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Patient Information Forum

Factsheet

Care home fees and your property (England)

If you're moving to a care home permanently, you might be wondering whether you will need to sell your home to pay care home fees. This factsheet explains when you might need to consider this, and alternatives that might be available to you, such as deferred payment agreements.

It also provides information on circumstances when the value of your property might be disregarded and how jointly owned property is treated.

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

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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 5.30pm) 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**.

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1. Terms you might come across

Assets

Items you own that have a financial value.

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

This is 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 have a right to 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, so anyone supporting you must take this into account.

Property disregard

When the council ignores the value of your home in the financial assessment to work out what you should pay toward your care.

Self-funder

A person who is paying for all their own care themselves (self-funding), rather than getting financial help from the local council. This could be a choice or as a result of their local council's financial assessment..

2. How much will I have to pay for my care?

If you're considering a move to a care home, you are entitled to a care needs assessment from the adult social services department of your local council. If you haven't had one, contact them to ask for one.

For more information, see our factsheet
First steps in getting help with your care needs.

If the council agrees that a care home would be the best way to meet your needs, they will carry out a financial assessment to see if you qualify for help with the fees.

The financial assessment looks at:

- your income, including your pensions and certain benefits
- your capital, including your savings, investments and the value of your home if you own it.

How your finances are assessed

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

Good to know

Depending on where you live and your level of income, your capital – such as your savings or property – may or may not be taken into account during the financial assessment.

For more information, contact our Helpline (**0800 319 6789**) to arrange to speak to an adviser.

If you have capital of more than £23,250, you may have to pay all your care home fees until your capital drops below this amount.

If you have capital of less than £14,250, you won't need to use it to pay for your care home fees. However, you'll have to contribute most of your weekly income. You'll be left with at least the Personal Expenses Allowance of £25.65 per week.

If you have capital between £14,250 and £23,250, 'tariff income' is calculated. This is the income that it is assumed your capital gives you. You'll pay £1 of tariff income for every £250 (or part of £250) of capital you have. The amount of tariff income you pay will decrease as your capital decreases. You pay this on top of any contribution you need to make from your income. See our publication **Paying care home fees** for more information about the financial assessment.

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.

Do I need to sell my property to pay my care home fees?

If you own a property, it's likely that you will have to pay your own care home fees. However, sometimes your property isn't included in the financial assessment. This is known as a property disregard. You may qualify for a property disregard in the short term, to give you time to sell or make other arrangements, or in the long term, depending on your circumstances. **Chapters 4** and **5** explain this in more detail.

The financial assessment can be more complicated if your property is jointly owned.

If you don't want to sell, there are other options. This factsheet looks at:

- deferred payment agreements
- bridging loans
- care home fee payment plans
- equity release.

It's important to get independent financial advice if you decide to explore some of these options. See **chapter 17** for details of where you can get advice.

3. Will my home be included?

There are different rules depending on the circumstances.

When your home is included

The value of your home is usually included in the financial assessment if you've been living in the property alone and nobody else owns a share in the property. The whole of its current market value (minus 10% to cover the costs of selling) can be taken into account.

If your property is jointly owned, only your share can be taken into account in the financial assessment (see **chapter 14**).

When your home isn't included

The value of your home must not be taken into account if any of the following people lived there as their main or only home before your move to a care home, and they continue to live there:

- your spouse, civil partner or partner
- a dependent
- a close relative aged 60 or over
- a close relative who is:
  - receiving Attendance Allowance, Disability Living Allowance, Personal Independence Payment, 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 meet the criteria for one of them.

This is known as a mandatory property disregard.

When your home may or may not be included

If your stay in a care home is temporary, your property may be disregarded. For more information, call our Helpline (**0800 319 6789**) to arrange to speak to an adviser.

The council can also agree to ignore the value of your property in other circumstances, as long as you're not deliberately avoiding paying care home fees. This is called a discretionary property disregard – for example, the council may agree to do this if the property is the only home of someone who gave up their own home to be a live-in carer for you.

Mary and Jane

Mary has early signs of dementia. She needs a bit of support, but wants to live in her own home. Her best friend, Jane, agrees to sell her home to move in with Mary. Four years later, Mary needs much more care and, after an assessment, social services agree that she should move into a care home. The council uses its discretion to disregard the value of Mary's property, because it has become Jane's only home.

If you disagree with the decision

If you disagree with the council's decision about whether your property should be included in your financial assessment, you may want to make a complaint to the council or get legal advice (see **chapter 17**).

4. The 12-week property disregard

If you move into a care home permanently, you may be entitled to 12 weeks at a reduced cost. This is called a 12-week property disregard, where the council must not include the value of your property in your financial assessment for the first 12 weeks. This scheme is intended to give you breathing space to prepare your property for sale, decide whether you want to sell or ask the council for a deferred payment agreement (see **chapter 5**).

To qualify for the 12-week property disregard, your capital must be less than the upper limit of £23,250 once the value of your property has been disregarded – for example:

Tony's story

Tony owns his own home and has £9,000 in savings. This means he is eligible for the 12-week property disregard because he has less than £23,250 in savings.

The council must also disregard the value of your property for 12 weeks if you've already moved into a care home and a mandatory property disregard (see **page 8**) ends unexpectedly because your relative has died or moved into a care home – for example:

Sue's story

The property that Sue owned with her husband was not taken into account when she had a financial assessment because her husband still lived there (a mandatory property disregard). Unfortunately, her husband's health deteriorated quickly after Sue moved into the care home, and he then needed to move into a care home too.

This meant there was no longer anyone living in the house, and its value could be taken into account by the council as part of Sue and her husband's contributions towards their care home fees.

However, Sue and her husband were entitled to the 12-week property disregard.

The council can also choose to apply the 12-week property disregard if there are unexpected changes in your financial circumstances, such as a big fall in share prices, which brings your capital down below £23,250.

How does it work?

The council will contribute to your care home fees for a maximum of 12 weeks or until you sell your property (or your share of the property if it is jointly owned) – whichever is sooner.

This doesn't necessarily mean the council will be paying all your fees during this time. You will still pay the council any contribution from your income and capital that you have been assessed as having to pay. This includes most of your income – for example, your State Pension and any Pension Credit – apart from a Personal Expenses Allowance of at least £25.65 a week. Our factsheet **Paying care home fees** has more information.

If you're receiving benefits

If you have a 12-week property disregard, you will effectively be seen as part-funded by the council for those 12 weeks. This means that the following benefits should stop after 28 days:

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

To do

Contact the relevant helpline if you have a 12-week property disregard and you're receiving any of these benefits:

- Attendance Allowance (**0800 731 0122**)
- PIP (**0800 121 4433**)
- DLA (**0800 121 4600**).

If you're paying your own fees after the 12-week period, you can start claiming again. Contact the helpline to ask them to reinstate your benefit.

What happens at the end of the 12-week disregard?

You'll need to plan for the end of the disregard period. After the 12-week period is over, the value of your home will be included in your financial assessment unless you qualify for another type of disregard (see **chapter 3**).

If you haven't sold your property or you don't want to sell, then you can ask the council for a deferred payment agreement (see **chapter 5**). If you're having trouble selling, but still wish to sell, you could also consider using a deferred payment agreement as a bridging loan (see **chapter 10**).

5. Deferred payment agreements

If you're unable or don't want to sell your home, you may be able to get a deferred payment agreement with your council.

The council will pay your care home fees and claim the money back later when your home is sold, either when you move out of the care home or after your death.

A deferred payment agreement is a loan, and you will have to pay it back. You will also have to pay interest and administration costs.

Deferred payment agreements are useful for people who:

- choose not to sell their property – for example, because they have a friend or relative still living in the property who isn't covered by a property disregard (see **chapter 3**)
- are having difficulty selling their property.

Ask your council for information about a deferred payment and how it works. They should tell you if you're likely to qualify (see **chapter 6**), what the advantages and disadvantages might be, and how to get independent financial advice.

Good to know

MoneyHelper has more information on the advantages and disadvantages of a deferred payment agreement: **moneyhelper.org.uk/en/family-and-care/long-term-care/deferred-payment-agreements-for-long-term-care**.

6. Who can have a deferred payment agreement?

The council may offer you a deferred payment agreement if all the following points apply:

- they have assessed your needs and agree that you need to be in a care home
- not including your home, you have capital of less than £23,250
- your home is not disregarded.

This includes people who lack mental capacity if they have someone with the appropriate legal authority, such as power of attorney, to represent them.

The council may also offer you a deferred payment agreement if you're arranging your own care.

Good to know

The council can also choose to offer deferred payment agreements to people who don't meet the eligibility criteria but who they feel might benefit from the arrangement – for example, if their capital is close to £23,250.

The council must be sure that they will get the money back when offering a deferred payment agreement, so they will consider each case individually (see **chapter 8**).

Interest and administration charges

Councils can charge interest on your loan. If they do, they must tell you before you sign an agreement and tell you what the rate is and when it may go up. They can't charge more interest than a national maximum rate set by the government.

The council can also charge reasonable administration fees, such as legal fees, valuation costs and ongoing running costs. They should keep a publicly available list of all administration charges.

You can choose to pay interest and administration charges separately or include them in the total amount being deferred.

How much can I defer paying?

Housing equity is the market value of your home, minus any outstanding mortgage payments or other debts secured against the property. If there is enough equity in your property, you should be able to defer the full amount of your care costs, including any top-up fees you need to pay to cover a more expensive care home place. See our factsheet **Paying care home top-up fees** for more information.

Good to know

The council must make sure that the amount you defer doesn't go over your equity limit. This limit is 90% of the value of your property minus any other claims on the property, such as a mortgage. The limit should take into account the remaining equity in the property.

7. Securing a deferred payment agreement

If you qualify for a deferred payment agreement, the council must get a valuation of your property – and can ask you to pay for the valuation costs. You may also want to get your own valuation (see **chapter 14**).

If there is a big difference between the two, discuss this with the council and try to agree a value. If you disagree, you may wish to make a complaint – see our factsheet **Complaints about social care services**.

The council must be certain that they will be able to get their money back before they can enter into a deferred payment agreement with you – for example, that they can get a 'first legal mortgage charge' against your property. This gives them the right to first call on the proceeds of the sale of your property, or to take your property if you don't pay back the money you borrowed.

If your property is jointly owned, the council must get the signed consent of all owners to put a legal charge on the property. The other owners must also agree to the property being sold in the future so that the council can reclaim their costs. If they don't, the council can refuse a deferred payment agreement. See **chapter 13** for more information about jointly owned properties.

If these options aren't possible, the council may agree to a deferred payment agreement if they're satisfied that there is some other kind of security that means they're likely to get their money back, such as:

- a solicitor's undertaking letter (a 'promise' from the solicitor that the funds would be available at a later date)
- through a guarantor
- if you agree that the council could reclaim their costs from a life assurance policy or a valuable object you own.

8. How a deferred payment agreement works

When you and the council have agreed to defer payments, the council must draw up a contract so you're clear about your rights and responsibilities. This may include:

- how the maximum limit on the amount being deferred works
- how interest is calculated
- administration charges
- your responsibilities and the council's responsibilities during the agreement
- in what circumstances the council may refuse to defer additional fees or end the agreement.

The council should aim to have agreements in place before the end of the 12-week property disregard period, or within 12 weeks of the request being made in other circumstances. You should be given a hard copy of the proposed agreement and time to consider it before signing. You will be charged interest during your deferred payment agreement, but these interest charges can be deferred as well, or you can choose to pay these separately.

During the agreement

The council must give you a written statement every six months to show all the charges that are being deferred, including the interest. This should also make clear how much equity there is left in your property. The value of your equity can vary over time.

Once you've deferred 70% of the value of your property, the council should review the deferred payment agreement and talk to you about whether it's still the best way to meet your care costs.

It's usually a condition of the agreement that you must maintain and insure your home and tell the council if there are any changes to your income or circumstances.

Repaying deferred payments

The money must be repaid if you sell your home, or be repaid by your executor within 90 days of your death unless the council extends this period. Interest charges will still be added during this period.

9. Deferred payment agreements – things to consider

Benefits and Council Tax

If you enter into a deferred payment agreement, your benefits and income may be affected – for example, you may lose your entitlement to Pension Credit or it may be reduced. However, you may be able to claim Attendance Allowance because you will be regarded as a self-funded care home resident – see our factsheet **Disability benefits: Attendance Allowance** for more information.

Good to know

If you're worried that a deferred payment agreement may affect your entitlement to Pension Credit or benefits, contact our Helpline (**0800 319 6789**) to arrange to speak to an adviser.

You may not have to pay full Council Tax if your property remains empty. Speak to your council to ask about a discount.

Reducing the loan

You may have to contribute to your care home fees from your income, but you're allowed to keep up to £144 per week to spend as you wish – this is called your disposable income allowance. This weekly allowance is instead of the Personal Expenses Allowance (see **page 7**) – it is to give you enough money for day-to-day personal expenses, and to maintain and insure your property. You can put some of this money towards your fees if you wish, to reduce the loan from the council.

Other things to consider

When deciding whether to enter a deferred payment agreement, you'll need to consider a number of things – for example:

- your property will still need to be maintained and insured
- you may have to pay the council's legal and other costs up front
- the agreement is a loan, not a write-off – you still have to pay your care home fees.

You may wish to let out your property and contribute some of the rental income to reduce the overall amount of the loan. However, rental income is taxable and would also be included in the financial assessment. It may also affect your entitlement to means-tested benefits such as Pension Credit.

To do

Contact our Helpline to arrange to speak to an adviser if you would like general information about deferred payment agreements (**0800 319 6789**).

It's also a good idea to get independent financial advice – see **chapter 17**.

10. Short-term loans

If you want to sell your property but can't within the 12-week property disregard period – perhaps because of a poor housing market – you may want to consider a short-term loan to pay your care home fees until the property is sold.

Many people use a loan-style deferred payment agreement with the council to help in this situation. This works in a similar way to the traditional deferred payment agreement (see **chapter 5**). The agreement is still with the council but, instead of the council paying the care home directly, you pay the care home and the council loans you the money in instalments, minus any contribution you make from other sources.

As with a traditional deferred payment agreement, the council must still be able to put a first legal charge on your property or may agree to some other form of security – see **chapter 7**. The council can also charge interest and administration fees.

You may also be able get a short-term bridging loan from a private company. However, these loans can be expensive because you usually have to pay fees and a high rate of interest. It's advisable to get financial advice about these loans – see **chapter 17**.

11. Care home fee payment plans

There are a number of payment plans available for funding long-term care, so it's important to get independent financial advice.

The main investment product designed to cover care home fees is an immediate need care fee payment plan (also known as an Immediate Needs Annuity). This is basically an insurance policy. In return for a lump sum investment, the policy pays a regular income towards care costs for the rest of your life. One option is to secure a loan against the value of your home, which is then used to buy an annuity.

How much you pay upfront depends on your age, health, annuity rates, your choice of care home and other factors. If you don't need an immediate policy, you can get a deferred care fee payment plan to pay out from an agreed point in the future.

If the income from the plan is paid directly to the care home, it is tax free. However, bear in mind that:

- you can't cancel the plan once you've taken it out
- it may not cover the full cost of your care in future if your needs change
- it can affect your entitlement to means-tested benefits.

Annuity rates can vary considerably so you should shop around.

Getting financial advice

It's very important to get independent financial advice to help you decide if an immediate need care fee payment plan is right for you. Contact the Society of Later Life Advisers (**0333 2020 454**, **societyoflaterlifeadvisers.co.uk**) or Unbiased (**0800 023 6868**, **unbiased.co.uk**) to find an accredited adviser in your area. The financial adviser may charge a fee.

Good to know

All independent financial advisers have to be registered with the Financial Conduct Authority. Paying for long-term care is a specialist area, so make sure your adviser has a CF8 or CeLTCI qualification, which shows they understand the care and support system in the UK.

12. Equity release

Equity release is a way to release money from your home without having to sell it. There are two kinds of equity release:

- a lifetime mortgage lets you borrow money against the value of your home, which is paid back when the property is sold or when you die
- a home reversion scheme, which buys a share of your home for a cash payment.

You can receive the money as a lump sum, as a regular payment or both. There are usually eligibility criteria and conditions.

There are disadvantages to equity release schemes. With a lifetime mortgage, the interest is added to the amount you owe. You will have to pay interest on the interest, and that can quickly grow. With a home reversion scheme you will get less than the full market value of your home. Your entitlement to benefits may also be affected.

Equity release schemes are regulated by the Financial Conduct Authority and there are rules about what providers must tell you. If you take out a scheme, make sure it's with an authorised provider. Contact the Equity Release Council for details of member organisations (**0300 012 0239**, **equityreleasecouncil.com**).

To do

Make sure you also get advice from an Independent Financial Adviser (IFA) who specialises in equity release. See **chapter 17** for where to find financial advice.

13. What happens if you jointly own a property?

If you own a home with someone else, the financial assessment must take this into account. Only your beneficial interest can be included.

What is beneficial interest?

You are a legal owner if your name is on the title deeds. You may or may not be entitled to benefit from the future sale of the property.

You are a beneficial owner if you're entitled to benefit financially from the sale of a property. This is known as your beneficial interest. Most people are both legal owners and beneficial owners, but you don't need to have your name on the deeds to have a beneficial interest in a property.

You could have beneficial interest if:

- you contributed to the mortgage or purchase price
- you gave someone money to buy their property under a 'right to buy' scheme
- you paid for repairs or alterations to a property
- you have always owned the property, but now someone else – such as your son or daughter – owns part of it
- you were given a share of a property in a will.

If any of these situations apply to you, it may mean that your share of the property will be taken into account in your financial assessment.

The same mandatory and discretionary disregards apply to beneficial interest in a property (see **chapters 3** and **4**).

If you do have a beneficial interest in a property, the council will have to work out how much it is worth for the financial assessment. The lower the value of your beneficial interest in a property, the less you may have to contribute towards your care home fees.

14. How is the value of my share in a property worked out?

Working out the value of your share in a jointly owned property can seem complicated. The council can't simply value the whole property, divide up the amount and say that is the value of your share. They also have to consider how much someone would pay to become a joint owner instead of you. It's possible that no one would be interested in buying into such an arrangement, so your share might have no value. A specialist valuation may be required.

The situation may also be more complicated if the other owners don't agree to you selling your share.

Also, the council shouldn't assume that each joint owner has an equal share of the property. For example, if you've bought a property with your son and daughter, you could provide evidence that your share may be more or less than a third.

There are many factors that can affect the value of a share in a property – for example, its location. If you need more information, call our Helpline on **0800 319 6789** to arrange to speak to an adviser.

Valuing your share in a 'right to buy' property

If you bought your former council property under the 'right to buy' scheme, the council may be able to take into account the discount that you received on the property when working out your beneficial interest.

Every circumstance is different and must be assessed individually.

If you disagree with the council's valuation

If the value of a property is disputed, the council should try to get an independent valuation within the 12-week disregard period.

You may also want to get your own valuation. Contact a chartered surveyor registered with the Royal Institution of Chartered Surveyors (RICS) (**024 7686 8555**, **ricsfirms.com**). There may be a charge for this service. Check that they know about the charging regulations for residential accommodation.

If you still disagree, you can seek legal advice via a community care solicitor. You may be able to get free initial legal advice (see **chapter 17**).

Alternatively, you can use the council's complaints process – see our factsheet **Complaints about social care services**.

15. Should I let another joint owner of the property buy my share?

If one of the other property owners offers to buy your share, talk to the council first to make sure they consider the offer acceptable. If they think you sold your share for too little money, they may conclude that you have deliberately tried to avoid paying care home fees. This is known as deprivation of assets (see **chapter 16**). They can treat this capital as if you still owned it and include it in the financial assessment. You – or the person who bought your share – may have to pay back any money you owe the council.

If the council approves the offer, then the sale price – minus 10% of the value if there are any expenses involved in selling the property – will count towards your financial assessment. If the sale price added to any other capital, such as savings, is over the upper capital limit of £23,250, then you will have to pay for your care home place yourself.

16. Giving away your home – deprivation of assets

If you deliberately give away your property to avoid paying care home fees – for example, by transferring it to your children or setting up a trust – this is called deprivation of assets. The council can treat you as if you still own the property and include its value in the financial assessment.

The council must look at why you gave your property away. There is no time limit to how far back they can go when considering the circumstances. However, they shouldn't assume that you deliberately tried to deprive yourself of assets. There may have been good reasons for transferring the property at the time.

The council should consider whether:

- avoiding charges for your care was a significant motivation
- you knew that you would need care and that you might need to contribute to your care home fees when you gave your property away.

For more information, see our factsheet **Can I protect my assets if I need care?** or contact our Helpline (**0800 319 6789**) to arrange to speak to an adviser.

17. Getting more advice

We are not specialist legal or financial advisers. You may want to seek more expert and in-depth advice if necessary.

Legal advice can be expensive. You may want to contact Civil Legal Advice (**0345 345 4 345**, **gov.uk/civil-legal-advice**) to find out whether you would qualify for legal aid. They can also give you details of other organisations or solicitors specialising in community care law or property law, if this is needed. You can also find legal specialists through the Law Society (**solicitors.lawsociety.org.uk**, **020 7242 1222**).

Remember

Make sure you use a solicitor who specialises in the relevant area of law, even if there are none very local to you. Most specialist solicitors are experienced at working from a distance.

You might also be able to get free initial legal advice through a Law Works legal advice clinic (**lawworks.org.uk**) or from the Disability Law Service (**020 7791 9800**, **dls.org.uk**).

If you need financial advice, contact the Society of Later Life Advisers (**0333 2020 454**, **societyoflaterlifeadvisers.co.uk**) or Unbiased (**0800 023 6868, unbiased.co.uk**) to find an accredited adviser in your area. The financial adviser may charge a fee.

If you want to get your own valuation of your property, contact a chartered surveyor registered with the Royal Institution of Chartered Surveyors (RICS) (**024 7686 8555**, **ricsfirms.com**).

18. Checklist

Use the checklist below to work out your options for paying care home fees when you own a property.

Contact your local council to ask for a care needs assessment. If you might need financial help from the council to pay care home fees now or in the future, they must agree that a care home is the right option for you (see **chapter 2**).

Arrange your financial assessment with the council, to work out how much you will need to pay toward your care home fees. The council will look at your situation and tell you if the value of your property will be counted in the financial assessment or not. Your property is not included when looking at your finances if, for example, your spouse or partner lives in the property (see **chapter 3**).

If your property is counted in the financial assessment, it is likely that you will have to pay all your own care home fees. However, it is still worth involving the council, because they could help you while you put plans in place. For the first 12 weeks after your move to a care home, the council does not take your property into account when working out what you must pay towards your fees (see **chapter 4**).

Use the 12-week property disregard period to put plans in place for your property. Property, which could include:

- putting your house on the market
- asking for a deferred payments agreement from the council, so you don't need to sell your home immediately (see **chapters 5** to **9**)
- considering loan options (see **chapter 10**) if you are unable to sell your property within the 12-week property disregard period
- looking into other options, such as care fee payment plans (see **chapter 11**) or equity release (see **chapter 12**).

Get independent financial advice to help you plan for the longer term (see **chapter 17**). This will help you decide what will work best for you and your situation.

If you disagree with the council's decision about whether your property should be included in your financial assessment, make a complaint to the council or get legal advice (see **chapter 17**). You can also do this if you disagree with the council's valuation of your share in jointly owned property – see **chapters 13** to **15**.

Don't be tempted to give your property to someone else to protect the asset – if the council believes you have done this to avoid paying care home fees, they can treat you as still owning it and include its value in your financial assessment. See **chapter 16** for more details.

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The sources used to create this publication are available on request. Contact us using the details below.

Thank you

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