

**Moray Community Health
and Social Care Partnership**

Contributing to the cost of your Residential Care

The Financial Assessment Process



About this booklet – for people aged 16+

The Moray Council has produced this booklet to help you understand the financial assessment process in connection with contributing towards the cost for residential care provided in a care home.

We provide free information and advice to everybody, regardless of their circumstances.

A range of services is provided to support people to live in their own homes, but sometimes the best way to meet their assessed needs is through residential care.

The Moray Council Community Care Team can help you and your family decide whether this is the best option for you. There may be an alternative that would suit you better, such as having extra day-to-day help in your home, sheltered housing or moving closer to your family.

If it is considered that care provided in a residential or nursing home is the right way forward for you, we can support you to make the move as easy as possible.

This booklet will tell you about the financial considerations and help available to meet the cost of living in a care home.

The rules for calculating charges and the amount someone will be asked to pay towards care home costs are complex. We follow rules and limits set by the Scottish Government. It is not possible to go into every detail here and this booklet should be used as a general guide only.

Your own financial situation will be looked at carefully by The Moray Council and you can contact the Community Care Finance team to ask for more details.

For information about care at home, see the separate booklet on Contributing towards the cost of Non Residential Care Services – The Financial Assessment Process

Assessing your needs

It may be that you are currently living in your own home but finding it increasingly difficult to manage, or you may be living with relatives. Perhaps you are being admitted to hospital and worry that you may not be able to return home.

When you, or someone on your behalf, first gets in touch with us, we will need to know more about you and will ask some questions to help us understand your situation.

If we think that you may benefit from care and support which cannot be provided by your family, friends or by other means in the community, we will offer you a needs assessment regardless of your financial circumstances. There is no charge for the assessment which is a way of finding out about your needs and wishes.

This will involve a Community Care Officer or Social Worker coming to visit you at your home or in hospital. We will talk with you about what affects your health and wellbeing and what could help support you to regain or maintain your independence.

You are the expert of your own situation and the assessment is a way for you to consider what the barriers are to your independence, and the outcomes you would like to achieve. We will ask you about how you look after yourself, what is important to you, what you want to change, and how you will be supported to achieve those outcomes.

You may want to have a relative or friend with you during the assessment of needs to help explain what matters to you and the difficulties you are experiencing.

If a needs assessment identifies that you are eligible for residential care, we will work with you to put together a care plan outlining the service which could help support you and advise you on the choice of care homes. We will ask you to agree to the plan and we will provide you with a copy of it.

Considering a move to a care home

Making the move to a care home is a big step. It can be an anxious time and you and your family may have concerns and questions.

You may be considering a permanent move or a temporary one. Often the biggest worry that people have is around the cost.

Everyone will be expected to pay a weekly contribution towards their care home fees. The amount depends on several things, such as how much income you receive each week and how much you have in savings and other assets.

Not all types of income and capital are used to calculate the amount of contribution you will be asked to make, but we need to be told about them all so that the rules on what should, and should not, be included are applied fairly to everyone.

It may be that you are in a financial position to meet the full cost of the fees yourself, and wish to make the necessary arrangements to move into a care home independently or with help from family and friends. If this is the case, then there will be no necessity for you to have a financial assessment carried out, and depending on the outcome of your needs assessment, you may qualify for the Free Personal Care weekly payment or the Free Personal and Nursing Care weekly payment from the council towards your care fees.

It is important you find a home that you like and that can provide the kind of care you need. It is a good idea to visit several homes before deciding which one you would like to stay in and you should prepare some questions to ask the manager when you visit.

You will also need to agree the weekly cost with the owner or manager of the care home and you will need to agree with them what your weekly cost covers, the preferred method of payment, for example does the care home owner want payment to be made by Direct Debit or Standing Order, are the fees payable in arrears or in advance, are they payable weekly, 4 weekly or monthly, and when charges will be reviewed/increased.

Moray Council Community Care and NHS Grampian work closely with independent residential and nursing homes in Moray and all care homes must provide you with a contract setting out:

- a) What they will provide
- b) How much it will cost
- c) What their complaints procedure is

What if I don't think I can pay the full amount myself?

You may have some savings but don't feel it will be enough to cover the costs of going into a care home and you may need financial help from the Council.

If your needs assessment has shown that residential care is the most appropriate means of care to support you, you can have a financial assessment carried out.

You will need to tell us about any capital and assets you may have and what your weekly income is.

The council will use this information to calculate the weekly amount that you will be asked to pay towards the cost of staying in a care home.

We will work this out using the upper and lower capital limits which are set each year by the Scottish Government to ensure that everyone is treated fairly.

The financial assessment should be carried out before you move into a care home so that you know how much financial help you may be entitled to from the Moray Council and how much you will be asked to pay towards fees.

Why do I have to contribute towards the cost of residential care?

The Council is under a duty to ensure that everyone who is assessed as needing a service is able to receive a service, and that the provision of that service is of a suitable quality to meet a person's needs.

The Moray Council has, however, only a limited sum of public money that it can use towards the provision of care services and is accountable to the residents of Moray at large to ensure that those limited public monies are spent wisely in meeting assessed needs.

It is therefore only fair that when someone has sufficient funds to make a contribution towards the costs of their care that such a contribution is made. This in turn enables the Council to continue to providing a service to all those who have an assessed need, and prevents the provision of services being restricted to “first come first served”.

The Financial Assessment

Once your care plan has been agreed with you, your Care Officer will arrange for the financial assessment to be carried out and will tell you about the information you will be asked to provide.

The financial assessment is always carried out after your care needs have been assessed so you can be assured the services you are offered are those which will best meet your needs and are never affected by how much you can afford to pay towards them.

When assessing your financial situation to see how much you will pay towards your care home fees, we need to know about all your financial affairs.

You can choose if you wish not to disclose any financial information in the financial assessment. This will mean, however, that you will pay the full charge for the care fees and the council will pay the Free Personal Care payment, direct to the care home, in line with your assessment of needs.

The financial assessment is there to work out if you are entitled to financial assistance from Moray Council, and from the information you provide we will be able to see whether you may be entitled to claim welfare benefits you are not already receiving.

We can provide you with information on welfare benefits and we would advise you of contacting the Department of Work and Pensions for further details on making a claim.

Preparing for your Financial Assessment

It is helpful to start thinking about your finances and begin gathering documents together so that you have all the information ready for your financial assessment.

You will need to show evidence of your weekly income and savings, such as benefit notifications, bank statements and savings books. Do you have paperwork to hand which you can show us or will you need to obtain copies? Do you know your National Insurance Number?

The following is a checklist giving examples of some of the things that we will need to know to complete the financial assessment. It is not a complete list and does not cover all possible sources of income, savings and expenditure. Some may not apply to your circumstances.

INCOME YOU MAY HAVE	Employment Income/State Retirement Pension/Occupational or Work Pension
BENEFITS YOU MAY HAVE	Attendance Allowance/Disability Living Allowance/Pension Credit/Income Support/Incapacity Benefit/Employment Support Allowance/Child Benefit/Housing Benefit/Council Tax Benefit/War Pension
SAVINGS AND INVESTMENT (CAPITAL)	Cash/Bank - Building Society - Post Office accounts/National Savings Certificates or Bonds/Stock and Share Certificates/Premium Bonds and National Savings Certificates/Details of Endowment Policies/Evidence of Income Bonds/Trust Funds and any other Savings/Money which is yours but someone else holds or controls on your behalf/Ownership of Property, Land or part of a Property or Land

We will also need to know about some of the money you have to pay out.

EXPENDITURE YOU MAY HAVE	Rent or Mortgage commitments/ Mortgage Insurance and Property Insurance/Council Tax
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Some of the income, savings and investments, and expenditure you have may be fully or partially disregarded in the financial assessment when calculating a charge. However, we will still need to know about all your finances in order to make a decision on what should be included in the calculation and what should not.

We will ask you for your written permission (a mandate) to enable us to obtain confirmation of your financial affairs from your bank/building society, the Department of Work and Pensions, or any other financial establishment or agency. If you do not wish to sign the mandate, then we will assume you have adequate funds to meet your weekly care fees, as agreed between you and the manager or owner of the care home and we will pay the Free Personal Care payment in line with your assessment of needs.

On completion of the financial assessment you will be asked to sign it confirming that the information detailed in it is accurate. If someone else deals with your financial affairs they will have to do this on your behalf.

Please note that the Council treats the deliberate withholding of financial information very seriously.

The Charging Policy

Every local authority must follow the guidance in the Charging for Residential Accommodation Guide, referred to as CRAG when they work out how much you will need to pay/contribute towards the cost of your care home fees. This guidance is produced by the Scottish Government.

Capital limits

Every year the Scottish Government sets the capital limits which apply.

If you have more than the upper amount (*see insert provided with this booklet for current amounts) in savings and or the value of property you own, you will not qualify for financial help from the Moray Council and will be required to pay all the costs of your residential care, less any entitlement to the free personal care or nursing care (or both) payment which the council will pay direct to the care home.

You will be considered as a 'self funder' and the amount you pay will be a private contractual matter for you to negotiate and agree with the care home provider of your choice.

If your total capital/savings are below the upper amount, you will receive financial assistance from the Council, in addition to your entitlement to the Free Personal/Nursing care payment.

Those who have capital/savings between the upper and lower amount (*see insert provided with this booklet for current amounts), will be expected to pay a weekly contribution towards their care fees from their capital/savings as well as from their income.

The amount payable from capital/savings is called *tariff income.

***Tariff Income** – this means a set amount is added to your weekly income depending on the amount of capital you have. (* see insert provided with this booklet for current amounts)

Once all your relevant financial circumstances have been taken into account, we will work out how much you will be asked to contribute each week towards your care.

If you are already in a care home and your savings fall below the upper capital limit you may be able to get additional financial assistance from the Council. It is important you let us know as soon as this is likely to happen so that you do not lose out on the financial help you may be entitled to.

Standard Rates

Local Authorities are required, each year, to set weekly Standard Rates (*see insert provided with this booklet for current rates) that they will pay towards care home fees for publically funded residents (i.e. those with capital/savings/assets below the upper limit) within both private and voluntary care homes.

These rates are negotiated on a Scotland-wide base between all Councils as a group and the independent care home sector.

Some care homes also get an enhanced payment depending on the outcome of their inspection, these inspections are carried out by The Care Inspectorate. You can read inspection reports on line at www.scswis.com

You can choose to move into a care home which charges more than the standard rate that the Council will pay, however, in that case you, or someone on your behalf, will have to pay the difference between the standard rate and the care home charge.

What do the care fees cover?

There is a charge for residential care (accommodation costs), personal care and nursing care.

Personal and Nursing Care in a Care Home

Free Personal and Nursing Care was introduced in Scotland in 2002.

The Moray Council will meet the cost of your nursing care and if you are aged 65 years or older, then the Council will also meet the costs of your personal care.

The weekly amounts payable (*see insert provided with this booklet for current rates) for personal and nursing care are set each year by the Scottish Government.

Payments for personal and nursing care are only part of the care home fees. These payments for personal and nursing care are paid directly to the care provider on your behalf by the Council, but only after an assessment of your care needs has been carried out and a individual placement agreement is in place between the Council and the residential care provider.

Payments for personal and nursing care will only start once the individual placement agreement is in place, and there is no requirement for the Council to backdate these payments to the date you moved into the care home.

Payments for personal and nursing care will be made to the care home not the individual.

For further information about personal and nursing care, please see the Scottish Government's Free Personal and Nursing Care public information booklet which is available online at www.scotland.gov.uk/Topics/Health/care/17655.

The Contract with the Care Home

There are three routes for contractual arrangements for individuals, local authorities and provider agencies in relation to payments for personal and nursing care in care homes.

These are set out in the Scottish Government's guidance 'Free Personal and Nursing Care in Scotland' and are detailed as follows:

Route 1 - The Self-Determined Route

This can be taken for 2 reasons:

- (i) the individual decides not to apply for personal or nursing care payments, chooses not to have a local authority assessment and enters into a contractual arrangement privately and independently with the provider agency.
- (ii) the individual may apply for personal and/or nursing care payments but be assessed by the local authority as not having a level of need which makes the individual eligible for personal and/or nursing care payments. The individual can choose to enter into a contractual arrangement privately and independently with the provider agency.

Route 2 - The Mutual Route

This route involves the individual applying for personal and/or nursing care payments and being assessed as having a level of need which makes the individual eligible for payments.

The individual wishes to receive the flat rate payments for personal and/or nursing care but wishes to continue to have or to set up a direct contractual relationship with the provider agency for the other elements of their care – i.e. the hotel/accommodation/living costs. This route may be chosen because the individual wishes to negotiate and purchase a care package or care home place in a place of their choosing and to their specification i.e. out with any existing contractual arrangement the local authority may have with that establishment and does not wish to involve the local authority in their private contractual agreement.

Route 3 - The Integrated Route

This route involves the individual applying for personal and/or nursing care payments and being assessed as having a level of need which makes the individual eligible for personal and/or nursing care payments.

The individual decides to ask the local authority to manage the contractual arrangements on their behalf.

What is the National Care Homes Contract?

The National Care Homes Contract is a model contract that has been drafted at national level between the Convention of Scottish Local Authorities (COSLA) and Scottish Care, which is a limited company that represents the interests of care home owners.

The National Contract was developed to promote a consistent approach to care home admissions throughout Scotland. Under the contract, care homes should provide care that meets agreed National Care Standards.

Further information about the Contract and Care Standards can be found on the Social Care and Social Work Improvement Scotland (known informally as the care inspectorate) website at

www.scswis.com or call 0845 600 9527 and the Care Information Scotland website at www.careinfoscotland.co.uk or call 08456 001 001.

Will I have any money left to spend?

Everyone in a care home must be left with an amount of money to spend as they choose, on items such as toiletries and books. This is called your personal allowance.

The personal allowance amount (*see insert provided with this booklet for current amount) is set each year by the Government and must not be used to pay for care home fees.

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

You will not be asked to sell your home if you do not wish to do so. However, its value will be taken into account when assessing the amount of funding you can receive from the local authority towards your care fees.

If your stay in a care home is temporary, and you intend to return to the property in which you live, the value of your home will be ignored. Temporary admission to a care home may, however, affect your entitlement to receive benefits or the amount of your existing benefits.

If your move into a care home is on a permanent basis we do not count the value of the house you normally live in if it is also lived in by:

- a) your partner, unless you are separated or divorced from them;
- b) a lone (single) parent who you are separated or divorced from;
- c) a relative who is aged 60 or over;
- d) a relative under 16 who you are liable to maintain; or
- e) a relative who is incapacitated.

Value of Property - 12 week Disregard Period

If you are moving into a care home permanently, the care home becomes your everyday residence. If the Council will not be able to discount the value of your home because it is lived in by one of the persons mentioned on page 12, we still ignore the value for the first 12 weeks following the date of your admission. During the 12 week period, you will be expected to pay a weekly contribution towards your fees based on your income and capital.

Please note that the 12 week disregard can only be applied to one property.

During the 12 week disregard period you will be expected to consider the options available to you for paying the costs of your care. From week 13 we will include the value of the property in the financial assessment when calculating the amount of council funding available to you towards your care fees.

From week 13, the maximum weekly payment you will be eligible to receive from the council towards your care fees will be the Free Personal Care payment, however, if you are unable to pay the fees from your accessible capital (i.e. from existing savings without selling your house) you can request additional funding from the council and enter into an Interim Funding Agreement or Deferred Funding Agreement with us.

This is a complex area and it is advisable to speak to the Community Care Finance Team who can be contacted on 01343 557270.

Will my spouse/partner or other family members be expected to pay for my care?

Members of your family are not required to pay for your care. The amount you pay for your care is based solely on your finances. If you have joint savings with your spouse/partner, half of the savings will count as your capital.

What happens if I give away money or property before I have been financially assessed?

It is a serious matter to try to avoid contributing towards the cost of your care. People may attempt to do this by giving away property or money to family or friends or by spending excessive amounts of money before they ask the Moray Council for assistance with the cost of their care.

If you are going into a care home permanently, as part of the financial assessment we will ask you if you own (or have ever owned) the house you live in or recently lived in. If you previously owned a house but no longer do so, we will consider why your circumstances have changed and whether the property was transferred solely or partially to avoid paying for care-home fees.

Where a person gives away their money or other assets (including property), with the intention of qualifying for a lower charge for community care services received now or in the future, this is known as deliberate deprivation.

When assessing your eligibility for financial assistance, the Moray Council can look for evidence of deliberate or intentional deprivation of capital such as a property.

Actions which may be considered as deliberate or intentional deprivation can include: selling an asset for less than its true value; making a lump sum payment such as a gift or to pay off a debt; transferring the title deeds of a property to someone else; putting money into a trust that cannot be revoked; converting money into another form which would be discounted in the financial assessment, such as personal possessions or investment bonds with life insurance; reducing capital through substantial expenditure on items such as expensive holidays or by extravagant living.

The timing of any such transfer or spending is taken into consideration by the Council's legal team. The Council will also look at the individual circumstances surrounding any transfer of assets or spending and the reasons for such action being taken. Each case will be unique and will be treated by the Council as such.

Where disposal of assets is treated as deliberate or intentional deprivation, the Moray Council will include *notional capital to the value of those assets in its assessment of your finances. In certain circumstances, anyone you give property or money to may be liable for some or all of the costs of your care, depending on the value of the assets you gave them.

***Notional Capital** - this means you may be treated as possessing a capital asset even when you don't actually possess it.

We accept your right to make gifts as you wish and it is common to want to pass on savings or other capital to relatives or close friends. It is advisable to seek proper legal and financial advice before proceeding with any significant transfer of assets as it can not only affect your eligibility for help from the Council towards the costs of your community care services, but also your benefit entitlement.

We understand that the completion of the financial assessment and charging policy may cause you some anxiety. We will always try to support you through the process and provide all the information we can to help you understand what is happening and why.

If we have concerns that you are not able to fully understand the assessment process or are not able to manage your money properly, we might ask a family member or close friend to help you.

Should an officer of Moray Council consider that you are not fulfilling your responsibility to fully disclose all your financial information, your case may be referred to the Community Care Senior Management Group who will advise the referring officer of what action to take.

You or the person you have asked to represent you will be asked to sign a declaration saying that, to the best of your knowledge, you have given The Moray Council all the information that you can and that it is accurate. If you knowingly do not declare all financial information, or if you knowingly provide us with false information, we will treat the matter very seriously.

We ask that you be honest and fully disclose your financial details, even if we do not ask you specifically about certain matters. Any person who makes a statement they know to be false for the purpose of avoiding or reducing their own or anyone else's costs, is guilty of a criminal offence.

Anyone who, whether fraudulently or otherwise, misrepresents or fails to disclose any material fact in consequence of which the Moray Council incurs additional expenditure, may have court proceedings brought against them to recover the outstanding amount. They may also be liable for interest due on any sums outstanding and for the Council's reasonable expenses.

Right of Appeal

The Community Care Charging Appeals Group was established to ensure that charges are in accordance with legal obligations and Council policy. The Appeals Group reviews decisions and can:

- (i) agree the use of discretionary authority to vary charges or disregards where this is possible within the statutory and policy guidance.
- (ii) review recommendations in respect of the interpretation of policy and guidance to ensure they are applied fairly and consistently.

The Charging Appeals Group can consider and review:

- (i) any situations where a referral for review has been made regarding the application of the Charging Policy particularly in relation to the expenses incurred due to the client's disability/condition.
- (ii) situations where there is outstanding or ongoing accruing debt.
- (iii) any situation where the client refuses to pay for the care they require based on an assessment of need. This will include matters relating to deprivation of assets, and their financial situation.

The Charging Appeals Group will give its decision, including its reasons, within 20 working days of the meeting. If a substantive response cannot be provided within the timescale, you and/or your representative will be advised of the circumstances. Where possible, any extension to the deadline will be agreed with you.

Moray Council has an agreed Social Work Complaints Procedure, a copy of which is available on request from a member of staff, or by calling 01343 563456.

If you remain dissatisfied at the decision made, you can ask for your complaint to be reviewed by the Corporate Director (Education and Social Care) who can be contacted by telephoning 01343 563530 or by writing to Corporate Director (Education and Social Care), Council HQ, High Street, Elgin, IV30 1BX.

If you remain dissatisfied, you can then refer the matter to the Scottish Public Services Ombudsman who may carry out an independent inquiry into the conduct of the Council in relation to your complaint or grievance. A written copy of the Ombudsman's findings will be provided to you. You must submit your complaint to the Ombudsman within 12 months of having initially notified the Council of the matter.

You should contact:

Scottish Public Services Ombudsman

4 Melville Street

Edinburgh EH3 7NS

Enquiry line: 0800 377 7330

Email: ask@spsso.org.uk

You may also wish to seek advice and support from your local Citizens' Advice Bureau or advocacy service.

Managing your money in the future

It is a good idea to plan ahead and consider how you may be able to access your money in the future if your physical needs or mental capacity changes.

Keeping large sums of cash in your home is not advisable.

If you are unable to physically get to your bank or building society to carry out transactions, you can authorise someone else to act on your behalf. You should ask your bank what is needed for a third party mandate to be set up which would allow a named person access to your account.

Other options include setting up internet or telephone banking - some people may chose to use Internet banking so that payments can be made or money transferred on-line by those who have appropriate access to the accounts and the necessary passwords and security information.

There may also be situations where arrangements need to be put in place to give others authority to act or make decisions for someone who lacks the capacity to do so for him/herself.

The Adults with Incapacity (Scotland) Act 2000 introduced a system for safeguarding the welfare and managing the finances and property of adults aged 16 and over who lack the capacity to make some or all decisions for themselves.

It relates to someone being incapable of acting on decisions; or making decisions; or communicating decisions; or understanding decisions; or retaining the memory of decisions – in relation to any particular matter due to mental disorder or inability to communicate because of physical disability.

The Act allows other people to make decisions on their behalf and is of benefit to people with dementia, people with a learning disability, people with an acquired brain injury or severe and chronic mental illness, and people with a severe sensory impairment.

Under the Act, safeguarding can be supported in a number of ways including:

Power of Attorney - This is a written document giving someone else authority to take actions or make decisions on your behalf.

You chose the person(s) you want to help you. When appointed, this person is called an attorney and you decide what powers the attorney should have.

You also choose how you want your incapacity to be decided so that it is clear when you want your attorney to act for you.

You must have capacity to grant someone you trust powers to act as your Power of Attorney.

While you have capacity, your Power of Attorney can help you with your finances if you want them to do so, but they cannot make decisions about your welfare until you are no longer able to make those decisions for your self.

Access to Funds Scheme - This is an arrangement that will allow an individual, individuals or an organisation to access the funds belonging to an adult who is no longer capable of accessing their funds to pay for their day to day living expenses and any debts due.

For information and advice about matters covered by the Act, particularly financial matters, contact:

Office of the Public Guardian (Scotland)

Hadrian House

Callander Business Park

Callander Road

Falkirk FK1 1XR

Enquiry line: 01324 678300

Email: opg@scotcourt.gov.uk

www.publicguardian-scotland.gov.uk

Listening - Responding - Improving

Moray Council Community Care Team aims to provide a high quality service to everyone and at all times - and we need your help to tell us how we are doing.

It is really helpful for us to hear directly from members of the public about their experiences of our services.

From the responses we receive, we can see where things are working well and areas where we need to improve or make changes to ensure we are providing what customers really want and need from us.

Positive feedback is always appreciated and we take all comments and complaints seriously to help us put things right.


If you give us your details, we will be able to respond directly to you, but you do not have to provide them. All the information you provide will be treated confidentially.

You will not be disadvantaged in any way by making a complaint or raising a concern about a service.

We hope that by you telling staff responsible for the service what you are not satisfied with, we can try to resolve any issue as quickly as possible.

Do you want to know more?

If you have questions on anything covered in this booklet or would like further information, contact the Community Care Finance Team on 01343 557270 or you can also speak to your Community Care Officer or Social Worker.



For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Phone: 01343 563319

Email: equalopportunities@moray.gov.uk

Write to: Project Officer (Equal Opportunities)

Chief Executive's Office, High Street, Elgin, IV30 1BX

Moray Community Health & Social Care Partnership

Tel: 01343 567100

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