

Paying for temporary care in a care home

About this factsheet

This factsheet explains how the local authority charging rules for a temporary stay in a care home differ from those for permanent care. A more detailed account of the charging rules can be found in our Factsheet 10, *Paying for residential care*.

This factsheet is aimed at individuals who are aged 60 and over.

Some people go into a care home on a temporary basis to give themselves or their carers a break, or while they are recuperating from an illness. Others enter a home temporarily for a 'trial' period to decide whether they want to live permanently in that home. Temporary care may also be part of an 'intermediate care' package, which should be free of charge.

The information in this factsheet is correct for the period April 2010 – March 2011. Capital limits and other figures are expected to increase again in April 2011 but rules and figures sometimes change during the year.

This factsheet describes the situation in England. There are differences in the rules for funding care in a care home in Northern Ireland, Scotland and Wales. Readers in these nations should contact their respective national Age UK offices for information specific to where they live – see section 7 for details.

For details of how to order our other factsheets and information materials mentioned inside go to section 7.

Note: Many local Age Concerns are changing their name to Age UK.

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1 Recent developments

- New, revised, social care eligibility guidance was introduced in February 2010 to replace the existing *Fair access to care services* guidance, which was introduced in 2003. This incorporates the new approaches developed as part of the Government's personalisation agenda and will need to be applied from April 2010. The new guidance is called *Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care, Guidance on Eligibility Criteria for Adult Social Care*.
- From October 2010, adults who fund their own residential or non-residential social care will have access to an independent complaints review service provided by the Local Government Ombudsman. This right is included in the *Health Act 2009*, which received Royal Assent (became law) in November 2009.
- Subject to legislation, new Regulations for the registration of all regulated adult health and social care service providers will commence in April 2010. This is with the Care Quality Commission. In a staged process adult social care services will be required to register on 1 October. This means that present registration under the *Care Standards Act 2000* continues until 30 September 2010.

2 Local authority charging rules

If you are placed in a care home it will either be on a temporary or permanent basis. Your status in this respect will influence how the fees are calculated and paid.

Note: Local authorities must adhere to rules set down in a Government document called *Charging for residential accommodation guide* (CRAG), which is written in support of *The National Assistance (Assessment of Resources) Regulations 1992 (S.I. 1992/2977)*. Section 3 of CRAG explains the rules for temporary residents and is the basis for the information in this factsheet.

CRAG is updated each April and can be accessed via the following link on the Department of Health website:

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_097578

Your local authority community care assessment should show whether your stay is regarded as temporary or permanent. The local authority can agree that your stay is temporary for up to 52 weeks, or longer in exceptional circumstances.

If the local authority arranges a temporary stay for you in a care home, it can ask you to contribute towards the cost in one of two ways. It can either apply the means test to you straightaway, or for the first eight weeks it can ask you to pay an amount that is 'reasonable' for you to contribute. After eight weeks, it must apply the means test to you, but take account of the differences for temporary residents outlined below.

The eight-week period applies to individual periods of care. Regular periods of respite care separated by time at home are not added together in calculating when the means test must be applied.

When the local authority does carry out the means test, either straightaway or after eight continuous weeks of temporary care, the same upper and lower capital limits, £23,250 and £14,250, apply as for permanent residents. There are, however, some differences in the rules for temporary residents and the authority must:

- ignore the value of your home if you intend to return to live there (and it is still available for you to do so) or if you are taking steps to dispose of it to buy something more suitable in which you will live instead
- ignore some of your income so that you can continue to pay bills at home – for instance water rates, insurance premiums, standard charges for fuel
- ignore any help with housing costs from Pension Credit that you usually get while living in your own home
- ignore any Housing Benefit that you usually receive while living in your own home
- ignore any Attendance Allowance or Disability Living Allowance care component (AA/DLA (care component) that you receive (DLA mobility is ignored).

Your other capital and income will be included in the means test as outlined in Factsheet 10, *Paying for residential care*. If the amounts the local authority ignores from your income so that you can continue to pay your bills at home are not enough, you could make a complaint to the authority to this effect, using their complaints procedure.

Intermediate care

If your place in a care home has been arranged as part of a package of 'intermediate care', where you are having short-term therapy or treatment, either following a period in hospital, or to avoid having to go into hospital, it will be free. Such care is time limited, and not normally longer than six weeks. See also the Factsheet 76, *Intermediate care*.

3 Benefits

AA/DLA is disregarded from the means test for temporary care but will stop after four weeks of local-authority funded care. Once you return home, AA/DLA (care component) can resume. But if you return to a care home within 28 days of your last stay, AA/DLA (care component) may be affected. Tell the office handling your claim if you are going in or out of a care home. For further information see Factsheet 34, *Attendance Allowance* and Factsheet 52, *Disability Living Allowance*.

Where one of a couple enters a home on a temporary basis, Pension Credit is still calculated and paid at the rate for a couple rather than the rate for two single people. Local authorities have been instructed to exercise discretion when carrying out financial assessments in these circumstances so that the person remaining at home is left with sufficient income for their needs.

For temporary stays, if you are one of a couple, for Pension Credit purposes, tariff income will be applied to any capital which you have above £10,000 as a couple, (not £10,000 each) – that is, every £500 over £10,000 is assumed to give you a weekly income of £1. This applies to you regardless of whether you are single or in a couple.

See Factsheet 48, *Pension Credit*, for more information.

Note: The Government has issued new English guidance, which comes into force from 6 April 2010. This provides for the qualifying age for those social security benefits and concessions where provision is aligned with the age at which women become eligible for state pension, to increase from 60 to 65 between 6 April 2010 and 5 April 2020. Eligibility for benefits and concessions that are tied to the state pension age for women may affect both men and women. These changes affect Pension Credit and a number of other benefits and concessions. For further information see the Directgov website: www.direct.gov.uk/en/Pensionsandretirementplanning/StatePension/DG_069498

4 When temporary care becomes permanent

Sometimes care is arranged on a temporary basis, but it then becomes apparent that you need to stay in a home permanently.

If so, then the local authority will need to apply the means test for a permanent resident, as outlined in Factsheet 10, *Paying for residential care*, from the date it is decided your stay is to become permanent. The value of any property you own should be disregarded for 12 weeks from the date your stay is confirmed as permanent.

Similarly, a stay which was initially assessed as permanent may turn out to be temporary because you are able to leave the home to return to your own home, or to move in with friends or family, or to enter sheltered housing for example. If so, the Department of Health guidance is that it would be unreasonable to continue to apply any rules that would have affected you as a permanent resident – such as taking the value of property into account or placing a legal charge on the property. See section 3 of the *Charging for Residential Accommodation Guide* for further details (described in section 2 above).

5 'Trial' periods

You might be a temporary resident because you have entered a home on a 'trial' basis: that is, to see whether you would like to stay in that home permanently. If you receive Housing Benefit, Pension Credit housing costs or Council Tax Benefit for your own home, you should note that these can only be paid for 13 weeks if you are having a 'trial' period in a care home.

If you decide that the care home suits you and you are not going to return home, then you will continue to be eligible for Housing Benefit for the 13-week period. This will enable you to give notice to end your tenancy (if you have one) as long as your liability for rent will come to an end within 13 weeks.¹

6 Useful organisations

The Care Quality Commission

The independent regulator of adult health and social care services in England, whether provided by the NHS, local authorities, private companies or voluntary organisations. Also protects the rights of people detained under the Mental Health Act.

Tel: 03000 616 161

Website: www.cqc.org.uk

Carers UK

National charity working on behalf of carers. Offers wide range of information on carers' rights and sources of help and contact details for local carers' support groups.

Tel: 0808 808 7777 (free call)

Website: www.carersuk.org

¹ The source of this rule is Housing Benefit Regulations reg 7(11) & (12); R (H) 4/06; HB/CTB Bulletin G4/2006.

Citizens Advice Bureau (CAB)

National network of free advice centres including advice about national housing provision.

Tel: 020 7833 2181 (for contact details only – not telephone advice)

Website: www.citizensadvice.org.uk

Counsel and Care

A charity that provides advice for older people, their families and professionals on community care and other issues.

Tel: 0845 300 7585 (lo-call rate)

Website: www.counselandcare.org.uk

Department of Health

Government department with overall responsibility for social care including residential care homes.

Tel: 020 7210 4850 (national call rate)

Website: www.dh.gov.uk

Elderly Accommodation Counsel

Provides information on all forms of accommodation, support and care for older people.

Tel: 020 7820 1343

Website: www.HousingCare.org

Pension Service (The)

For details of state pensions, including forecasts and how to claim your pension.

Tel: 0845 60 60 265 (lo-call rate)

State Pension Forecasting Team: 0845 3000 168 (lo-call rate)

Relatives & Residents Association (The)

The Relatives & Residents Association gives advice and support to older people in care homes, their relatives and friends.

Tel: 020 7359 8136

Website: www.relres.org

Veterans UK

Website bringing together services for veterans including advice on pensions, compensation and welfare services.

Tel: 0800 169 22 77

Website: www.veterans-uk.info

7 Further information from Age UK

Visit the Age UK website, www.ageuk.org.uk, or call Age UK Advice free on 0800 169 65 65 if you would like:

- to order copies of any of our information materials mentioned in this factsheet
- to request information in large print and audio
- further information about our full range of information products
- contact details for your nearest local Age UK/Age Concern.

Books from Age UK

We publish a wide range of books for older people and those who care for and work with them. The following title may be of particular interest:

Your rights to money benefits 2010–2011

All you need to know about the full range of benefits for the over 60s.
£5.99

To order this book visit www.ageuk.org.uk/bookshop or to request a free books catalogue please call our book order line 0870 44 22 120 (lo-call rate).

Age UK

Age UK is the new force combining Age Concern and Help the Aged. We provide advice and information for people in later life through our publications, online or by calling Age UK Advice.

Age UK Advice: 0800 169 65 65

Website: www.ageuk.org.uk

In Wales, contact:

Age Cymru: 0800 169 65 65

Website: www.agecymru.org.uk

In Scotland, contact:

Age Scotland: 0845 125 9732

Website: www.agescotland.org.uk

In Northern Ireland, contact:

Age NI: 0808 808 7575

Website: www.ageni.org.uk

Support our work

Age UK is the largest provider of services to older people in the UK after the NHS. We make a difference to the lives of thousands of older people through local resources such as our befriending schemes, day centres and lunch clubs; by distributing free information materials; and through calls to Age UK Advice on 0800 169 65 65.

If you would like to support our work by making a donation please call Supporter Services on 0800 169 80 80 (8.30 am–5.30 pm) or visit www.ageuk.org.uk/donate

Legal statement

Age UK is a registered charity (number 1128267) and company limited by guarantee (number 6825798). The registered address is 207–221 Pentonville Road, London, N1 9UZ. VAT number: 564559800. Age Concern England (charity number 261794) and Help the Aged (charity number 272786) and their trading and other associated companies merged on 1 April 2009.

Together they have formed Age UK, a single charity dedicated to improving the lives of people in later life. Age Concern and Help the Aged are brands of Age UK. The three national Age Concerns in Scotland, Northern Ireland and Wales have also merged with Help the Aged in these nations to form three registered charities: Age Scotland, Age Northern Ireland, Age Cymru.

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