

**JUST.**

**The care system – NHS, local authority  
and private funding**

# Learning objectives

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By attending this session, delegates will be able to :

- Appreciate the divide between health and social care
- Recognise how care needs and financial assessments work
- Outline the privately funded options for care funding
- Evaluate the issues of possible deliberate deprivation of assets

# Local authority or NHS?



# So who should pay for care?

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The individual and/or their family?

The NHS?



The local authority?

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Of course.....

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It all depends

# Health care or social care?

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## HEALTH/MEDICAL CARE

- Provided or funded by NHS
- Registered nurse

Hospital, care home, own home

- Respite care
- Palliative care
- Rehabilitation care

## SOCIAL CARE

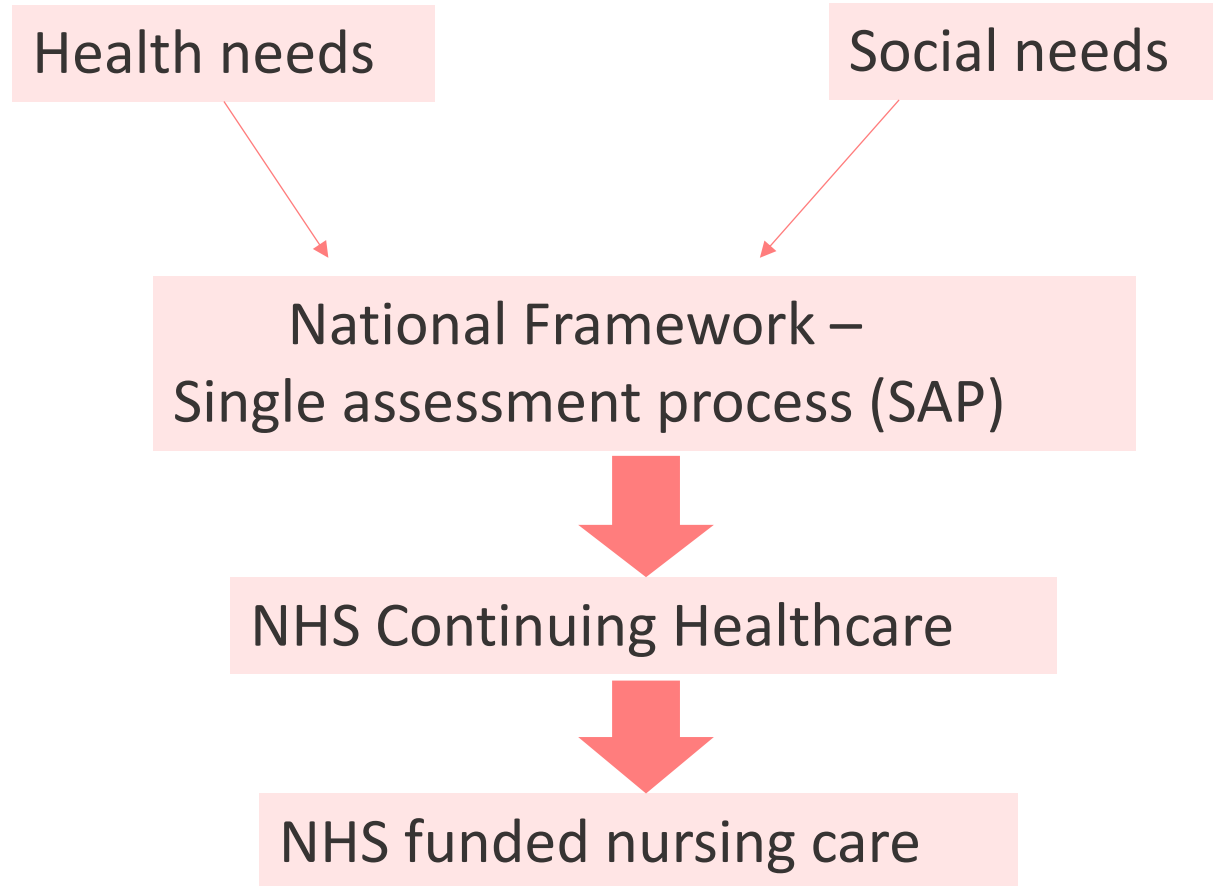
- Non-medical
- Local authority social services
- Home help, meals on wheels, respite care
- Equipment e.g. zimmer frames
- Eligibility requirements
- If intermediate care – free

# THE CARE SYSTEM - LOCAL AUTHORITY AND NHS



# Process

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# Health care

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- Medical care
- Provided or funded by NHS
- Registered nurse
  - Hospital, care home, own home ...
- Respite care
- Palliative care
- Rehabilitation care

# NHS Continuing Healthcare (CHC)

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- Stringent criteria by multi disciplinary team using decision support tool
- Reviewable
- Could be withdrawn

# What is NHS Continuing Healthcare?

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NHS CHC is a package of care arranged and funded solely by the NHS in England if you are aged 18 or over, to meet physical or mental health needs arising because of a disability, accident or illness.

You can receive NHS CHC in any setting. Whether you live at home or a residential setting such as a care home, the NHS funds a health and social care package, or a care home place to meet your assessed health and personal care needs.

**NHS-funded nursing care.** Is the funding provided by the NHS to homes providing nursing to support the provision of nursing care by a registered nurse. In all cases individuals should be considered for eligibility for NHS continuing healthcare before a decision is reached about the need for NHS-funded nursing care.

# NHS Continuing Health Care

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Also known as “fully funded NHS care”

Physical or mental needs, where individual demonstrates a “primary health/medical need”

Based on medical need rather than where provided

Available, if you qualify, in your own home or in a nursing home

Assessment must be undertaken

# National framework for NHS CHC

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Effective from 1<sup>st</sup> October 2007

Ensures decisions are more transparent, fair and consistent

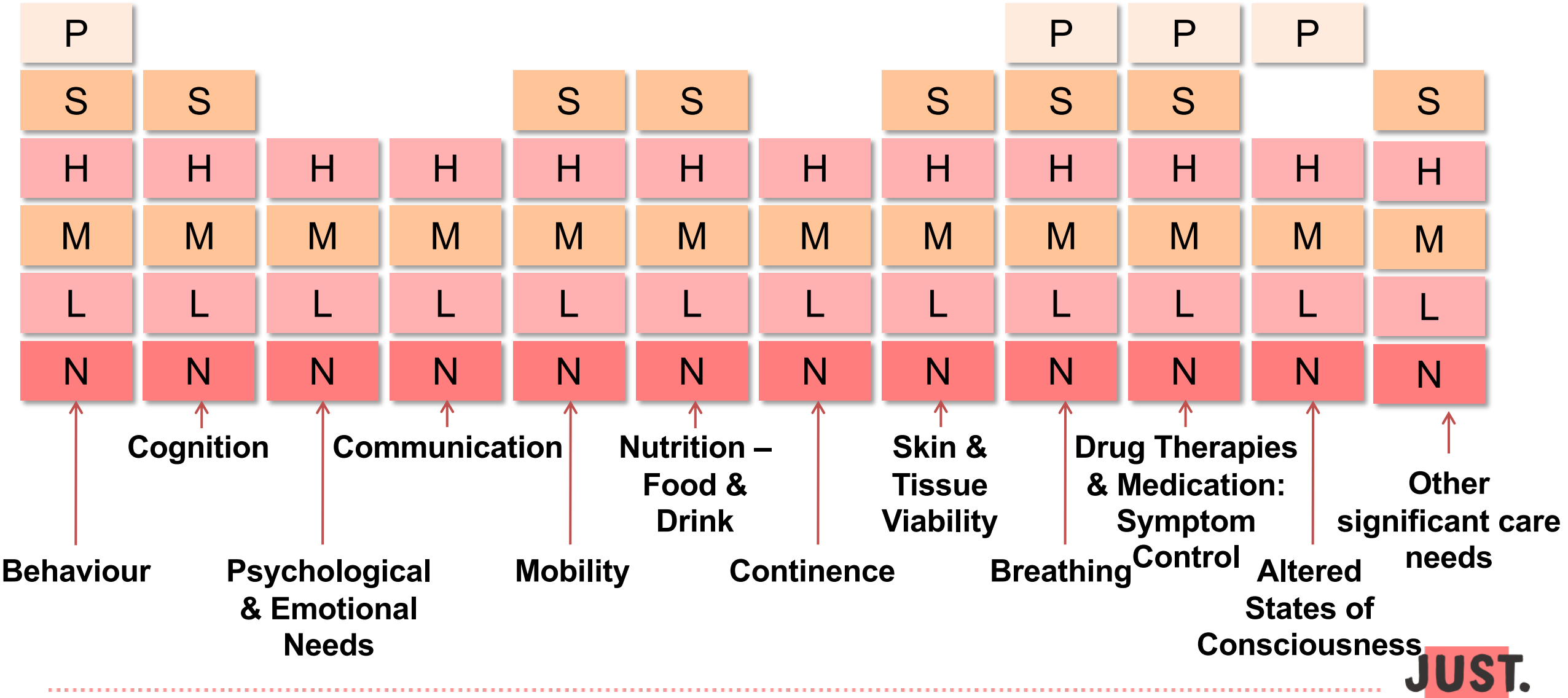
- Stage 1 - Initial checklist tool
- Stage 2 – full assessment by MDT/NHS nurses – decision support tool

12 “care domains”

Considers nature, intensity, complexity and unpredictability of condition

Fast Track where rapidly deteriorating condition

# Decision Support Tool



# Qualifying for NHS CHC

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- Most likely to qualify where:
  - Existing complex and unpredictable medical needs
  - Danger to themselves or others
  - Condition is deteriorating
- After assessment referred to panel for sign-off
- Can appeal against decision

# Continuing healthcare: getting it right first time

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Parliamentary  
and Health Service  
Ombudsman

In November 2020 Rob Behrens CBE  
Ombudsman and Chair, Parliamentary and Health Service  
Ombudsman said:

“We have found not only significant failings in care and support planning but also failings in reviews of previously unassessed periods of care.

The impact of these mistakes on people cannot be understated. They constitute an abrogation of basic rights. They have led to people unnecessarily paying out large sums to cover care, or going without care because of incorrect or delayed decisions.”



# Social care

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- Non medical
- Provided by local authority social services (means tested), may include:
  - Home help – includes household tasks, cooking cleaning etc
  - meals on wheels – delivers hot food for those unable to prepare
  - respite care – to provide breaks for informal carers
- Equipment e.g. zimmer frames
- LA's obliged to provide assessments of needs
- If intermediate/reablement care package – free for up to 6 weeks

# National eligibility criteria (April 2015 – England)

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Right to free needs assessment

You are in the driving seat

Encouraged to explain what you need/want to achieve

Several “care outcomes”

Should ignore help from family/friends

Impact on “wellbeing”

Right to friend or family present

Right to independent advocate

# Care outcomes

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Prepare and eat food without help and get enough to drink

Wash yourself and clean your clothes

Use a toilet and manage all your toilet needs

Dress yourself properly

Move around your home safely

Keep your home safe and habitable

Have enough contact with other people

Take part in activities like volunteering, training or learning

Use local services, such as being able to use public transport and get to the shops

Carry out any caring responsibilities you have for a family member

# Meeting the eligibility criteria

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A care  
outcome  
will not be  
achieved  
if:

- You can carry out that task or activity without help, but it causes a lot pain or anxiety, puts your safety or safety of other people at risk, or takes you a lot longer than is normally expected or:
- You cannot carry out that task or activity without help or:
- You cannot carry out that task or activity, even with help.

# Who will qualify for support?

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Must answer “yes” to all three questions as follows:

- Is need because of physical/mental impairment or an illness?
- Are you unable to achieve 2 or more “care outcomes”?
  - i.e. have a lot of care needs
- Could this have a significant impact on wellbeing?

# Significant impact on wellbeing

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Not enough to show difficulties in some areas of life

Need to show it has big impact on daily life and wellbeing

Wellbeing covers several different areas including:

- Personal relationships
  - Physical/mental health
  - Safety

# Care needs assessment





## First steps in getting help with your care needs

If you're finding it difficult to manage everyday tasks, you may be entitled to help from your local council's adult social services department. The first step is an assessment of your needs.

This factsheet explains how to ask for a care needs assessment, how the assessment works, and what care and support services you may qualify to receive.

Call FREE on 0800 319 6789 Visit [www.independentage.org](http://www.independentage.org)

Last reviewed: May 2019  
Next review date: May 2020



## Factsheet 41

### How to get care and support

November 2019

**About this factsheet**

This factsheet explains the process for:

- obtaining a local authority assessment of your care and support needs, whether you are someone who needs care or are a carer
- deciding whether you are eligible to receive care and support services
- agreeing a plan to meet your care and support needs, including the cost and any contribution you have to make.

This factsheet covers how you should be treated if you must pay the full amount for care and support services following an assessment. This is known as being a 'self-funder'. It also explains what should happen if you are found to be ineligible for services.

Age UK produces factsheets explaining other aspects of the social care system in more detail. You can call Age UK Advice for copies of these factsheets or go to [www.ageuk.org.uk/services/information-advice/guides-and-factsheets/](http://www.ageuk.org.uk/services/information-advice/guides-and-factsheets/)

The information in this factsheet is correct for the period November 2019 to November 2020.

The information in this factsheet is applicable in England. If you are in Scotland, Wales or Northern Ireland, contact Age Scotland, Age Cymru, or Age NI for their version of this factsheet. Contact details can be found at the back of this factsheet.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisations* section.

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## Factsheet 6

### Care and support at home

**About this factsheet and who it is for**

When asked, many older people would prefer to remain in their own homes if they needed care and indeed, for some time now, it has been Government policy to encourage and enable this to happen. This factsheet will help you understand recent changes made under the Care Act and make the right decisions to help you live safely and independently.



The artwork on the front of this factsheet was done by an older artist for EAC's over 60s Art Awards.

April 2019

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# Financial assessments – residential care

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Set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014 (was CRAG)

Additional detail to sections 14 – 17 of the Care Act 2014

“Light touch means test” is possible



# Who is being assessed?

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The person who requires care – referred to as a resident

In cases of couples – spouses income or capital is ignored

Civil Partnerships Act 2004

Same sex couples have same rights

# National variations 2022/2023

	England	Wales	Scotland	Northern Ireland
Nursing care*	£187.60 NHS	£179.97** Local Health Board	£95.80 Local authority	£100 Health and Social Care Trust
Personal care*	Self pay/means tested	Self pay/means tested	LA may pay up to £212.85	Self pay/means tested
Accommodation costs	Self pay/means tested	Self pay/means tested	Self pay/means tested	Self pay/means tested
Personal expenses allowance*	£25.65***	£35	£31***	£29.58
Upper threshold	£23,250	£50,000	£29,750	£23,250
Lower threshold	£14,250	£50,000 ^	£18,500	£14,250

\* Based on assessed need \*\* paid by Local Health Board \*\*\* LA has discretion to pay above this ^ Wales £24,000 for home care

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# Capital

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## Assets such as:

- Cash
- Savings i.e. national savings, shares (less 10% selling cost), bank accounts, investments
- Overseas property
- Business Assets
- Land and buildings
- 2nd homes
- Property under trust that the individual is beneficially entitled

If jointly owned e.g. bank account, treated as if 50% owned equally

# Disregarded capital

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Capital which is not included in the assessment process

## Main residence excluded:

- For first 12 weeks of permanent admission to care
- Estranged or divorced partner (with child) still lives there
- If spouse/partner still lives in the property
- If relative over 60 still lives in the property
- If incapacitated relative still lives in the property
- If a child under 18 still lives in the property
- If care is expected to be temporary

# Disregarded capital

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## Other capital disregards

- Surrender values of life policies
- Investment bonds – used as investment but technically a life policy
- An asset an individual has no current interest in e.g. Potential beneficiary under a discretionary trust
- Personal possessions – unless extravagant expenditure or to avoid care costs

# Financial assessment



## Factsheet 46

### Paying for care and support at home

April 2019

#### About this factsheet

This factsheet explains charging for social care services in places other than care homes, mainly related to services provided in your own home. It also covers charging for carers' services.

This factsheet describes how you can be deemed to be a self-funder following a financial assessment. This means you are expected to fully fund the care services to meet your needs and your available support options.

The information in this factsheet is correct for the period April 2019 – March 2020. Benefit rates are reviewed annually and take effect in April but rules and figures can sometimes change during the year.

The information in this factsheet is applicable in England. If you are in Scotland, Wales or Northern Ireland, please contact Age Scotland, Age Cymru or Age NI for their version of this factsheet. Contact details can be found at the back of this factsheet.

Contact details for any of the organisations mentioned in this factsheet can be found in the *Useful organisations* section.

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## Factsheet 10

### Paying for permanent residential care

April 2019

#### About this factsheet

This factsheet has information about the financial help that may be available from the local authority if you need care in a care home. It also covers arranging and paying for care yourself.

You may find it helpful to read other Age UK factsheets on residential care funding and social care service provision, and on free NHS continuing healthcare, which may involve residential care provision.

The information in this factsheet is correct for the period April 2019 – March 2020. Benefit rates are reviewed annually and take effect in April but rules and figures can sometimes change during the year.

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# Statutory guidance to care act 2014



The UK has left the EU

[Find out what this means for you](#)

[Hide message](#)

[Home](#) > [Care Act 2014: supporting implementation](#)



Department  
of Health &  
Social Care

Statutory guidance

## Care and support statutory guidance

Updated 26 October 2018

Contents

[Using the Care Act guidance](#)

[General responsibilities and  
universal services](#)

[First contact and identifying  
needs](#)

[Charging and financial](#)

### Using the Care Act guidance

### How to Search the guidance

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

# Ways that care may be funded





# Ways that care may be funded

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- Funded by local authority
- Funded by NHS Continuing Health Care/Section 117 aftercare under MHA 1983
- Fund out of income

## Retaining property

- Deferred payment arrangement
- Rent out property
- Equity release

## Sell property

- Use cash
- Use investments
- Purchase an Immediate Care Plan (ICP)
- Combination of all above

# Attendance Allowance

**It is not taxable**

**It is not means tested**

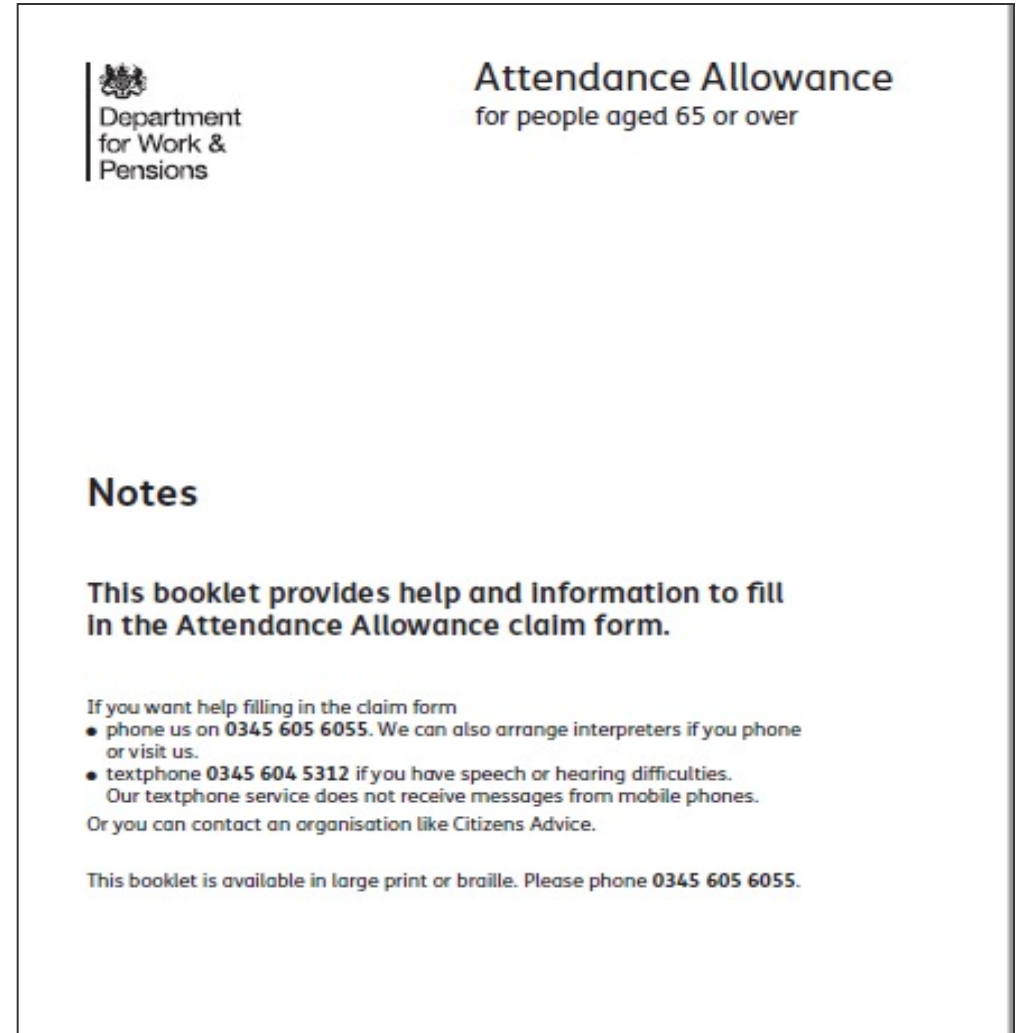
Stops if go into a home funded by a local authority

**2022/23 rates:**

Higher rate:       £92.40

Lower rate:       £61.85

<https://www.gov.uk/attendance-allowance>

The image shows the cover of a booklet titled 'Attendance Allowance for people aged 65 or over'. The cover is white with a black border. In the top left corner, there is a logo for the Department for Work & Pensions, which includes a crown and the text 'Department for Work & Pensions'. In the top right corner, the title 'Attendance Allowance' is written in a large, bold font, with 'for people aged 65 or over' in a smaller font below it. In the middle of the cover, the word 'Notes' is written in a bold font. Below 'Notes', there is a paragraph of text: 'This booklet provides help and information to fill in the Attendance Allowance claim form.' At the bottom of the cover, there is a list of bullet points providing contact information for help with the claim form, including phone numbers and textphone services. The text is: 'If you want help filling in the claim form' followed by three bullet points: 'phone us on 0345 605 6055. We can also arrange interpreters if you phone or visit us.', 'textphone 0345 604 5312 if you have speech or hearing difficulties. Our textphone service does not receive messages from mobile phones.', and 'Or you can contact an organisation like Citizens Advice.' Below the bullet points, there is a final line of text: 'This booklet is available in large print or braille. Please phone 0345 605 6055.'

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# In the media spotlight - Deliberate deprivation



# Annex e – deprivation of assets

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## **INCLUDES:**

Deprivation of capital in order to avoid or reduce care and support charges

Deprivation of income in order to avoid or reduce care and support charges

## **The statutory guidance to the Act states:**

“People should be treated with dignity and respect and be able to spend the money they have saved as they wish – it is their money after all. “

# What is meant by deprivation of assets

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“Deprivation of assets means where a person has intentionally deprived or decreased their overall assets in order to reduce the amount they are charged towards their care. This means that they must have known that they needed care and support and have reduced their assets in order to reduce the contribution they are asked to make towards the cost of that care and support.”

# Recovering charges from a third party

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“Where the person has transferred the asset to a third party to avoid the charge, the third party is liable to pay the local authority the difference between what it would have charged and did charge the person receiving care.”

“As with any other debt, the local authority can use the county court process to recover debts, but this should only be used after other avenues have been exhausted.”

# How do councils decide?

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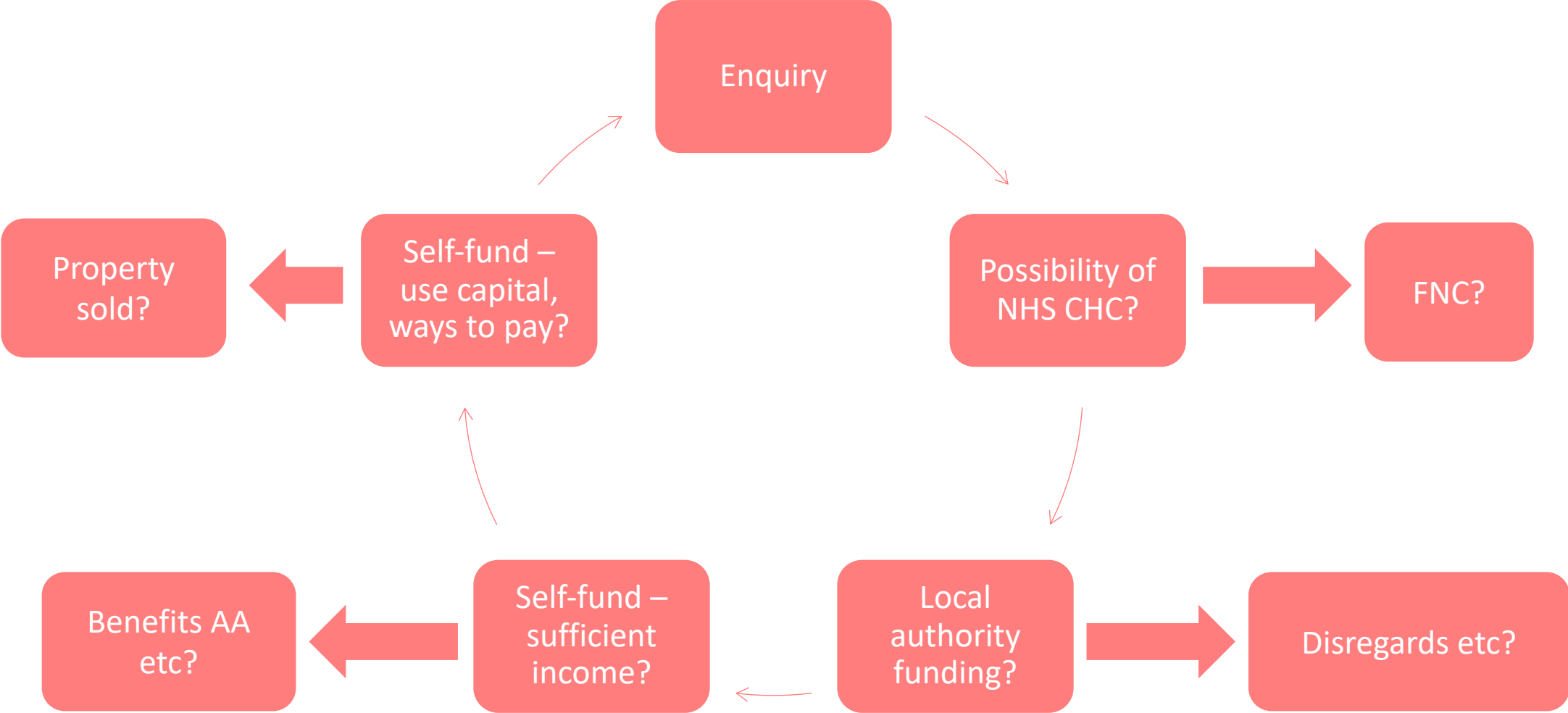
When deciding if deprivation was 'deliberate' the local authority might look at the following:

**Motive/intention:** when disposing of assets, was the main reason to avoid care charges?

**Timing:** there is no set time limit, although local authorities are unlikely to investigate too far back. Most importantly, they will look at the time between the person realising that they needed care and the disposing of assets.

**Amount:** was the gift a significant amount that would make a difference to a relative's capital limit? The asset would have to be worth a significant amount for the local authority to pursue this course of action. Giving away a £300,000 property, for example, would significantly affect the individual's total capital whereas smaller 'gifts' - such as giving a £300 ring to a granddaughter - are unlikely to prompt further investigation.

# Keep process simple





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## CARE FUNDING

Find out more about our Care Plan, provided by Partnership, and how your clients could use it.

On this page we have a selection of [factsheets](#), [key features documents](#), [quote request & application forms](#), [brochures](#) and [sales aids](#).

 Documents marked with this icon can be used directly with customers.

### Factsheets



[The Risks of Funding Care Fees with Investments \(1314392\)](#)

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### CORONAVIRUS AND CARE FUNDING

<https://www.justadviser.com/support/product-literature/care-funding-literature/>

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# Learning objectives

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By attending this session, delegates will be able to :

- Appreciate the divide between health and social care
- Recognise how care needs and financial assessments work
- Outline the privately funded options for care funding
- Evaluate the issues of possible deliberate deprivation of assets

# Important Information

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It is our intention that the information contained within this presentation is accurate. We have taken all reasonable steps to ensure that it is up-to-date and, where relevant, reflects the current views of our experts. However, we do not accept any liability for errors or omissions in the information supplied and if you require clarification on anything, our recommendation is that you contact us at the address below for verification, or call 0345 302 2287.

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## Our registered address:

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Exp 30/04/2023

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