

Cap on care costs

The law is changing so that, from April 2020, there will be a limit, known as a 'cap', on the amount you have to pay for the care and support that your council has assessed you as needing. This will be regardless of the amount you have in savings or property. The cap will apply to people of state pension age and older. The cap will only cover care and support that your council has assessed that you need. It will not include any costs for care and support that you have paid before April 2020. Neither will it cover your choice of more expensive care, or daily living costs such as accommodation, food and utility bills. If you are in a care home, you will have to pay a set amount for daily living costs which will not count towards the cap.

Capacity to consent

'Consent' is when you give your permission to someone to do something to you or for you. 'Capacity' is your ability to understand what you are being asked to decide, to make a decision and to communicate that decision to people around you. Mental capacity can vary over time. If you have capacity to consent, then you understand what you are being asked to agree to, and you are able to let people know whether you agree.

Care Assessment

The process of working out what your needs are. A community care assessment looks at how you are managing everyday activities such as looking after yourself, household tasks and getting out and about. You are entitled to an assessment if you have social care needs, and your views are central to this process.

Care funding calculator

A method that some councils use to work out how much a person's care and support will cost, based on how much assistance you need with daily living. You will be asked about everything that you might need help and support with, and the calculator then works out the cost of providing that help and support. This helps councils agree a price with care providers.

Care package

The range of services offered to you as an individual by your council, following an assessment of your needs. It may include day services, aids and adaptations for your home and personal care.

Care Plan

A written plan after you have had an assessment, setting out what your care and support needs are, how they will be met (including what you or anyone who cares for you will do) and what services you will receive.

Care Quality Commission

A statutory organisation which makes sure that all hospitals, care homes, dentists, GPs and home care agencies in England provide care that is safe, caring, effective, responsive and well-led.

Client contribution

The amount you may need to pay towards the cost of the social care services you receive. Whether you need to pay, and the amount you need to pay, depends on your local council's charging policy, although residential care charges are set nationally. Councils receive guidance from the Government on how much they can charge.

Continuing Healthcare

Ongoing care outside hospital for someone who is ill or disabled, arranged and funded by the NHS. This type of care can be provided anywhere, and can include the full cost of a place in a nursing home. It is provided when your need for day to day support is mostly due to your need for health care, rather than social care. The Government has issued guidance to the NHS on how people should be assessed for continuing health care, and who is entitled to receive it.

Court of Protection

An English court that makes decisions about the property, finances, health and welfare of people who lack mental capacity to make decisions for themselves. The court can appoint a 'deputy' to make ongoing decisions on behalf of someone who lacks capacity. It is also able to grant power of attorney

Deferred payments

If you need residential care, the council will assess what you need and whether you can afford to pay for a care home. You may only be able to pay care home fees if you sell your house. If this is the case, the council may help pay the fees while you wait for your house to be sold. You would still have to pay as much as you can during this time, based on your income or available capital. Once the house is sold, you would then have to repay the council. In certain circumstances councils will have to offer this scheme to people. Broadly this is when someone has limited savings other than the value of their property.

Direct payment/ Personal Budget

Money that is allocated to you by your local council to pay for care or support to meet your assessed needs. The money comes solely from adult social care. You can take your personal budget as a direct payment, or choose to leave the council to arrange services (sometimes known as a managed budget) - or a combination of the two.

Deprivation of Assets

When you deliberately reduce the amount of savings or property you have, in order to qualify for help from your council with paying for care costs or for various benefits.

Financial assessment

A discussion that your council may have with you to work out how much you can afford to pay towards the care and support you need. It involves looking at your income, savings and individual circumstances. This will take place after an assessment of your care and support needs.

Lasting Power of Attorney

A legal document which allows a specific person(s) to act on your behalf, or to make decisions on your behalf, if you are unable to do so. There are two types, a property and finances power of attorney and a health and welfare power of attorney.

Non-chargeable services

Care and support services you receive in your home or in your community that the local council does not charge you for. The law prevents councils from charging for certain things, including assessments and advice about services. On other things (including day care, home care, domestic help and equipment and adaptations), each council makes its own decisions about which services it will charge for and how much the charge will be.

Ordinary residence

The place where you live, or main home, which determines which council will assess your needs and potentially fund any care and support you need. If you have more than one home, councils follow guidance from the Government to help them decide which one is your main home, and which council should fund your care.



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Personal expenses allowance

The amount of money you are allowed to keep for your own personal needs if you move into a care home and paying for care takes up all of your income or savings. The allowance is currently £24.90 per week (in April 2015).

Pre-assessment

The point at which you make contact with your local council and a decision is made about whether a full assessment is necessary. This is based on the information given by you or the person who refers you to adult social care. It is often conducted over the phone.

Property disregard

When your home does not have to be sold to pay for residential care. This applies if you are in a care home for a short time, and expect to go back to your own home. It also applies if you have moved permanently into a care home, and the house you own is lived in by your partner, a relative who is over 60, or a child under the age of 16 who you are responsible for. There is also a 12-week property disregard, when the council will not charge you - based on the value of your home - for the first 12 weeks that you are in a care home. You would still have to make a contribution to the cost of the care home based on your income or available capital.

Safeguarding

The process of ensuring that adults at risk are not being abused, neglected or exploited, and ensuring that people who are deemed 'unsuitable' do not work with them.

Self- assessment

A form or questionnaire that you complete yourself, either on paper or online, explaining your circumstances and why you need support. A social care worker or advocate can help you do this. If your council asks you to complete a self-assessment form, it will use this information to decide if you are eligible for social care services or if you need a full assessment by a social worker.

Self-funding

When you arrange and pay for your own care services and do not receive financial help from the council.

Why Use Linder Myers

Linder Myers has a large team of dedicated lawyers specialising in legal issues affecting the elderly, including issues relating to the health and social care needs and the funding of care.

A number of our lawyers are members of both the Society of Trust and Estate Practitioners (STEP) and Solicitors for the Elderly (SFE).

We are committed to delivering the very best possible service at a competitive price. We work closely with clients to take the strain out of the legal process. Distance is not an issue as we provide:-

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- Skype and Face Time – as with the telephone service but using this technology to enable face to face discussion.
- Office appointments - clients visit a lawyer in one of our offices.
- We can arrange a home visit and if this is necessary we will discuss the costs associated with this prior to the visit.

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With our thanks to Think Local Act Personal.



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