are the fees payable after someone has died?
- Does the care home exclude itself from providing some services?
- Is the care home responsible for looking after your possessions?
- Is the care home responsible if your clothes are damaged in the laundry?
- Can the care home make significant changes to what it provides without consulting you?

- Can the care home change your room without consulting you?
- Can the care home impose unreasonable restrictions or obligations on you?
- Can staff enter your room without your consent?
- Does the care home have the right to keep or dispose of your possessions after your death?

14. Temporary stays and respite care

You may only need to move into a care home for a short time. This might be:

- to give your carer a break
- to recover from an illness
- for a trial period while you decide if you want to make it your permanent home.

The council can charge you for temporary stays in one of two ways:

- it can charge you as if you were a permanent care home resident
- it can treat you as if you were still living at home and charge you according to non-residential charging rules.

Either way, they will ignore the value of your home if you plan to move back there within a year.

In exceptional circumstances, you can still be treated as a temporary resident if your stay may last more than a year, as long as it's not significantly longer than this. If the council is helping to pay your fees during a temporary stay in a care home, they must also consider your expenses at home, and those of your partner or carer. For example, this could include any payments needed for the upkeep of your home and the bills you need to pay. This could mean increasing your Personal Expenses Allowance – see **chapter 5**.

If you need nursing care during a temporary stay

You may be entitled to have some or all your fees paid by the NHS – see **chapter 3**.

If you're able to get NHS Continuing Healthcare, the full costs of your care during a temporary stay would be covered as long as your local NHS Clinical Commissioning Group agrees.

If you'll be staying in a nursing home for less than six weeks, you can get NHS funded nursing care. An assessment can be carried out to check whether you qualify for this. There's no need for an assessment if you know in advance that your stay will be less than six weeks and you've already been assessed as needing nursing care – for example, you may have been receiving visits from a district nurse.

Temporary stays and your benefits

A temporary stay is generally a stay of up to 52 weeks.

Pension Credit

You can usually keep getting Pension Credit during a temporary stay in a care home for as long as you continue to qualify for it. However, any disability additions you receive with your Pension Credit will stop after 28 days, because these are linked to when your disability benefit stops.

If you receive a disability addition because you're receiving Armed Forces Independence Payment, this will continue to be paid. Armed Forces Independence Payment doesn't stop being paid however long you're in a care home for.

Disability benefits

If all or some of your care home fees are being paid by your local council, the NHS or other public funds, after 28 days in a care home, you'll stop getting:

- Attendance Allowance
- Disability Living Allowance (DLA) care component
- Personal Independence Payment (PIP) daily living component.

You'll continue to be paid these benefits in other circumstances, for example, if you're paying all the fees yourself.

If you need to go into a care home for several short periods, the days for each care home stay will be added together if you go back within 28 days. Your disability benefit and disability additions will stop after a combined total of 28 days.

The mobility component of PIP or DLA and Armed Forces Independence Payment can continue to be paid however long you're in a care home for.

To do

If you need regular stays in a care home to give your carer a break, talk to a social worker about whether you could arrange to keep your disability benefit.

Housing Benefit and Council Tax Support

If you're staying in a care home temporarily, you may be able to keep getting Housing Benefit and Council Tax support for your usual home for up to a year as long as you're:

- not renting out your home while you're away
- planning to return to your home within 52 weeks.

Some people go into care homes as temporary residents and then decide to stay in the home permanently. The council will reassess your finances when you become a permanent resident.

Remember

Make sure you inform the Pension Service, DWP and your local council if you go into a care home, and when any disability benefit you were getting stops.

15. If you leave your care home temporarily

If the council is contributing towards your fees, ask them what will happen if you have to leave the home temporarily, for example, if you go into hospital or on holiday. The terms and conditions of your contract should state whether or not the council will continue to pay towards your care costs while you're away. You should be given a copy of the terms and conditions.

If you're paying for your own care, it's important to ask the care home what charges will be applied for time away from the care home. Check your contract before you sign it and make sure it includes temporary absences.

If you're away from the care home because you have to go into hospital, your benefits will be affected. Your benefit may be paid at a reduced rate, or you may stop getting it altogether. If you're unsure how this would affect you, call our Helpline on **0800 319 6789** to arrange to speak to an adviser, or read our factsheet **Hospital stays** for more information.

16. Moving to a care home in a new council area

If you're thinking about moving to a care home in a new council area, that council must give you general information about care in the new area if you ask them for it.

What happens next depends on your situation and finances.

If you're getting financial help from the council

If your care needs assessment says that you need to move to a care home in a different area, you're treated as if you're still living in your current council area. This is where you're 'ordinarily resident' and this council must continue to arrange your care and contribute towards your fees.

Sometimes councils don't agree on who should arrange and pay for your care. If you experience problems, call our Helpline on **0800 319 6789** to arrange to speak to an adviser.

When calculating your personal budget, the council should keep in mind the cost of care in the area you need to move to. Your personal budget should be sufficient to meet your needs.

You still have the right to choose to move to a different area even if it is not recognised in your care needs assessment as an eligible need (see **chapter 11**). However, if the home in the new area costs more, your council doesn't have to increase your personal budget. You may have to ask someone else to pay the difference. See **chapter 11** and read our factsheet **Paying care home top-up fees** for more information.

If you're paying for your care yourself

While you have capital of over £23,250 or an income greater than your care home fees, you will usually be responsible for arranging your care in your new area. It's still advisable to make sure that your care needs assessment and financial assessment are up to date. If you haven't had these assessments recently or your needs have changed a lot, ask your current council to arrange reassessments.

Moving to a new area if you don't have mental capacity

Mental capacity is the ability to make a decision when it needs to be made. If you lack mental capacity to choose where you want to live, any decision about a possible move must always be made in your best interests.

If you lack mental capacity to arrange your own care, and there's no one who is able or has permission to do this for you, your current council must help. They must not charge an arrangement fee for this. This applies whether the council is contributing to your care costs or you're paying them all yourself.

To do

Moving to a new council area can be complex. Call us on **0800 319 6789** to arrange to speak to an adviser who can give you more tailored information.

17. What to do if you disagree with the council's decisions

You may be unhappy with the council's decisions, for example, if:

- you don't agree with how they've valued your property
- they're treating you as having given away your assets to avoid paying the care home's fees, and you don't agree
- you don't think you should need to find someone to pay a third party top-up
- you don't agree with the amount that the council is willing to pay towards the care home fees.

Often problems can be solved by talking to the social worker or their manager. If this doesn't work, you have other options.

Formal procedures for resolving disagreements

There are two main ways of trying to resolve disagreements:

- making a complaint
- using a solicitor to pursue a legal case.

The route you take depends on who is funding your care home placement. If the council is funding your care, it's best to make a complaint to them first.

Remember

There is a time limit for using each of these procedures. It's important not to miss it. It may be best to consider making a complaint or taking legal action at the same time as trying to sort things out with your social worker, so you don't miss the deadlines.

If the council is contributing towards your care home placement costs, you must make your complaint within 12 months of the problem occurring or of you becoming aware of it. If you're funding your own care, you'll need to follow the care home's complaints procedure. This may have a time limit as well. It's usually better to start the complaint as soon as possible.

If you decide to pursue a legal case, the time limit is much shorter. If it becomes necessary to start court proceedings, you're likely to need a judicial review. Judicial review proceedings must be started within three months of the date when there were first grounds for a legal challenge.

It's sometimes possible to pursue a late complaint or a late legal challenge.

For more information, including about how the time limits work, read our factsheet **Complaints about social care services**.

To do

If you want specialist legal advice, you will need to find a solicitor who specialises in community care law. Read our factsheet **Complaints about social care services** to find out more.

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IA-IG-504-v3.1