

* Going into care? Points to consider

If you or a member of your family is about to enter residential care then there are a number of factors that you need to consider. Entering care is a major life change and brings with it many considerations. In this Client Information Sheet we set out some of the things that you should be thinking about.

Care assessments

Under the Care Act 2014 you, or your relative, are entitled to an assessment from the Local Authority of your care requirements. The aim of the assessment is to determine what your needs are and how best they might be met. If you have any difficulty obtaining an assessment let us know as we may be able to assist.

You may be assessed as requiring only re-enablement or rehabilitative care with the aim of enabling you to return home rather than entering permanent care. If this is the case, care of this nature of up to six weeks duration should be provided free of charge.

Funding of care

If you are entering permanent care then you will need to consider the rules relating to funding. The Local Authority will carry out an assessment of your finances and if you have more than £23,250 in capital (including in many cases the value of your home) you will be self-funding and entitled to no Local Authority help towards your fees until your assets fall below this amount.

The rules relating to care funding are complicated but one important point to bear in mind if you are married is that your spouse is not required to contribute towards the cost of your care and that the value of your interest in the family home will not be taken into account if your spouse is living there. This will also be the case if your home is occupied by certain other specified relatives who are aged over 60 or incapacitated who are occupying the home at the point that you enter care.

If you require full time care and it is considered that your care needs are primarily health needs (as opposed to social care that is required simply because of advanced age) then you should ensure that an initial assessment is carried out before leaving hospital as to whether you might be eligible for **NHS Continuing Healthcare funding**. This is usually only available to those with complex medical care needs and, if granted, will mean that your care will be provided by the NHS free of charge. You might like to ask us for our separate Client Information sheet on this subject.

If you are not eligible for NHS Continuing Healthcare funding you may be eligible for **NHS Funded Nursing Care**. For this to apply you will have to be receiving care in a home registered to provide nursing care and be assessed as requiring care from a registered nurse. In 2015/16 the rate payable is £112 per week and it will be paid directly to the care home.

If you are entering care you should be entitled to Attendance Allowance which is not means tested and payable at two rates, the rate payable being dependent on whether you need care during the day only or during both the day and the night.

Wills

As with any major life change, you should review your Will to ensure that it is still suitable. Is the way in which assets pass under your will still appropriate? If you are married you or your spouse might decide that it would be preferable to leave your estate to your children rather than to you or to leave it to a form of trust under which you could be a beneficiary.

Care home contract

When you move into care you should ensure that there is a contract between you and the care home setting out all the relevant details about the services that will be provided, the fees payable and other provisions such as notice requirements for terminating the contract.

Your finances

If you have not already drawn up a Lasting Power of Attorney (LPA) then you should do so now so if you become incapacitated in the future someone that you trust can deal with your financial affairs. Please feel free to ask for our Information sheets on this subject.

If you are attorney under an LPA for someone about to enter a care home you will need to consider your duties under the Mental Capacity Act 2005 and its Code of Practice and consider whether you should enlist professional help in dealing with any aspect of the donor's financial affairs. Attorneys are under a duty, for example, to keep Accounts and you may like help with this aspect.

Your future health

You may like to consider entering into a Health and Welfare LPA which will give someone of your choice power to make personal decisions on your behalf, if you no longer have capacity, covering such matters as your healthcare and where you live. You can also set out your wishes with regard to life sustaining treatment in a Health and Welfare LPA or you may prefer to enter into an Advance Decision with regard to this. We have an Information Sheet on Advance Decisions available on request.

Further information

For further information on this or on any other Private Capital matter you may have, please contact:



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